

Leave of Absence

Tuesday, July 7, 1992

SENATE

Tuesday, July 7, 1992

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave to Sen. The Hon. Brian Kuei Tung to be absent from sittings of the Senate for the period, July 3, to Wednesday, July 8, during which time he will be out of the country.

ORDER OF THE CARIBBEAN COMMUNITY BILL

Bill to give effect to the Agreement instituting the Order of the Caribbean Community brought from the House of Representatives, [*The Minister of Planning and Development*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate [*Hon. L. Saith*]

Question put and agreed to.

PAPERS LAID

1. Errata in respect of the Annual Reports of the Trinidad and Tobago Electricity Commission for the years 1986 and 1987. [*The Minister of Planning and Development (Hon. L. Saith)*]
2. Annual Report of the Public Utilities Commission for the year ended December 31, 1990. [*Hon. L. Saith*]
3. Report of the Auditor General on the accounts of the Trinidad and Tobago Blind Welfare Association for year ended December 31, 1993. [*Hon. L. Saith*]
4. Report of the Auditor General on the accounts of the Trinidad and Tobago Blind Welfare Association for the year ended December 31, 1984. [*Hon. L. Saith*]
5. Report of the Auditor General on the accounts of the Deposit Insurance Corporation for the year ended December 31, 1991. [*Hon. L. Saith*]

6. Report of the Auditor General on the Accounts of National Maintenance Training and Security Company Limited for the year ended December 31, 1991. [*Hon. L. Saith*]
7. Report of the Auditor General on the Accounts of Trinidad Nitrogen Company Limited for the year ended December 31, 1991. [*Hon. L. Saith*]

Maxi-Taxi Regulations

The Minister of Works and Transport (Hon. Colm Imbert): Mr. President, I beg to lay on the Table paper No. 5 on the Order paper, the Maxi-Taxi Regulations, 1992.

Sir, I should also like to indicate to hon. Senators that a resolution for confirmation of these regulations will be taken at the next sitting in order to allow Members on the other side sufficient time to study them, and also in view of the other matters on the Order Paper for today.

ORAL ANSWER TO QUESTION

Housing Projects (Acquisition of Lands)

- 23. Sen. Carol Merritt** asked the Minister of Planning and Development.
- a. Would the hon. Minister indicate to this Senate in what year were the lands used for the following housing projects acquired:
 - (i) Maloney Gardens;
 - (ii) Bon Air;
 - (iii) Malabar;
 - (iv) La Horqueta;
 - (v) Powder Magazine?
 - b. Could the Minister also state from whom were these lands acquired, at what cost and have their sums of money been paid to persons or entities whose lands have been acquired?
 - c. If these sums of money have not been paid, could he state what steps are being taken to have these outstanding sums paid to the said parties?

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Mr. President, the hon. Senator has graciously agreed that this question be deferred for two weeks while I seek to get additional information.

Question, by leave, deferred.

MUNICIPAL CORPORATIONS (AMDT.) BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [June 30, 1992]:

That the Bill be now read a second time.

Question again proposed.

Mr. President: I should like to remind Senators that, by agreement, those speaking are entitled to refer to both bills on the Order Paper.

Sen. Salisha Baksh: Mr. President, the bill before the Senate seeks to amend the Municipal Corporations Act of 1990. Upon reading the stated amendments contained in this bill, Sir, I found myself asking the question: Are we seriously addressing the issues which are primarily responsible for the lack of efficacy in the operation of our local government?

Further, knowing that local government elections are imminent, I was extremely disappointed to note that the amendments being debated here today, even if they are passed, will not remedy the serious ills responsible for the absence of a vibrant, active, efficient and effective system of local government.

Suffice it to say, that the proposed amendments blatantly display the present regime's practice of not addressing issues and not providing viable solutions to our country's problems.

A serious, critical and constructive analysis of the Municipal Corporations Act, in light of the numerous obstacles which prevent the smooth operation of local government activity would have resulted in the proposal of amendments, rich in form and substance, worthy of a lively debate and not like the proposals before us, shallow and practically meaningless.

Before bringing amendments concerning local government to be addressed in Parliament, it is instructive that we identify the factors primarily attributable to the apparent paralysis which is stunting the growth of our local government bodies. I have identified three such factors and perhaps there are more, but I shall leave that

for my friends on the other side to investigate. After all, I do not want to be accused of spoon-feeding my inexperienced colleagues on the other side.

The first factor is that there is no defined relationship between central government and local government. There are general duties imposed on local bodies, but there are no defined responsibilities. In other words, we do not know whether central and local government are partners, committed to the effective running of national affairs, or whether local government is a conduit responsible for specifically enacting the dictates of central government or whether local government is an illegitimate child of central government and is, indeed, a victim of parental neglect and abuse.

The second factor is that local bodies are inadequately maintained, both in personnel and in finance.

The third factor—and perhaps it is the most important factor—is that managerial and administrative authority rests in central government ultimately, thereby negating the objectives of the decentralization process. Having accurately identified the problems, the next logical step is the revision of the Municipal Corporations Act and the enactment of amendments geared at:

- (a) Seeking clearly defined parameters within which local authorities will operate;
- (b) Providing competent and skilled staff and adequate funding;
- (c) Ensuring that central government play a greater advisory role, rather than one of dictatorship in the stated responsibilities of local government.

Local government is a universal need. It is impossible to carry out all the functions of government from central offices.

In any nation, such as Trinidad and Tobago, which is larger than a city state, it is wholly inconvenient and inefficient for central authority at central headquarters to make all the decisions all the time. The issue is not, should we decentralize, because the benefits to be accrued are self-evident. The issue is, how best do we enact the process of decentralization. Therein lies the essence of my contribution.

There are amendments which should have been proposed in order to ensure that local government obtained the support and expansion it deserves in its role as a medium for nation building.

A constant complaint, is the attempt by the central government to unduly control and restrict the decision-making power of local government. We are all aware of the defects in the operation of local government and many have proposed, some even within these honourable walls, that local government should be written off. But that is not the answer.

My humble view, Sir, is that my amendment proposed should have as its main goals:

- the fostering of social and economic betterment at the local level;
- a greater sensitivity to public needs;
- the promotion of increased people participation; and, most important
- the strengthening of national unity.

It is precisely for this reason that I ask myself: Will these goals be achieved by the amendments before us today? The answer is categorically no.

I wish to emphasize clause 13 paragraph (b) of the bill, which seeks to delete paragraphs (i) and (k) of section 232 of the Municipal Corporations Act. Should this amendment obtain the assent of the Senate, its impact would be the removal of the corporations' functions exercisable in the maintenance, control and enhancement of the physical environment.

This function is contained in section 232, paragraph (i) of the Act. A further removal would be the development, construction, maintenance and repair of passenger buses, taxi shelters and benches. My submission is that there is no justification for the removal of and subsequent transfer to the central government of these responsibilities formerly placed in the hands of local government bodies. It rocks the very foundations upon which our democratic process is built. I would even go so far as to say that it shakes the pillars that uphold the tenets of democracy. It denies the electorate their right to participate in charting the course of their destiny.

Instead of removing the role of local government in the enhancement of the physical environment, there should have been an amendment assigning specific responsibilities to the local government authorities, thereby ensuring that environmental protection is effected by both levels of Government.

We live in a time when the days of our environment are numbered. There is constant abuse of our forests, beaches, swamps, parks and rivers, just to name a few, and there is an urgent need for legislation providing environmental

conservation. We have been told that such legislation is in the pipeline, and while the apparent blockage is being remedied, there continues to be a daily drastic depletion of our limited natural resources.

This is a clear example of the important role to be played by local government. For while we anxiously await the enactment of necessary legislation by central government, local government could ensure that the welfare of our environment continues to be monitored, protected and served. This is just one of the many instances in which local government could act as a partner, even if given junior status in the running of the business of national affairs.

Mention must also be made of the fact that private institutions have encouraged our youth to participate in the development of our country through various competitions, at the primary, secondary and tertiary levels of education. Local government bodies in several regions have organized numerous events aimed at achieving similar objectives. Their success should be the basis for the present regime recognizing, once and for all, without merely paying lip-service to the importance of local government in our country.

My contribution is a very short one, Mr. President. What I should like to say is that the PNM Government, instead of removing functions exercisable by corporations, should seek to expand such functions wherever and whenever necessary. By this I do not mean a provision, like paragraph (p) of section 232 of the Act, which enables the President from time to time, by Order, to prescribe other functions of these local bodies.

For example, section 232 paragraph (j) of the Act could be extended to include the enhancement of community health, which would give it a wider ambit of activity. Also, paragraph (d) of the same section of the Act deals with the maintenance and control of childcare centers established by co-operation, but this paragraph could also be expanded to include orphanages, which are separate in terms of definition from childcare centres.

Put simply, sometimes it is the duty of central government to delegate its responsibility while still maintaining its supervisory capacity. Perhaps the Government should consider this, especially in light of the fact that recent events have proved that we are vulnerable to all types of attacks, including as a function of local bodies, the duty of acting as agents responsible for emergency relief in times of disaster, natural or otherwise.

Mr. President, in conclusion, let me reiterate my disappointment with the amendments proposed. They do not address the issues concerning the malfunction

of local government and, further, they insult the integrity and capability of those persons committed to the task of ensuring that democracy thrives and flourishes in our nation. I thank you, Sir.

The Minister in the Ministry of Information (Sen. The Hon. Camille Robinson-Regis): Mr. President, the bill before us seeks to amend the parent Act in the following manner. The first amendment we are asked to look at is for the reduction in the number of regional corporations from 13 to 9. The Government is clearly of the view that a proliferation of regional corporations would do more harm than good.

While one cannot say that this or that number of corporations is the perfect answer to local government representation, the fundamental principle in this amendment is that the regional corporations be established to run effectively and efficiently. The time has come when the institutions in this country should be made to perform effectively. Excessive decentralization does not necessarily mean effective management.

One of the major goals of the proposed corporations should be for them to operate effectively. It is on the basis of this principle that the Government, in viewing the number of corporations, has moved to reduce them from 13 to 9. More than that, in these days of financial constraints, we must think of extracting the maximum benefits with the limited resources at our disposal.

In view of this, the merger suggested by the Government can lead to greater cost effectiveness, especially in the administration of the corporations. In addition, while decentralization is a useful concept, and indeed it is a concept with which we agree, we must be careful not to decentralize to such a point where the system becomes ineffective. We must reduce the risk of creating a cumbersome system of local government administration.

The second amendment states that provision should be made for the election of councillors within three months of the expiration of the life of the council. This is an important amendment. This amendment reduces the confusion in the mind of the electorate as to the date when local government elections will be held. The people of this country should not be the victims of a game about the date of elections.

2.00 p.m.

Elections in a democracy are serious business and it is imperative that the nation avoid being in the situation which exists now, where we have no proper representation of the people at the level of local government. It is necessary,

Municipal Corporations (Amdt.) Bill
[HON. C. ROBINSON-REGIS]

Tuesday, July 7, 1992

therefore, to have a time-limit set during which elections will be held. At all levels, the people must have effective representation. We must all feel true participation in the administration of our country. Democracy must not fail the people at any level of government. This Government recognizes the importance of having properly constituted councils and is thus moving steadily to the passing of these amendments so that elections can be held. Even though there are transition teams in place which seek to avoid a situation of confusion, this situation should not be allowed to continue.

The Government, therefore, has not shirked its responsibility to the people, when issues which would normally be handled at the local government level have arisen. A clear example of this has been the Government's prompt handling of the situation involving the Chaguanas market where, immediately upon problems being pointed out, a team was appointed by Cabinet, headed by the Member of Parliament for Chaguanas, to formulate a planned approach to market development in the borough and to recommend short, medium, and long-term solutions and to submit a programme for financing the proposals recommended.

The committee was set up under the auspices of the Ministry of Local Government, which took the initiative to deal with the situation, which would normally have been handled by the council, in an effort to ensure that the problem did not remain until elections were held. This matter, which would have been handled by the corporation, was dealt with expeditiously by central government, indicating that although the transition team was in place, it did not have the teeth to handle the council's affairs; and we feel that the council must, at all times, be properly constituted in order to ensure that the system of local government is maintained and is effectively administered.

With regard to the third amendment, it is that the mayor must be in place for the life of the council. We feel, that if an institution is to function effectively during its existence, then the leader must be retained throughout the life of the organization. This is clearly a common-sense approach to effective administration. How can one, who heads an organization which lasts for a specified period of time, not be in place for that? One must ask the question whether this detracts from the effectiveness of the running of the organization. Stability, therefore, must be the guiding force in an institution and a change in leadership must at all times be avoided. The amendment, therefore, is a crucial one which will give the corporation its life, spirit and, above all, its continuity.

The amendment which deals with giving the Public Service Commission powers relating to the appointment of officers of certain corporations, clearly, is in an effort to ensure that officers who serve in similar capacities in the various corporations should be administered by the same body. This is important for the Act to reflect a standard approach to the Commission and to the bodies which administer the day to day and monthly running of the corporation. This amendment seeks to avoid a variety of problems, which can arise when employees in corporations have varying standards of operating mechanisms. On this particular point it is clear that the particular amendment will come to be viewed within the Public Service reform which we are now pursuing.

The fifth amendment, which refers to removal of the requirement that the Corporation Secretary be an attorney-at-law, seeks to ensure that the skills of our people are utilized at the optimum for maximum efficiency. The Government has found that persons who have a background in corporate secretarial work can be effectively utilized by the corporation. The type of work which the corporate secretary will be asked to do can be handled by a trained corporate secretary and, in any event, even if an attorney-at-law were placed on the establishment of the Corporation, he or she will not be able to represent the corporation when litigious matters come before the Corporation. Thus the corporation would still have to retain an attorney-at-law.

It is important, therefore, that the corporation's work be handled in the most effective manner. We have suggested that there be a pool of attorneys-at-law who can be used by the corporation to handle its litigious matters and we feel that there is, therefore, no need for the corporation to have an attorney-at-law on staff. Also, the development of the system of corporate secretary is in its infant stage and the Government's view of manpower planning is taken into consideration where the need for a corporate secretary or someone trained to handle secretarial work of a corporate secretary is advocated. We therefore can gain enormous cost benefits by utilizing a corporate secretary and if the corporation has to solve problems by means of the court, then it would be necessary to retain an attorney-at-law.

The sixth amendment which changes the name of the Municipal Police Force to that of Municipal Police Service is one that refers to the standardization of the name. Additionally, the police are here to protect and serve, as their motto says, thus we should encourage the use of the name "Police Service". It may seem like a cosmetic amendment, but if we are reflecting a system that aims at establishing positive people and positive views towards the various arms of the Government,

we must even do this in the names we tag on to the various services that are functional in the Government.

2.10 p.m.

The "Police Service" rather than the "Police Force" reflects the dedication to the service for which they have been trained and to which they all aspire. The removal of the miscellaneous functions reflects the need of the corporations to operate at their maximum, and if there are functions which detract from their efficiency, they should be removed. The Government is interested in maximizing efficiency. The functions which have been removed more rightly fall within the purview of the central government. The Senator on the other side indicated that there is the need for the local government authorities to chart their destiny; we are in full agreement with this, but we do not feel that the sections that we are attempting to remove, do anything to detract from the local government bodies' ability to chart their destiny. This, indeed, is not an essential part of that destiny to which she referred. The things which reflect the destiny of the local government bodies have not been tampered with. In fact, the Government has done all in its power at this point to enhance the charting of the destiny of the local government bodies.

The next amendment which deals with the removal of that part of the Act which deals with discipline has been advocated, because this Government believes that the representatives of the people should not be subjected to a committee whose sole purpose is the disciplining of a person in whom the people have reposed their confidence. An elected representative has been charged with a responsibility that he should take seriously. He must serve as an exemplar and should serve well, because he has been called to a duty, and not because he has a "big stick" in the form of a disciplinary committee, over his head. Let the people discipline him, by not re-electing him when the time comes. Public opinion will also indicate to the representative that his performance leaves much to be desired.

The amendments which deal with the vesting in the state of all interests, rights, liabilities and advantages, which were previously vested in county councils; and the provision for the President, by order, to transfer such interests and rights from the state to any of the municipal corporations which replace those councils, is of extreme importance to the functioning of this bill.

On this matter the Government is concerned that the rights of citizens be jealously guarded at all times. The situation which existed from October 1, 1991, resulted in an unfortunate state of affairs, where, if someone needed to take action

against a county council, none were properly constituted. Thus in an effort not to deny citizens their lawful right, it is imperative that such a vesting provision be made, thereby ensuring that there is a legal entity to which any citizen has a right of recourse. Every attempt should, in all circumstances, be made to protect the citizens' lawful rights. The Constitution enshrines these rights which are jealously guarded by this Government.

On the subject of the Constitution, several hon. Senators on the other side indicated that the Act of 1990 and these amendments, are unconstitutional or will soon be declared unconstitutional. The Act of 1990 and these amendments which we seek to pass, are the subject of a writ, as the hon. Members on the other side stated, which was served on the hon. Attorney General only on June, 30 of this year. Members opposite even before the writ was served, indicated that the debate on these amendments should be halted whilst a determination was made on the constitutionality of the Act and the amendments. This is a rather strange position to adopt.

Sen. Hosein: Mr. President, I think the Minister is misleading the Senate. When the debate took place, the writ was already served.

Mr. President: Are you on a point of order?

Sen. Hosein: Yes, Mr. President.

Mr. President: What is the point of order?

Sen. Hosein: The point of order is that the Minister is misleading the Senate. She said that before the writ was served, this side of the Senate was saying that there should be a delay in the debate. I am saying, that is not correct. The writ was laid before this side of the Senate made that point.

Mr. President: I have no writ before me.

Sen. Hosein: If you wish, Mr. President, I have a copy of it. Would you like me to pass it to you?

Mr. President: You have made your point. The Minister could either accept it—

Sen. Hosein: I should like the Minister to correct the statement.

Hon. C. Robinson-Regis: Mr. President, the Member on the other side probably did not hear what I said. I said, before the writ was served, these arguments were made before this Senate—not filed. Those are two different things. Filing is when it is placed in the Registry; serving is when it is served on the Attorney General and he has notice of it, having received the document in his hand.

Sen. Hosein: Mr. President, since the Attorney General is here, can he say what date the writ was served?

Mr. President: Continue, Minister.

Hon. C. Robinson-Regis: As I said, this is a rather strange position to be adopted by Members on the opposite side. When a bill is introduced into one of the Houses of Parliament, the House may, at that time, determine whether a constitutional majority is required. When the parent Act came before the Houses of Parliament in 1990, such a decision was not taken and the bill was passed and became an Act. This Senate, therefore, no longer has control over that legislation.

2.20 p.m.

By section 14 of the Constitution, the determination of the constitutionality of that legislation, now rests with the court. The judiciary and the legislature are separate. Parliament, with some of the Members of this Opposition present, passed the Act in 1990. At the time the need for a majority to pass that Act was not brought into question. Until the court decides that the Act is unconstitutional, we cannot anticipate the court, or try to perform the judiciary's function, by ceasing to debate these amendments. The Act of 1990, until pronounced invalid, remains valid and as a responsible Senate we must be guided by this presumption.

This Senate must continue to debate these amendments. I quote section 6(1)(c) of the Constitution:

"an enactment that alters an existing law but does not derogate from any fundamental right guaranteed by this Chapter in a manner in which or to an extent to which the existing law did not previously derogate from that right."

The courts, no doubt, will give careful consideration to that section when this matter eventually comes to be determined.

The legislature and the judiciary remain separate arms of the Government. It is unfortunate that those Members of the opposite side would seek to restrain this Parliament by suggesting that we should wait until the court makes a determination. We have been put here to do a particular job and that is to bring legislation before the Senate and to debate that legislation, and at the proper time, to pass that legislation.

Legislation has already been passed, and to this date such legislation has not been declared unconstitutional; therefore, we must not be constrained to make amendments to that legislation, if we see that as necessary. As long as the Act remains law that has been properly constituted, the Senate should not be

dissuaded or impeded from working assiduously to restore the full functioning of local government institutions. By section 53 of the Constitution, Parliament is here to make laws for the peace, order and good government of this country. Local government is no exception.

It seems that the Opposition is not ready for the upcoming local government elections. We on this side of the Senate can understand their concern with their trying to push back the local government elections, so that they may buy time to seek an accommodation, as they call it, with the National Alliance for Reconstruction. What other reason can the Opposition have for constantly calling the business before us unconstitutional?

The elections will come when they will come, accommodation or no accommodation. It does not seem that the Opposition are taking local government seriously. This is clearly reflected in their manifesto, where they have failed to devote any attention to the issue of local government. We have clearly demonstrated, from the time of the production of our manifesto, that local government is of utmost importance to this Government.

I feel a sense of shame to reveal their position on local government. I have gone through their manifesto and have been unable to find anything which deals comprehensively with local government. They have referred in a hodge-podge way to decentralization, and I assume, for their sake, that that is probably their section on local government.

It is therefore clear that the Opposition has no position on the issue of local government. The Government is clearly moving steadily to the holding of local government elections. We are stating that the amendments suggested are valuable to the effective functioning of the municipal corporations. We feel that it is necessary to have these amendments passed by this Senate and nothing the Opposition tries to do will stop us from pursuing this goal and moving swiftly, steadily and with confidence to holding the local government elections.

Thank you.

Sen. Carol Mahadeo: Mr. President, what I am now going to say is not part of my contribution proper, but—what shall I call it—“as we get from Tuesday to Tuesday—explanatory notes”. And this, shall I say, seems to be ladies’ afternoon.

I do want to make one observation, I am not handing out kudos to the news media—not by any long arm—but I am very heartened from what I heard last evening on television, that certain facilities are being restored to them. I am

trusting that with the effluxion of time, all facilities will be restored. After all, the news media are the watchdog and the conscience of the nation, and they do play a vital role. They help to provide us as Members of this Senate, with a working knowledge of what we are to put before the nation. Through them, we are able to let the wider community know what is taking place inside this august Chamber. I am therefore very pleased that the news media have been able to get some sort of facility back in their working relationship with us.

As I sat here last Tuesday afternoon—some of the Members on the Independent Benches were not present—and having heard the list of proposed amendments to the bill before us as presented by the hon. Minister for Local Government—I am not saying this with tongue in cheek—I really got the distinct impression that the hon. Minister did not put his heart and soul into his presentation. Or, to put it another way, he did not seem to believe in the very amendments which he sought to put before us here today.

2.30 p.m.

Local government is supposed to be the level of government which is closest to the people of this country. I must go on to talk about our old County Councils Act. I observed under the old County Councils Act, Chap. 25:04 a constitution had been provided for the local government association, but this Act is now defunct. There was the advent of Act No. 21 of 1990, which is deafeningly silent on this provision; so too is the amendment that is sought to that Act of 1990. Whatever amendments we are seeking to speak about, those amendments too, are not giving any consideration whatsoever to that constitution.

I suggest that these amendments ought to provide for the formulation of a constitution first of all, for the operation of the association of corporations and regions, and in this it can provide for the overall association to formulate its own constitution, providing its own guidelines as in Chap. 25:04, as I said, which is now defunct and which decreed how representation should have been done. Perhaps, this provision could be inserted in the amended proposals before us.

On page 4 of the *Municipal Corporations (Amdt.) Bill 1992*, clause 5 amending section 15(a) we will see under the *Municipal Corporations Act No. 21 of 1990* section 15(1), a mayor does not go out of office—the hon. Minister of Information did touch on that—until his successor in office has accepted office, and has made the prescribed and appropriate declaration, thus providing for continuity with no lapse in-between. For example, when the term of a council or corporation expires—

Hon. K. Valley: Mr. President, please. I really do not want to interfere with Sen. Mahadeo's contribution, but she was making the point a while ago with respect to the Association of County Councils. What are the points she was making?

Sen. Mahadeo: Yes, a constitution that is going to control the county councils which are now replaced by regions; regional councils and corporations such as Port of Spain, San Fernando and Arima, they are the corporations. The councils will be the regional councils, the others which make up the nine regions. The constitution pertains to that specific situation.

Hon. K. Valley: I wonder whether the hon. Senator is speaking about something much more in-depth than section 233 of the Act which provides for an association of local government corporations, and provides for the objects of that association.

Sen. Mahadeo: Yes, I am coming to that part of it. I have not elaborated on it.

For example, when the term of a council or corporation expires, the mayor continues in office until a successor is sworn into office, and this bill makes no such provision, but it goes on further to delete subsection (3). This very Act of 1990 gives the Minister a one-year term. I realize it was not the present Government which passed this Act, but they are in control, contrary to what the hon. Minister of Information is saying, that they have no control over the Act. Were it not for their having control, how then could they place it before us today with amendments? It is that they have a great degree of control over the Act, so that they are able to put amendments proposed before us today.

Act No. 21 of 1990 gives the mayor a one-year term of office. However, the amendments seek to make the term one of three years—and as I understand it as a legal person; I am subject to correction by people who are of a higher calibre than I—with no termination. I support the suggestion made last Tuesday afternoon by Sen. Teelucksingh, that the mayor ought to be allowed to serve a maximum of two terms, after he had the first three-year term, and if re-elected he takes a second term so that he can follow up—just as the hon. Minister of Information has said—in a continuous way, projects which may have started during his first term, and which he would like to see completed or near completion before he demits office. Give him the maximum of two consecutive terms, in order to allow other persons to gain experience and expertise in that field.

Let us examine some of the main functions of local government bodies. First is the distribution of truck-borne water; maintenance and building of roads and drains; provision of recreational facilities; disposal of garbage; maintenance

and control of facilities for disposal of the dead—here I am not speaking of dead animals, but of crematoria and burial grounds. I must congratulate the Port of Spain Corporation, in that from reports coming out in the newspapers, the crematorium at St. James is doing extremely well. It is self-supporting and though not making a large profit, is taking care of itself. Local government bodies are also engaged in the establishment and maintenance of public market places. These are some of the functions of local government bodies.

Part 4 of Act No. 21 of 1990 has various financial arrangements and this part is very important, because some of it is very burdensome to say the least, and which instead of trying to decentralize power—that is in my own personal view—seeks to over-centralize by referral to central government of these financial arrangements.

According to public statements made, it seems that only the retention of a portion of vehicular licence fees has been identified as one of those fees that can be retained by the corporations/regions. I think the corporations are able to keep all of their fees, but the regions under the proposals—I stand corrected—can only have part of that fee. I would think that lands and buildings taxes should be kept entirely by the specific or individual corporation or region, thereby enabling cash to become easily accessible for their own projects. At the present time, all these fees, apart from those of the corporations, flow right back into the Consolidated Fund controlled by the central government and released very slowly, and way past the time required for the execution of projects in the various regions.

Under Chap. 39:01 the Port of Spain Corporation has authority to deal with objections to house rates by an objector who, if not satisfied with the findings of the corporation, could appeal to the Tax Appeals Board. However, under the present Act No. 21 of 1990, section 92 (1) (3), any objector—and that is a citizen or a burgess—after having sent in the objections to the chief executive officer, has to wait until the chief executive officer passes on that objection to the Commissioner of Evaluations—himself, a public officer and part of the administrative arm of central government. And his decision shall be final and binding. So that, a public officer has the power of veto over the elected representative of the corporation or region. This is a frightening reality to the average citizen whose rights we are here to protect and preserve.

Again, the Chief Technical Officer of the Ministry of Works—I am so sorry the hon. Minister of Works who was here a moment before is not here now because I propose to say some things which might be of great interest to him, or

so I would think—has the same power of veto with respect to building plans. He is also a public officer under the administrative arm of central government, and all plans must first be sent to him for consideration and approval before citizens or corporations are able to work.

2.40 p.m.

In the parent Act the corporation empowered, under its provisions, the specific officers who could sign cheques and vouchers. Section 116(1) of the Act of 1990 states that these day-to-day operations of the internal affairs of a corporation or a region must be approved by the Ministry of Local Government—minor day-to-day operational matters like signing vouchers or cheques—a further stranglehold, to my mind, on the corporation or region by the central government.

I would suggest, that under section 116(1), the office of the officers of the corporation or region who are authorized to sign cheques and vouchers should be specified. For example, certifying officer—Accountant II or III, the CEO, the Secretary/Treasurer, as obtains at the moment with the corporation. To have to obtain the Minister's approval to sign a cheque or voucher is a day-to-day operation. Under section 36(1), the Corporation's or Region's Secretary and/or Treasurer and the CEO are empowered to do so. So, it should follow that the regions should also have such an amenity available to them.

Section 118(3) states that for vouchers to be signed they must be approved by the relevant corporation or region, and then go for a second approval by the hon. Minister of Local Government. He is saddled with so much other work.

Mr. Sobion: I think that for the purposes of the record I should point out that there is a misconstruction of sections 116 and 118 referred to. Those sections do not suggest that the Minister must, subsequent to the signing of cheques, then give his approval to the signing of cheques. They are to be signed by persons who have been approved by the Minister. So that, the approval comes prior to the signing of cheques and not after, as Sen. Mahadeo is suggesting.

Sen. Mahadeo: I thank the Attorney General. He has said that it is ambiguous; so it is to me, not clear. So it ought to be put in the proposed amendments precisely that it must be done before and not after, just as he has suggested that it ought to be. The wording is most unclear and the Minister himself supports me on that.

Mr. Sobion: I want to make it clear, I do not support Sen. Mahadeo that the sections are ambiguous. The sections are quite clear, I may read section 116:

"All cheques drawn upon the banking account of a Corporation shall be signed by not less than two officers authorized for the purpose by resolution of the Council with the approval of the Minister."

It is clear that the signatories require the approval of the Minister, but once they are approved, they can sign cheques on behalf of the corporation. It is not ambiguous.

Sen. Mahadeo: Sir, so does the approval come from the Minister before or after the act?

Mr. President: I am not a judge of the High Court and these interpretations are always left to them. I do not have to remind these two persons, in particular, that we are the lawmakers. Other people are free to interpret the law as they see fit. I am not going to interfere with that at all. Please get me out of that. Put up opinions and the Senate will decide by majority vote, any amendment that they want. When you are finished, others are free to interpret as they so please.

Sen. Mahadeo: I thank you very much, Mr. President. So I still hold fast to my own interpretation until I am outvoted or vetoed and I maintain that sections 116(1) and 118(3) are interrelated because they have to do with cheques and vouchers. And whether the Minister of Local Government has the authority to give prior approval or approval after signing, I am still very unclear on that proposed amendment and I stand on it.

In other ministries no such provision is made, as the head of the accounting unit and one other administrative officer, as specified, are delegated so to do, without reference to the Minister involved. All that is needed is to specify the office of the officers who are allowed to sign such documents.

On another theme, I have observed that the authority of local government bodies has been eroded—and I use the word deliberately—in that the School Feeding Programme, DEWD, LIDP, Secondary Roads, which is now defunct, and Solid Waste Management Company Limited, which I will not deal with because it is a limited liability company now, have all been taken away by central government, but these were originally under the local county councils. And therein lies the danger. The control is entirely in the hands of central government, especially in the LID Programmes.

Mr. Valley: I wonder whether the hon. Senator would inform the Senate at what time LIDP or Solid Waste came under the control of the county councils.

Sen. Mahadeo: My point was that certain things were taken away from the county councils and placed entirely in the hands of central government. And these were the areas which were properly or improperly done by the previous county councils and were taken away from them into the bellies of central government. I have only come here a few months ago so I shall not delve into that aspect of it. The Minister of Local Government has been here before my time.

Speaking about the LID Programme specifically, I have personally heard complaints—as though I can do something about it—of patronizing, discrimination and partisanship in the giving of jobs, especially in the rural areas, where there are persons from different areas or regions being given jobs, and the residents of the particular area are being denied a little “five” or “ten” days. This is where violence erupts most times and ends up in other places. To my mind, Mr. President, this would be obviated if these projects are placed back in the hands of the various corporations and regions where over-emphasis on partisanship could be eliminated, if not entirely but somewhat.

2.50 p.m.

I am now referring to Part XIII, under section 233 (1) and under that clause, it goes on to say it should be:

“...consisting of all members of Local Government Corporations.”

I ask you, Sir, specifically to note the definition of a “corporation” under that subsection (1) in this Act of 1990:

“the body corporate constituted by the Mayor, Aldermen, Councillors and electors of any cities, towns, districts or places...”

Or under Part I, subsection 2(1) of that very Act of 1990, the word “elections” is again set in, so if you have to have a meeting, you will have to get all the electors, many thousands of them from a particular region or corporation to sit in with the local government corporation with the mayor, the aldermen, the elected members and so on. All the electors, thousands of them, will be seated there to take decisions. This, again, is what I would consider impracticable. How can we implement that? The Association, given this over-extended membership qualification, would never be able to work this out.

Page 12 of the Sarjeant Committee Report, Sir, could be followed in this regard and we were supplied with it last day. When you look at section 234(1), the composition of the executive of the Association. Again, it applies to all the councils, corporations or regions, which is impracticable. Again, the hon. Minister—I do not know if he is going to support me—but it is very ambiguous.

How can we expect the whole of Trinidad to be sitting in with the Association of County Councils when they are going to deliberate on any matter? It ought to be confined to the specific councils or regions.

Under Part XIV, section 236(1), the control of public officers for disciplinary proceedings against them and the hon. Minister of Information touched on that. I support the position that they ought to be placed under the Public Service Commission, thereby removing the exclusive control by politicians or public officers.

As I see it, the proposed responsibilities and functions of the new local government authorities are under two main heads: Funding, most important; and secondly, control. The problems at present arise with the obtaining of finance within the time-frame required. These new proposals have nothing to indicate guarantees for adjusting this overall problem. I stand corrected by the hon. Minister if this is not the case.

Consideration should be given to making the position of mayor and chairman a full-time job to enable the functions of each corporation, council or region to be carried out efficiently and effectively. The present system is very restrictive in relation to completion of projects, causing inordinate delays thereby. It is heartening to see the evolution of at least one citizen's advice bureau in San Juan, from what I read in the newspapers. When are we to see the emergence of some more? I think it was 52 or 58 others promised. This is sorely needed, especially in the rural areas, as part of the Government's programme of assistance to our citizens to have them better informed and advised so that they take care of themselves when problems arise.

But the provision of committees now—to be again supervised. We are now talking about inter-ministerial committees. You have committees, provision is made for an inter-ministerial committee to supervise that committee and then that inter-ministerial committee, again, is under the guidance of the Ministry of Local Government. Certainly, conflict can arise between these committees and the regional councils or corporations. This will lead to greater ministerial control, which is not the intent of Government, I trust, nor that of the Act of 1990, which stipulates decentralization.

This is the whole theme of our exercise here: decentralization of power to the various regions or councils and, in so doing, enabling the people of Trinidad to have a meaningful input in the day-to-day management of the affairs of their

particular region. What this bill is doing, in effect, is quite the contrary. As greater autonomy is being proposed to local government bodies, central government does not want to let go. It is like a parent holding onto a grown-up son or daughter after that person has reached maturity and desires to make his or her own decision. But the parent still dictates while saying, "Oh no, son, you are still free to choose".

The compressing of the regions or the regional areas from 13 to 9, I do compliment. In my own view it is a good effort from the standpoint of financing and staffing, which has always been a big problem with these bodies. If I could look into the crystal ball into the future it would continue to be so until other things are put in place.

The co-ordinating committee will serve a useful purpose, but will be ineffective should it have to report to the Minister of Local Government? In my view, these committees ought to report and be answerable to their respective corporations or regional corporations, or councils, thereby eliminating the possibility of conflict between the political representative and the administrative arm.

There is need for adequate professional staffing of each corporation or region as this would greatly assist in more speedy and efficient operation of these bodies. But we have to bear in mind that with added staff the question of funding and financial resources will arise. Whereas the Port of Spain and San Fernando Corporations are provided with—I am told—professional staff, it is not so with other regions or councils.

This brings me to the collection of fees, which would enable each region to have a better cash-flow. Why not enlarge the areas over which fees could be collected by each region to be used wholly by that region and not only a proportion thereof, as is suggested in one of the amendments here, and all going back, as at present obtains, to the Consolidated Fund so far as regions are concerned? I understand that it is not so with the corporations; they do have part that they can utilize.

The Port of Spain Corporation already has the provision to collect certain fees which assist in their operations. Regional bodies when enabled to collect their own fees will not then be hamstrung, awaiting release of funds from the central government long past the first half of the fiscal year in order to get their projects going. As they receive their fees, their moneys will be put into their own hands to finance their own projects.

On proposed taxation to operate the regions, the Act of 90 is not clear, because it refers to a portion only, as I said earlier, of licence fees for these areas to be given to these bodies. But there is also a danger, because this could give rise to new taxes imposed on a regional basis, and higher taxes, at that. It will then be the citizens of each region to catch, perhaps the citizens of the whole of Trinidad to catch, Sir.

I say then, let us give the corporations and regions more authority and autonomy to manage their own affairs. Here I pause to ask a question: What about the Mervyn Assam Report on Local Government, and the Stevenson Sarjeant Report, which have been placed before us as guidelines? Tremendous effort seems to have gone into both these reports. Are we using any part of these reports in our deliberations here?

Reinstate the School Feeding Programme and extend it to a full five-day week, instead of three days, so that more children will benefit over a longer period. I have mentioned this in my contribution to the budget debate and I again re-emphasize it here this afternoon. I welcome the 9 regions as against the 13, but as I said—and I am re-emphasizing deliberately—the former will require high administrative and operational costs where at present we are already very scarce in financial resources. Hence my suggestion earlier that all moneys collected by a corporation or region ought to be used by that particular region or corporation for its own use in running its affairs. Thereby, all the structures, like excessive control and supervision by central government; heavy reliance on central government by way of grants and funding; lack of collaboration between central government and local government bodies, all of these then ought to be curtailed considerably.

We must not make the error of railroading proposals through Parliament as a matter of urgency, mainly to fit into the local government elections timetable. This practice is fast becoming noticeable in our Parliament and I say here to Government, beware, Members—and I am using a colloquial piece of language for which all my Independent brothers and sister have been teasing me—“hurry bird never build good nest”.

On the question of tendering, Sir, this is a very sore point. Because of the partisan approach at present obtaining in tenders procedures, there should be the establishment of an autonomous tenders committee for every local government body or region, with each tenders committee observing the approved procedure and subject to the overseeing of that aspect by the Central Tenders Board.

Now, I am asking some questions aloud. I am asking the questions and I am hoping I get a response. What, for instance, is the role of local government bodies in co-ordinating the work of the utilities and other agencies? I would see WASA digging up a big canal, as it were, and laying pipes and things like that and they leave all the big hodgepodge there, and they say, "It is not we to fix up that, nah, Works Department got to do that".

Or you may find T&TEC digging deep holes and they put up their poles and they do their thing and they go about their business. When you ask, are they not going to plaster that mess they made? "It is not T&TEC to do that, it is the Ministry of Works or WASA to do it." So we want to know on whose shoulders these responsibilities will lie and who will be co-ordinating with these agencies and utilities.

Then we come to the terms and conditions of tenure of members of these regional bodies or corporations. I want to get some answers on the role of central government in local government affairs. The hon. Minister of Information tried to clarify that somewhat, but I am still a little unclear.

The question, again, of staffing; who would manage staffing? I have already alluded to the provision of professional, administrative and technical staff for these regions, because of the question of decentralization. Concomitant with these additional facilities, there must be identification of the additional resources available to fund these added burdens. This is the reason I suggested a total holding back of fees by each region or corporation for the region or corporation.

It is very clear that there are no clear-cut definitions of areas of responsibility as between central government and local government bodies—I do not remember clearly if it was Sen. Baksh who mentioned that earlier in her contribution this afternoon, or was it Sen. Robinson-Regis—but there is no clear-cut definition of the areas of responsibility between central government and local government bodies. Proper arrangements for the management and funding need to be addressed as urgently as now.

There is the intervention provision of the Local Government Minister and other Ministers, I am seeking here, which gives them too much discretionary powers—which I am not saying the present Minister is going to use arbitrarily, but let us say there is a change in Government and there is another Local Government Minister, are we to say that it cannot be used arbitrarily?

If the present Act of 1990, with the proposed amendments of the 1992 bill is passed, then the reforms are destined not to relieve local government bodies of the central government stranglehold, but to reinforce that stranglehold, to quote a former mayor of Port-of-Spain. He continued to state:

“There can be no local government reform without reform of the structure of authority, with particular reference to the relationships between central government and its agencies and local government and its agencies.”

To carry the meaning of decentralization further, Sir, it means that these bodies will now have to generate their own revenue, as central government will no longer be supplying funds to cover salary expenditure, particularly. It would also mean that all services which are controlled by the city council and county councils will become more expensive, things like slaughtering of animals, cleaning of cess pits and septic tanks, burial of the dead, collection of rubbish, rates and taxes. So we have to watch that. It would also bring a change in the terms and conditions of service for the employees who come under the Statutory Authorities Service Commission.

So my friends, we must move warily, while making haste in passing this bill, for it purports—to quote a Government Minister; I am sorry he is not here this afternoon. I quote:

“Far from decentralizing the process of local government, this bill ensures that many key decisions affecting management of the new corporations will become even more centralized under the iron grip of the central government. While the bill purports to allow new regional corporations to borrow money and to raise loans for development work, it first requires that before any such laws are taken up, the corporations must apply to the Minister for approval and they must also submit plans, estimates and other pertinent data to him, giving details of the development work involved.”

That is a present Government Minister, also a member of Cabinet, who was not then a Member of either this or the other House when the 1990 bill was debated and passed. Where then is decentralization?

I now make a call for local government bodies to be entrenched in the Constitution of Trinidad and Tobago. I am not alone in that respect, because on November 15 and 16, 1991, at a Conference of Local Government, held in Port of Spain, after the preamble, the first point:

“That local government be entrenched in the Constitution of all Caribbean countries.”

I make the call here now, Sir, that it be entrenched in the Constitution of Trinidad and Tobago. Since we are moving on as Caricom to common situations among us, if we do have that entrenched in our Constitution, we would not be going wrong.

Mr. President: Will the hon. Senator let me know whether she will be much longer?

Sen. Mahadeo: Sir, I am now wrapping up; it may be another three minutes or so.

Mr. President: Go ahead, your time has expired, anyway.

Sen. Mahadeo: Thank you very much, Mr. President.

I make a call for local government bodies to be entrenched in the Constitution of Trinidad and Tobago, since Government is now desirous of decentralizing and hopes to give people more power to look after and manage their affairs in the development of their areas and to locally govern their day-to-day existence. If this was done originally, my view is that local government would not be in the dilemma it is today, where people have been without local government representation since 1990, when the county councils were disbanded and the then Minister of Works had to go to Parliament to get an extension of time to 1991 for whatever reason, leaving all local government bodies, as it were “bobolees” to the whims and fancies of central government.

I am heartened to know that at least the Minister of Information has alluded to the fact that the market situation in Chaguanas was taken up with a very headstrong and strong-willed central government, because the region at that time was too feeble and incapacitated to handle it. So kudos go to the central government that they acted speedily.

We are now asked to hurriedly amend and put into place this piece of legislation. The Act of 1990 needs too many patches to my mind to make it worthy of workability. Thank you, Mr. President.

Sen. Martin Daly: Mr. President, I certainly do not want to say anything in my contribution to this debate to have anyone regard this as lawyers’ afternoon.

I am very clear about one thing, because I always try to take a practical approach to law-making. We have a system of local government. We have legislation requiring local government elections to be held every three years; those

elections are overdue and that is not a matter that should be countenanced. I cannot be concerned on this occasion, as Sen. Mahadeo is, with the deficiencies that a hurry bird would make. I think it is scandalous that we have not had local government elections on time and, therefore, I am approaching this bill on the very practical basis that whatever legislation is required to make this event occur should be worthy of constructive and critical support.

I have many misgivings about the principal Act, which is Act No. 21 of 1990, but for better or worse, I too, have come here as recently as my colleagues and met that Act in place. Whatever misgivings I may have about it, I think we have got to move on for the primary purpose of ensuring that we have local government elections.

I am not even very clear in my mind as to precisely what transitional arrangements are in place. I make reference to my profession on this occasion only to say that it was as a result of the kind of courtesy of the Clerk of the Senate that I was able to get the principal Act at all and then, having received the principal Act by the kind courtesy of the very able librarians that we have working in the law libraries of this country, I was able to find out what had become of this legislation.

So what we are doing here, really, unless we get on with the business of having local government elections, is that we are flogging a dead horse, because local government is dead. I do not know what the transitional arrangements are. I have some skill, I think, in trying to research these matters and I am totally confused.

One thing I am sure about is that anyone who is attempting to exercise responsibility for the affairs of their area, whether it is a region, a borough or a corporation, cannot do so effectively if he or she continues to hold office as a result of transitional arrangements, whatever they are. So that we are, in effect, flogging a dead horse, unless we get on with the business of having the local government elections. I am very clear about that.

It is on that basis that I approach these two bills which are before this Senate. I am also very clear in my mind—and I am happy once more to concur with your view, Mr. President—that this is not the place to determine the constitutionality of an Act of Parliament.

As I see it, the Government has a responsibility when it brings a bill to decide whether it is a bill that requires a special majority. That is the Government's

responsibility. The Government makes that decision and if it brings a bill and persons who are not in the Government believe that it requires a special majority, then they may so indicate to the Government and they may indicate their reasons for that. But at the end of the day, as I understand our constitutional arrangements, we are not the persons who decide that, and I do not think that it serves the nation any good to have to turn this particular forum into something resembling a court where there are lengthy debates about whether or not a bill requires a special majority. That is a responsibility for the Government. It can be raised with them and after that, I think we have to get on with the business of the Senate.

3.20 p.m.

Because really, you know, sometimes we sit here and discuss how many angels can dance on the head of a pin and people out there want to know when is their local government going to function properly; to whom they can complain about poor garbage collection; to whom they can complain about their failure to get truck-borne water. They are not really concerned with erudite arguments about special majorities. So that I think we have to be very careful about what we do in this Parliament—not to divorce ourselves from the reality out there. I therefore propose to support the passage of these two bills because, as I have so clearly indicated, their passage is required in order that we may get on with the business of local government elections.

Now, with regard to the bill to amend the Municipal Corporations Act, I am happy to see that a time-limit is being introduced for the holding of elections for reasons which I have already stated. I am somewhat disappointed that the report of the Cabinet appointed Supervisory Committee on Local Government, chaired by Mr. Stevenson Sarjeant, who has both political and management experience, was not followed further.

I am sorry, for example, that the lifespan of the local government body is not being extended to four years, as Mr. Sarjeant recommended. I can see, quite apart from what Mr. Sarjeant has recommended, no clear reason for having a different lifespan for the Tobago House of Assembly, on the one hand, and local government bodies on the other. I am also very disappointed that some consideration was not given to see whether there were not things in the Tobago House of Assembly Act that might be usefully introduced by way of amendment.

The one that impresses me, particularly, is the fact that under the Tobago House of Assembly Act it is mandatory for the Minister of Finance to consult with the Assembly on certain matters concerning the national budget and development projects. I really should like to see, as a feature of our local government legislation, that duty being placed on the Minister by statute. I appreciate that under the principal Act, when budgets are drawn up and so forth, they must be submitted to the Minister and there is a certain amount of interplay there. But I should like to see, as a feature of our legislation, a formal consultation on financial matters between the Minister and the relevant local government body.

Now, with regard to that part of the bill that deals with the question of the Service Commission, I am one of those who believe, without any reflection on the personnel of the Service Commissions, that the operations of the Service Commissions are a major source of inefficiency and frustration in this country, and therefore I think it is regrettable that Mr. Sarjeant's recommendations that for the human resource element of these corporations, different arrangements be made. I think it is regrettable that that is not being followed. I do understand, because I practise in the industrial relations field, that there are very real difficulties in having people working side by side in new organizations where some of the people are under the Service Commissions Regulations and some are not.

On balance, I would have been happier if Mr. Stevenson Sarjeant's recommendations had been followed and that the matter could have been worked out by some consultative process. But, as I say, we have to get on with the business of having local government elections and as I frequently do I will "diarize" the promise made by Sen. Robinson-Regis, that as part of the overall package of Public Service reform, the whole question of the Public Service Commission and the transferring of people out of the jurisdiction of the Service Commissions would be looked at. So on the strength of my promise, and ever mindful of my friend Sen. Wade Mark's admonition that we must cut our cloth a certain way, I would not say anything more about that.

I am also happy that the number of regions is being reduced, because it is my respectful view that in our small country we already have too many "sawatees". I sometimes think that it is almost impossible to spend 24 hours in this country without, to use the jargon word, having to interface with some "sawatee" or other. So that I am very glad that the regions are being cut. We are a small country geographically and in terms of population, and we really do not need to have so many bodies in order that we should be effectively governed.

I do have some misgivings about the section dealing with Municipal Police Service. My misgivings have to do with constitutionality, but consistently with what I said so far, that is a matter that will have to be dealt with elsewhere. I do observe, however, that it is not a new thing for local government bodies to have policemen of their own, because there are provisions in the Acts that are being repealed, for borough police. So it is not as though some new and sinister force or service is being sprung upon us.

Of course, it is very interesting that everyone has a complaint about local government and I do not want to embark upon a review of the principal Act. But I think that one of the ways in which we are going to get local government to work is if we can have fresh local government elections and if there is a proper interface between the central government and the local government bodies. I also think that with the same commendable enthusiasm with which our friends in the media follow our proceedings, I think there is a very, very great need for the Ministry of Information and the media, as a whole, to pay far more attention to the affairs of these local government bodies.

I think that, as one who believes—perhaps having had some recent experience in the matter—in freedom of information unless national security is threatened, I do think that if credible local government bodies are established, and their affairs are open to the scrutiny of the media, that will, at any rate, make those bodies function better and be much more on their toes. I will give you a simple example.

My colleague, Sen. Mahadeo, has referred to the perennial difficulty of placing responsibility when a road is dug up, but in fact, in section 125 of the principal Act, there is a whole code there about what is to happen when roads and pavements are dug; and it provides that roads and pavements and so forth should be dug only with the consent of the corporation and the corporation can impose such terms and conditions as they think necessary in relation to the reinstatement of the road and the terms and conditions on which the road is to be dug.

Now, if you have effective local government bodies functioning, and you have the kind of disastrous situation that we had on Abercromby and St. Vincent Streets over the last two months, that has virtually brought traffic to a standstill, and the media and other persons are made aware of how local government bodies function, they can go and ask questions about these things.

3.30 p.m.

People can go to their councillor and get him to lobby on their behalf, to have the situation rectified, and people will be much clearer in their minds as to whose responsibility it is, because they will be able to demand to see the terms and conditions under which the local government body gave the permission to have the road dug. So I really think it is very important that we pass whatever legislation is necessary in a constructive way, in order that these elections can take place and we can revive flagging local government.

With regard to the question of the Municipal Councils 1992 Elections (Special Provisions) Bill, this bill, thin, though it is, is another legislator's nightmare, because of how many different Acts it is seeking to amend all at the same time. I do think it is important that when we are asked to deal with these matters, insofar as some of the legislation to be amended is not contained in the revised laws of Trinidad and Tobago, that some arrangement be made for copies of these Acts and regulations to be made available to Members. I have said, already, the difficulties which I have. I know the librarians and I use the library all the time, and I have said, already, what difficulties I, myself, have in finding these things.

I think, in the interest of all Members on all sides, it is important that the respective leaders get together and come to some sensible arrangement about when an amending Act is to be passed, where and when Members can be readily provided. I appreciate there will be great expense in sending out with everyone's package, a personal copy for everyone, but some sensible arrangement should be made by the respective leaders as to where and when these Acts, which are being amended, can be looked at in a sufficient quantity.

In relation to Act No. 21 of 1990, when I went to the Supreme Court library, they had only one copy available. I am quite sure that many of us, even if we knew that was the source to which to go, would not be able to sensibly share one Act between us. So that I would, in passing, observe, for better and more intelligent law-making, that is something that requires to be looked at. I cannot do other than sing the praises of the Parliament library, the Supreme Court library and the Clerk of the Senate, who, in my experience, have done their respective utmost to make these things available.

I think here again we are embarked on what I see as a tidying up exercise, for better or for worse. The principal Act has to be tidied up and elections must be held. I think the people of Trinidad and Tobago are very sensible and capable of

seeing a common-sense point of view and I cannot, myself, agree with the position that the outcome of a lawsuit should be awaited in order to decide whether or not to have local government elections. I think it is important to have those elections and it, by no means, follows, for example, that if some part of the Act offends against the Constitution, that part of the Act is not severable from the rest of the Act.

I think, given the high public interest in the issue of constitutionality, it is very important to remind Senators that when an Act comes to a court of law for scrutiny, it is very rarely necessary for the court to have to strike down the whole Act. First of all, the court's attention is usually directed to the part of the Act that is being used against the litigant and about which he has complained. So that it is frequently unnecessary for the court to go on any voyage of discovery outside those sections or that part of the Act. Even if they do, it is frequently possible for the court to say that part only of an Act is unconstitutional and the unconstitutional part can be severed from the Act.

I was out of the country last week, but I understand that misgivings were expressed by some of my friends in the Senate about what would happen if there was a certain outcome and elections were held. I think the people of Trinidad and Tobago will think well of us if we hold the local government elections and settle these corporations as best we can, pending the outcome of the litigation. I do not think, with the greatest respect to those who have those misgivings, that we can continue to have people operating in this vacuum where persons were elected at a very different time in the country's history, in a very different mood, continuing to operate under transitional provisions. They simply will not have the moral authority to govern and to get on with the important business of things like water distribution.

I cannot emphasize enough that one of the things I should like to see concomitant with this local government reform, is a concerted effort by the Ministry of Information and other media, to get into the workings of local government and explain it to the people, increase its profile, so that persons understand where the lines are to be drawn between central government and local government.

While I was out of the country last week, I had an experience which is relevant to this debate and which I should like to share with hon. Senators. In one local council in the London area, which is a very controversial council, they conducted

an experiment where they admitted the electronic and print media to a number of their sessions over a fairly long period. One result of that exposure of the workings of local government was simply this: at the end of the exercise, the BBC, I believe it was, but anyway, one of the television companies, actually made a series called "Town Hall", which was a television programme designed for entertainment but built around the real life experiences that the media had observed while the local council was at work. That is the sort of thing that we have to do, apart from passing this legislation, if we are to revive this dead horse that we are flogging.

My position remains implacably, that until we elect these persons, we are going nowhere. Therefore, I am prepared to put aside whatever misgivings I have about this legislation, because, at the end of the day, we all—and I emphasize, "all"—have a country to run. We all have citizens who look up to us for one reason or another, whether we are elected or nominated. While we are Members of the Parliament, persons are looking up to us to get certain things done. For that reason, I believe it is important to pass this legislation.

I would remind the relevant ministers that I do not only make a mental note but I make a written note of the promises which occasionally induce my support for particular pieces of legislation. I was about to write to the Minister of Works and Transport when I saw the Maxi-taxi Regulations, three weeks later than he promised them, but I understand the difficulty. I was about to write to him, but the Maxi-taxi Regulations have turned up.

Mr. President, I would turn my full face to you, as I am obliged to do, but I am, nevertheless, keeping one eye very firmly fixed on Sen. Draper, because at the moment, the government is getting away with quite a lot on the basis of the public service reform that is to come. So I hope that my support for this bill, and the recommendations I have been making for the revival of local government, will be rewarded by a timely, expeditious and consultative process of public service reform. Because at the end of the day, with the best will in the world, if the persons employed by these corporations continue to be subject to the very unsatisfactory cumbersome procedures of the Service Commissions for every little disciplinary detail, what we do here will fail. So that I am making it quite clear that in the forefront of my support for this legislation, I regard the promises about public service reform as absolutely crucial.

3.40 p.m.

There are some other features of the Sarjeant Report which really are worthy of much more attention than perhaps they have been given in the debate. As I have said already, there are certain features of it that I think it would have been very important to take this opportunity to follow. We do seem to have a difficulty in this country; we recognize that something requires reform, we appoint high-powered committees to review them and then we do not pay sufficient attention, or carry out recommendations of the report.

I think this is another case where the persons—many of whom seem to have experience of local government—have devoted time and energy to produce a report, very little of which—quantitatively at any rate—finds its way into the legislation we are being asked to consider. I think that is a pity. Whether it is the Sarjeant Report, the Assam Report—to which Sen. Mahadeo referred; whether it is the Constitution Commission Report, I think we are failing in our duty to the country when we appoint committees like these and then really, by and large, fail to carry out the recommendations which they have made.

If this legislation is passed, and local government elections are held, I would ask the Government to keep very much on the front burner, the recommendations that were made by this Cabinet-appointed committee on local government and the reform of local government. I think it is a report that is very thought-provoking and I should not like to see it consigned to the inner recesses of some library and not acted upon.

Bearing in mind, very firmly, that we are not here to debate Act 21 of 1990, that we are here to look at the amendments which are being made to Act 21 of 1990; bearing in mind what I see as the paramount objective of putting ourselves in a position to have local government elections, I am prepared to support these two bills in the forms in which they have come before the Senate.

I would repeat my request to the Government, that they do not lose sight of the Sarjeant Report and that they give very serious consideration indeed to introducing an amendment to make it the statutory duty of the Minister to consult with each of the corporations in relation to the budget exercise and do not simply leave it to the goodwill of its public servants.

I also think, so far as the statement of objectives of the corporations is concerned, there is much to be gained from a study of section 21 of the Tobago

Municipal Corporations (Amdt.) Bill
[SEN. DALY]

Tuesday, July 7, 1992

House of Assembly Act. Therefore, these are matters that would have to be looked at when the situation with local government is regularized. The most important consideration, to my mind, is permitting people the earliest possible opportunity to exercise their franchise. I remain concerned, as a novice law-maker—I have, I think, much experience in how laws are administered and interpreted; I have very little experience in how they are made—I am becoming concerned each day, each session of the Parliament I attend, with how far removed we are becoming in our activities here, from the realities of life out there.

I do not think that we can spend too much time in this Parliament—that is not to say we must pass badly drafted laws—raking over old coals. That is what we would be doing if we spend a disproportionate amount of time on Act 21 of 1990.

So, I look forward to exercising my local government franchise in the very near future and, on that basis, I am prepared to support these two bills.

Thank you.

Sen. Wade Mark: Mr. President, we are on a very important matter and I want to say from the very outset that we do not consider the amendments to Act 21 of 1990 as the flogging of any dead horse. We feel that this horse, based on the bills that we have before us, is very much alive and kicking. We on this side of the Senate have no choice but to make reference to this particular piece of legislation.

I also want to indicate, before I get into the essence of my contribution, how unfortunate were the remarks of the hon. Minister of Information—she is not here now. It is most uncharacteristic of her. In these times of internal power struggles, you never know exactly when one is speaking to ensure survival, but I feel certain that some of her remarks were quite unfortunate.

I want to make it very clear that we have a manifesto. The PNM also has a manifesto and if you look on page 44 of that manifesto, you would see a mere three paragraphs referring to local government. The fact is that local government elections will be held very shortly and certainly we will be issuing our manifesto for all to see. It is also an established fact that the United National Congress has, on many occasions, made its position very clear on local government, and its philosophy behind that particular institution.

I know for a fact, also that in spite of the public posturings, on the part of the present regime, what we have witnessed over the last 30 years before their

departure, and recent re-entry, was a constant erosion of the authority of local government bodies in Trinidad and Tobago.

They have paid virtual lip-service to the idea of people participation whilst jealously guarding their power at the central level.

3.50 p.m.

Act 21 of 1990 cannot be divorced or separated from the proposed amendments that are before this Senate. We believe, and I think it is appropriate for me to say from the very outset, that the United National Congress has a philosophy on local government. I believe that when we are talking about local government and a philosophy on local government, we are talking about getting and ensuring the participation of the people in the decisions and activities which affect their lives on a daily basis. This is why we are committed to putting back power into the hands of the people and the communities, not re-centralization as the Government is now seeking to advance, trying to hoodwink this population. That is clearly what will take place in a couple months' time, once this bill is passed.

They have a tendency to hoodwink some, but we on this side make it very clear that we are not on that platform. We are here to perform our duty fearlessly and without favour. We have observed that in this debate there are efforts on the part of the Government in one way or another to encourage persons, in spite of their better judgment, to support legislation which in real terms can have in the final analysis some disastrous consequences for our country and people. We stand solidly on the side of the law and constitutionality.

Let me indicate that the United National Congress is committed to the development of the people. We are going to ensure maximum participation of the masses in the process of decision making. The UNC believes that a critical component in the nation's capacity to develop, lies in its ability to incorporate and fully utilize its most important resource, that is the people. This development can be gauged by the level to which citizens participate in the decisions that affect their very existence. Through this participation, the objectives of true democracy and development can be achieved by utilizing and fostering strong and viable institutions. It is in this context that we are committed to a three-tiered system of government: central government; local government; and village and community councils.

We have observed in the Sarjeant Report, to which I would refer later on, a strong plea being made for the involvement of local, village and community councils, as an integral part of the running of corporations throughout the country. The Government has silently, very mysteriously and inexplicably disregarded that aspect of the report.

Are you on a point of order or are you seeking leave? You must tell me.

Hon. K. Valley: Mr. President, if the hon. Member would very kindly give way.

Sen. W. Mark: Mr. President, two persons cannot be on their feet at the same time. It must be on a point of order.

Mr. President: I am waiting to hear whether it is on a point of order.

Hon. K. Valley: I am asking the Member to kindly give way within the norms of the Senate.

Mr. President: He has graciously given way.

Hon. K. Valley: Thank you very much, Sen. Mark. I simply want to draw the Member's attention to paragraph (2) of the three paragraphs on page 44 of the PNM's Manifesto to which he made reference a while ago, on the importance of village councils, youth organizations and community councils.

Sen. W. Mark: That is rhetoric. I am saying there is a report by the Sarjeant committee, a PNM-led committee that recommends the involvement, a deeper role for the village and community councils. Why has the Government not accepted and brought to Parliament an amendment to incorporate this? I was making reference to the fact that we because the Minister of Information—

Mr. President: Could I appeal to some Senators in the back row to desist from causing unnecessary distraction in the House, by displaying things that are not relevant to the debate. Your co-operation is required.

Sen. W. Mark: I was saying that the Minister of Information did say that we on this side do not have a position on local government. I am happy that she is back here, so I can at least elaborate on some of these points.

I was making the point that we on this side, the alternative government, are committed to a three-tiered system of government: central government; local government; and village and community councils. When we deal with the role and

function of local government, we recognize that local government is indispensable to the process of political participation, which is a cornerstone of United National Congress philosophy, since we believe that the effectiveness of central government bears a direct relationship to the strength of its local communities.

Local government is one of the most important institutions in the country and it has evolved over the years to serve the needs of the people and their respective communities. These institutions impact greatly upon the lives of persons, especially the poor, and have to do with the construction and maintenance of roads, drains, bridges, cemeteries, recreation grounds, markets, abattoirs; the provision of truck-borne water in areas not served by WASA; the provision of health services, street lighting; the cleansing of cess pits; maintenance of traces; construction of agricultural access roads, as well as the collection of rates and taxes.

The UNC's intention is to put power, as I said, into the hands of our nationals, so that they would be in a position to run the affairs as they see fit. To this end, the laws that govern local government will be revised. However, I want to make this point, as an initial measure, and as my good colleague Sen. Muntaz alluded to earlier, we are committed to improving the status of local government bodies in Trinidad and Tobago.

The Prime Minister recently made reference to the fact that the Government of this country is committed to granting greater autonomy to the Tobago House of Assembly. We congratulate him on that position, because we too, want at the same time in Trinidad and Tobago that there should be an equal commitment by the Government of this country, through the Prime Minister, to the granting of greater autonomy and authority to the local government bodies in this country. What we have witnessed over the years is a constant erosion of that authority. I think Sen. Mahadeo made reference to the fact that the Government, over the years, has introduced all sorts of companies and, in the process, what has happened, effectively, is that several responsibilities and functions that traditionally were carried out by local government bodies, have now been transferred to other bodies and institutions.

4.00 p.m.

The Sarjeant Report that we have before us made a number of recommendations. Central to these recommendations was the whole issue of granting greater autonomy to the local bodies in our country. The Government, in

its piecemeal approach, has attempted to come to this Parliament to rush two bills into law, so that they can be given an advantage in the local political arena. It is a question of expediency.

Sen. Dr. Kuarsingh: I seek your assistance, Sir. Would it be imputing improper motives to us to say that we are rushing two bills through the Parliament to give ourselves an unfair advantage?

Mr. President: What is the point of order?

Sen. Dr. Kuarsingh: The point of order, Sir, is Standing Order 35 which states that it shall be out of order to ascribe improper motives to Members.

Mr. President: As far as I am aware, copies of these bills were made available to Members of both Houses of Parliament on June 12. If my memory serves me right, a letter was circulated on that same day informing Senators that it was likely that these bills would be taken through all their stages the week of June 23, 1992. When the bill was introduced in the Senate, after that date, a motion was moved that the next stage of the bill be taken at the next sitting. It was unanimously accepted, and this is the second Tuesday on which the bills are being debated. These are facts.

Sen. Dr. Kuarsingh: So, my point of order is being sustained, Sir?

Mr. President: The bills are being done in accordance with the decision of the Senate.

Sen. W. Mark: If you look on page 8 of the report of the Cabinet-appointed committee, headed by Mr. Stephenson Sarjeant, you will see there:

"Village and community councils should be given a more definitive role, and mechanisms should be found to facilitate the movement towards making those councils more effective instruments of local government."

We are in agreement with this because it forms part of our philosophical thinking on the whole issue of local government, but, as we go deeper into the report, there are some recommendations arising out of what has been described here as the Boundaries Subcommittee. This subcommittee apparently made several suggestions and recommendations, but the suggestions seem to be inconsistent with some of the final proposals. We talk about cost-effectiveness in terms of reducing the number of corporations from 13 to 9, but we have to begin

to appreciate that cost-effectiveness is one aspect. What about the geographical areas that have been arbitrarily lumped together? What is the rationale for these things? I do not believe that we on this side have been given a sufficient explanation for the arbitrary merging of a number of regional corporations.

The hon. Minister of Local Government had recognized the need to demarcate and separate Couva from Talparo and Tabaquite because there is no rationale for integrating those two regions. One is industrial development, commercial development, agricultural; and the other region, Talparo/Tabaquite is, basically and essentially, an agricultural area. I think the hon. Minister recognizes that. This is why he has not denied the statement in the *Guardian* made on June 10. I want to quote here, because I made reference to it and he told me that I have to get the facts. I have the facts before me, based on a report in the *Guardian*:

"Government is not happy with the boundaries as proposed by the last regime in regard to local government elections and because of this it is necessary to revise the whole structure for some measure of communality.

Kenneth Valley, Minister of Local Government, made this comment yesterday while addressing a gathering at the Couva Regional Corporation on an official visit. He said that Cabinet has already appointed a boundaries committee to come up with new proposals for the Local Government elections. Valley confirmed that regional councils would be reduced from 13—proposed by the last government—to 9, and that Couva will not be linked with Talparo and Tabaquite".

4.10 p.m.

Now, the hon. Minister, when I made reference to this statement, asked me to bring the facts. I am saying that this statement was reported in the *Trinidad Guardian* on Wednesday, June 10. We have not had a denial from the hon. Minister. I am telling you what is the report here according to the press. He recognizes that it would not make sense to merge those two regional corporations; yet he has come to this Parliament and has not brought any amendments as far as that area of the country is concerned. Is this expediency? Is it opportunism? What is the purpose of this haste, without really making a detailed analysis of how the reduction of these regional corporations is going to affect the people of those various communities. We have a concern about lumping and merging corporations without any real justification apart from cost-effectiveness. If cost-effectiveness is going to be the watchword, then the Government might think

about abolishing local government, because this Government is strapped for cash in every corner.

I am saying that we on this side are not happy with the explanation given for the arbitrary and irrational mergers that have come before this Parliament with the Minister at the same time seeking our support.

I want to deal briefly with finance. Employment is going to be affected. In the parent Act, No. 21 of 1990, Part VI, section 109(2) states:

“The Corporation may...”

It does not say “shall”; “may”, it is conditional:

“collect on behalf of the Government, such fees, rates and taxes as the President may, by Order, prescribe, and may...”

You see, in legal language we would know there is a difference between “may” and “shall”. I am not a lawyer, but I know this, Mr. President.

Mr. President: In fact, I made a ruling about that many years ago.

Sen. Mark: I am saying that if the Government is really committed.

Mr. President: Please, I am trying to tell you to stay away from interpretation.

Sen. W. Mark: I am not interpreting these exactly. I am making a statement to the effect that in this particular provision in this subsection, one gets the impression that there is no real commitment to providing the local government bodies with the kind of authority to collect and spend in the way that they ought to be permitted. I am getting this impression from reading this subsection. Further, section 45(1) of this Act states:

“Subject to this Act, a Council shall fix an establishment for every department, which establishment shall be submitted in each year along with the estimates to the Minister, who may make such amendments thereto as he considers expedient.”

It goes on further in subsection (2) to say:

“Subject to subsection 2(5) of the Industrial Relations Act, a Council shall be responsible for the appointment, promotion, discipline, suspension and dismissal of its employees not being officers of the Corporation...”

I do not believe that the redrawing of the boundaries has been seriously considered. The boundaries of the Port of Spain Corporation have been redrawn and areas that traditionally did not form part of that corporation, as a result of the

new boundaries, have now become part and those are the boundaries that the Government will be utilizing for purposes of the upcoming local government elections.

A hypothetical case could be put here in terms of workers' interests. You have a situation where terms and conditions of employment could be affected, where workers who were involved in the St. George West County Council and who were being represented by one union, because of the redrawing of the boundaries, those workers are now being incorporated in the Port of Spain Corporation. The Port of Spain Corporation has a different trade union representing those workers with different terms and conditions. That is a very serious point, and that has not been considered.

Suppose you have an oversupply of workers, because under the Public Service Reform Programme, I understand there is a term that is being used—we want to get “more with less”. That seems to be the motto of this Government. The point I am making is that, suppose the manpower requirement in the corporation is X number of workers as a result of the redrawing of the boundaries and then you have St. George West also having a certain manpower need; what is going to happen to those workers who happen to slip over into the Port of Spain Corporation and who have different terms and conditions? What would happen to them? Would you have a retrenchment of those workers?

Those workers who have different conditions, whether it is vacation leave, whether it is sick leave, whether it is pension plans that they have organized, whether it is salaries, how are these things going to be addressed? You see, we have an arbitrary thing going on here, and I do not believe that even the Minister of Local Government has taken this thing into account.

Hon. K. Valley: Is the Senator talking about the Act or the amendment?

Sen. W. Mark: I am talking about boundaries that have been advanced in Act 21 of 1990. I am saying that this thing is going to come into effect shortly. When I say shortly, I am talking about when local government elections are held and it is formalized. I am posing the question that there are some difficulties that could arise, and I am raising the matter here. You see, we have a kind of arrogance that we need to curb. I am saying that this is a matter that warrants some kind of consideration by the Government.

I want to also indicate that the Minister seems, again, to have significant power. They are talking about decentralization, but we are seeing where over-

centralization is again involved in this Act. The Government of Trinidad and Tobago is playing a game with the people of this country. Whereas the previous administration used to bad talk—

Sen. Dr. Kuarsingh: I rise on a point of order, Sir. Is it imputing improper motives to us to say that we were playing a game with the people of the country, Sir? I suggest that it does and I seek your protection.

Mr. President: Sen. Mark, I do not think you are really trying to impute improper motives, but you could probably choose your language a little better.

Sen. W. Mark: Mr. President, in other words, what I am advancing here is that there appears to be a kind of effort or attempt to hoodwink the population.

Sen. Dr. Kuarsingh: I rise on a point of order, Sir. I have the Oxford Dictionary here; “hoodwink” means to deceive, Mr. President. I suggest that we are not deceiving anyone, and I seek your protection.

Mr. President: Point of order sustained.

Sen. W. Mark: What is happening is that we have an experience where the last administration went to town—they went out of their way to blame everything on 30 years of PNM misrule and the PNM condemned that and many people have condemned that; they say, “Look, deal with the present, forget the past”. This present regime is almost in the same kind of circuit. Nowhere in this PNM Manifesto is there any clause, provision or statement on structural adjustment. There is nothing in this document that deals with an increase in airfare, and I want to hear what Sen. Calendar is going to say about that.

Mr. President: Sen. Mark, I think you are going a bit off course.

Sen. W. Mark: I am trying to develop a point here, Mr. President. You see, it might appear to be off course.

Hon. K. Valley: Of course!

Sen. Mark: The point is that the Government of this country is not really living up to its commitments to the people. I am saying that under the present Act and given the amendments that we have before us, we suspect very much that the Government and the Minister are going to be in charge of a programme of retrenchment in the local government service. We feel that in this Act, he is given too much power.

Again, Mr. President, I read section 45(1):

“Subject to this Act, a Council shall fix an establishment for every department, which establishment shall be submitted in each year along with the estimates to the Minister, who may make such amendments thereto as he considers expedient.”

We are talking about a Minister who has come with a privatization syndrome, a man who is well noted to have been the financial wizard of a very powerful conglomerate called ALGICO and he has taken his learning—

Hon. K. Valley: Mr. President, let me just correct the Senator. At ALGICO I was in charge of marketing, not finance. I have various skills.

Sen. W. Mark: His twin colleague, Sen. Kuei Tung, is not here today.

Sir, the point I am making is that you probably would have a situation, and this is what we fear—particularly when it comes to the question of the collection of taxes and rates—we believe that in this period of structural adjustment, there is no commitment on the part of the Government, particularly when they are under the supervision and control of international lending agencies. They keep telling this country, as the Prime Minister told the Tobagonian population, that they have no choice; they had to increase the fare. They are telling us in Trinidad and Tobago that they cannot renegotiate a 20-year natural gas contract that is going to give Amoco \$10,000 million and give this country \$40 million at the end of 20 years. They cannot renegotiate that!

The local government bodies in this country have been suffering year after year with financial problems. The issue of funding is what is really breaking down and eroding that institution we call local government.

I am saying, Mr. President, that in a period of structural adjustment, the Government must be honest with us. They must not set up the population. Public service reform is another thing by itself. But we suspect very much that with this code that they have, this watchword—we have no problem with “more with less”—this syndrome that is infecting the body of Third World countries, without any resistance whatsoever from the political leaderships, we are going to find ourselves in a situation shortly where the entire manufacturing sector will collapse and more than 40,000 people put out of employment.

We also suspect that with this local government reform, these bills that we have before us here, the Government of Trinidad and Tobago is seeking, in some way or other, to privatize local government services.

It might be a good idea for Sen. Rooks, because he is a privateer. I have no problem with that. What I am simply saying is that for the people of Trinidad and Tobago, it is not a good thing. *[Interruption]* A market privateer; not a buchaneer, a privateer.

The issue that we are faced with in this debate is whether we on this side could simply accept some of the arguments that have been advanced by the Government to get our support when they have arbitrarily reduced the number of corporations from 13 to 9 without any real explanation, when they have not incorporated in the amendments—and we are told by the Local Government Minister that shortly after the local government elections he is going to come back to this Parliament with a reform package. We would then expect him to deal with local and community councils and maybe provide more power to local government bodies.

I believe that it is necessary for the Minister of Local Government to provide this side with much more explanation, justification and rationalization on the issues before us, because the amendments that he brings to this Senate are serious, but they are limited. He is seeking to remove the requirement that a corporation secretary be an attorney-at-law. Do you want to move from in-house advice to out-house advice? Are you setting up somebody? What is happening? What is behind this amendment? You have not rationalized that.

Hon. K. Valley: Was the Senator out of this Senate when I spoke on this?

Sen. W. Mark: Maybe, I was out of here for a little while. You must explain to me.

We talk about games—and my colleague takes strong umbrage to that particular term, but he knows what games are—and this is why, for instance, we are concerned and we are saying that in this particular matter, we believe that the Government needs to level with the Opposition and give us some greater explanation.

We are not happy with some of their arguments, and with many of the amendments, and even though we are ready and prepared to face any local government election whenever it is called, we are not prepared to rush willy-nilly into an arrangement that could—and Mr. President, I must tell you that we have too many precedents already, where people have been given bad advice.

We on this side of the Senate are not going to be subjected to any bad advice from any quarter—bush lawyers, real lawyers or what have you; we are not going to be caught with our pants down. We make it very clear that once is an accident, twice is a coincidence and the third time is a habit. We are not going to become habitually involved in these kinds of exercises in which, just for expediency and whatever else is behind the scene—we do not know—to get our support.

I am saying that if the Government is serious, it must come and give us the kind of explanation, the kind of clarification that is absolutely necessary, if we are to give support to these two bills that are before this Senate today. Should it fail to do so, we on this side will have to think very carefully on the position we are going to adopt on this matter. We believe that the Government has a duty to provide the kind of explanation that we are calling for at this time.

We feel, also—and it is a point that I think the Minister will need to clarify. At section 35:

“The Statutory Authorities’ Service Commission established under the Statutory Authorities Act shall appoint, remove, transfer and exercise disciplinary control over the officers of each corporation.”

What about the question of the regulations? Why are the statutory regulations not incorporated under this section? On the whole issue of promotion, are we to interpret “appointment” here to be promotion at the same time? Or is there a clear stipulation under the Statutory Authorities Service Commission for regulations to govern these kinds of activities within a particular corporation that is under the control and jurisdiction of this body?

I am saying that these things are largely absent and we believe that the Minister ought to give us some clarification on this matter of promotion. They have the power to discipline, appoint, remove and transfer and they are governed by regulations. Why are those regulations not incorporated in this Act? You see, it is necessary to have these things spelt out clearly so that persons in the public service—

Mr. President: I thought on three occasions in the last five minutes that you had concluded, but your time is up now.

Sen. W. Mark: Well, if I could have about three minutes I would do so.

What I would say, essentially, is that there are some grey areas in the two bills that we have before us and there are some in the parent Act. *[Interruption]* I made reference to the fact that you seem to have some information that you need to

share with me on this question of the corporation secretary. We will talk about not being an attorney-at-law during the tea break.

I did make reference to the fact that we are not happy with the number of regional corporations being reduced from 13 to 9. So we did, in fact, touch on these matters. The Public Service Commission, is another matter that we can deal with.

Mr. President, I think that I have enough. I think that we have made our position sufficiently clear to the other side in understanding our concerns as far as these two bills are concerned.

I understand that the mother of the hon. Minister of Public Administration in the Office of the Prime Minister has died recently. We, on this side extend our condolences to the bereaved family and friends of the Draper family. We hope, rather, we know, that although the Minister is under severe pressure, he will maintain his balance, for this a tough period that we are in.

I think that we have said what we had to say on this matter and we now leave it up to the hon. Minister of Local Government and Minister in the Ministry of Finance, the person who is going to make Trinidad and Tobago into the financial capital of the Caribbean and—

Hon. K. Valley: The gateway to Latin America.

Sen. W. Mark: We look forward to all these lofty ideals being translated into reality.

In the final analysis, what is taking place in the world as a whole, particularly in the Third World—the efforts and the manoeuvres to undermine and to actually erode developing countries' independence and sovereignty—is so dangerous that we get the impression that some governments in this country, as well as in other countries, are not paying particular attention to the implications of some of the policy measures that they are implementing in a most mindless way and that are going to have severe consequences for our children and for the future generation of this country.

So, Mr. President, with those few points, I close my contribution and hope that the hon. Minister would provide us with the kind of clarification that we so desperately need at this time if we are to give him any kind of positive signal on this side.

4.36 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. President, I think I ought to begin by thanking all hon. Senators who contributed to this debate and, moreso, those of course, who found it possible to support the initiative. I congratulate hon. Senators, also, for the level of contribution; and here in the Senate that level, it is said, is always a bit better than that of the other place. One found that standard was reached this afternoon.

Mr. President, rather quickly, I want to deal with some of the major issues that Senators raised and, perhaps, I should start by talking about one which caused me to ponder quite a bit after I left here the last day. That was the suggestion coming from Sen. Teelucksingh, I think it was, a man of the cloth. Of course, when men of the cloth speak, we have to take them rather seriously. I think he was making the point that he hoped that the fact that we were eager to get this legislation through was not evidence of some arrogance on the part of the Minister. I pondered that because, honestly, I should not like to be known as an arrogant individual. However, I came to the conclusion that, in fact, he was doing what he considered to be right.

Like Sen. Daly, we believe that the constitutional matter, whether Act 21 of 1990 is constitutional or not, should be left to the court. We know that here in Trinidad and Tobago the doctrine known as the “separation of powers” exists and any doubts any of us may have had should have been erased in the last week or so. It is clear that once an Act is passed in Parliament—this is a point made by my colleague, Sen. Robinson-Regis, whom I congratulate most sincerely on her maiden contribution in this Senate, very good contribution, in this case some two years ago, the court is the only authority that may strike down its constitutionality. Parliament's role ends when it passes the laws. It cannot review its own Act, I am informed, and the matter is now in the hands of the court.

We grant, that there are pockets of merger within that doctrine of separation of powers, but, fundamentally, we in this democracy abide by the separation. So that, given that consideration, one was left to ponder what is the real intention of the other side. Why are they, at this time, some two years after the fact, only now querying the constitutionality of the Act? At first one thought that perhaps, they might simply be getting cold feet, knowing very well that we were ready,

willing and able to run the race. But then one had to be reminded that for the last four or five months they have been calling for local government elections.

The Minister, humble as he is, is merely trying to facilitate the holding of those elections. So that, it could not be fair. It might very well be to give them a bit more time, because my friend, Sen. Wade Mark, is speaking about expediency; but they know about expediency. After all is said and done, you are hearing about "one love" once more. They are talking about expediency. But we are waiting for them!

I really want this bill to be passed, because I want to get on that campaign trail. There are some people who believe that the people of Trinidad and Tobago are stupid, but we will make it a referendum. Test the credibility of the Government. He is sleeping with the devil; now he tells me he wants to sleep with the devil's father. There is no concept of what is right or wrong at all; no morality whatsoever. No wonder the people of Trinidad and Tobago believe that in politics anything goes. So that I really hope that my friend, Sen. Teelucksingh, would change his perspective and say that, in fact, it is not arrogance, it is simply doing what is right and just in the circumstances.

Sen. Rev. Teelucksingh: Mr. President, I will not dare accuse my good friend of being arrogant. I do remember using that word and it was in the context of a warning, but it was not directed personally to him. It was never a charge. I will not do that—not as yet.

Hon. K. Valley: Mr. President, I thank the hon. Senator most graciously and I do hope that I would so conduct my affairs that he would never have any cause to label me as such. I am glad I got that out of the way.

5.15 p.m.

The other major issue that was raised in this debate is the need for reform in local government—in fact, that local government bodies just do not have sufficient power. Well, I want simply to refer hon. Senators to our party's manifesto. Going back to page 44, those three paragraphs, because we believe in brevity. The first paragraph states quite clearly:

"The PNM reaffirms its commitment to a system of local government which ensures that the people have the opportunity to assume authority and management of their own communities."

Authority as well as management.

So that we believe that in that paragraph, quite succinctly, we have given an undertaking to devolution of authority, political decentralization, making our local government bodies strong and effective. But we see that we have an obligation, and the issue, therefore, is whether, given the time constraint under which we were operating, we would go and give them that authority, given some of the other considerations which are important in the local government system, and which I want to touch on. Or whether we would try at this time to have those councils constituted legally and assist them in developing systems and procedures, while at the same time working towards that reform.

When I opened this debate, I gave the assurance to this Senate that, in fact, the Government is committed to reform in the local government system. The Government is committed to devolution of authority and that, in fact, we would start the consultation process after the elections are over. We have already established the Boundaries Subcommittee to look at the boundaries and so forth, but we would be talking to the Opposition and to all the players, so that the next time around we would be talking about local government that is really given authority as well as its management.

Many Senators spoke about some of the problems in the local government system, certain inefficiencies, caused mainly by lack of human and financial resources. What we are doing right now in the local government system is taking steps to correct those. On June 30, I think it was, when I spoke, I informed hon. Senators that, in fact, only on that morning I had received a copy of the Ministry of Local Government's Five-Year Strategic Plan, which is going to guide the operations of the Ministry and the local government system. Here we are talking about devolution, that, in fact, there is need to correct certain shortcomings in the system.

I spoke also of the fact that we have established a management audit team, and that audit team had gone into San Juan. I would simply want to refer to a few comments with respect to the operation of the San Juan Corporation. I feel certain that these comments are as applicable to Chaguanas, Rio Claro, Sangre Grande, as they are to San Juan. My question is: Given this environment, is the environment in which we want to give them more authority? Or should we not put the horse in front of the cart and spend this time doing two things: trying to put the systems in place in the various councils, while, at the same time, holding the consultation that is necessary that hon. Senators on the other side asked for?

On page 4 of this report, it says:

"The structured operations of the San Juan Regional Corporation perhaps represent a classical case of what could transpire during an exercise pertaining to local government, re-organization and restructuring. This approach, with undue haste, is unplanned and there is a lack of sustained, ministerial and central agency support, supervision and intervention.

An examination of its operational activities since its establishment on October 18, 1991, revealed that apart from the recurring issue of lack of adequate funding, the problems associated with its operational structure, systems, processes and effectiveness, are related in no small measure to the unplanned and unco-ordinated approach to its establishment. The hasty and unplanned approach to its establishment, is perhaps crystallized by the revelation that the staff allocated in this administrative outfit, occupied an administrative office which was not only unfurnished, but also unsuitable for sustained and effective administrative action. Moreover, after two months had elapsed, the corporation still could not acquire adequate office equipment, furniture and the like.

The management of the corporation, while facing this unsavoury situation, had to attempt to meet its statutory obligations, especially the delivery of public services. Consequently, a trial and error approach seemed to have been the most appropriate way of doing things during this difficult period."

The report continues in that vein. Then it concluded, suggesting some 16 short-term recommendations and a similar number of medium and long term ones. This report, as I said, was done by some officers that we pulled from different parts of the local government system. We are working right now to set up a permanent management audit team to do a similar exercise in all the regions, going in there as management consultants, to put the systems in place, fundamental, as it were, to a devolution. Our thinking is that those ought to be done before the devolution.

It is in that context that one must view the fact that the Government could not accept all the recommendations of the Sarjeant committee at this time. If we were to look at the recommendations, the first one:

"1. That the present boundaries as contained in the Act be maintained pending a comprehensive detailed study."

Accepted.

- "2. That the following delineation of cities, boroughs and regions be considered for reasons of cost effectiveness and to facilitate the holding of early local government elections in order to restore representation of the people, as a matter of urgency."

Accepted, with one minor change. That is, whereas the committee recommended the merger of Siparia with Penal/Debe, we have kept Siparia separate from Penal/Debe. That is the only change. We accepted that recommendation.

- "3 That the number of electoral districts in Port of Spain and San Fernando be increased by two (2) and three (3) respectively."

That was not accepted, and it is a good thing. Even before those on the other side knew what was Cabinet's decision, we heard talks about gerrymandering, that Government was cutting up parts of Port of Spain and San Fernando to give advantage. So I say it is a good thing we did not accept that recommendation. We did not accept it simply because we thought that any change like that would have been sufficiently fundamental to warrant consultation.

The significant changes that we made were those that we spoke about before. We spoke about the fact that we did not like the 13 regional municipalities, that they were too many and we said clearly in our manifesto, that we would, for cost-effectiveness, cut them back.

5.25 p.m.

Recommendation (4) provides:

- "That the term of office of Councillors should be four (4) years instead of three (3) years."

Mr. President, this time around, in the original draft of the bill, we were recommending that the term of office ought to be a minimum of two, but not more than three years, for a particular reason—because of the fact that we knew that after the elections we wanted, really, to go on a reform. And when we were finished with the reform; when the Boundaries Committee and the Public Sector Implementation Committee had finished their work, we wanted to be able to have local government elections. So that we wanted to give them a minimum period of two years, but not more than three.

I am sympathetic to the recommendation that it ought to be four years—not on this occasion; simply because we are not finished with the job. We have reform to do. We want to be able to hold local government elections as quickly as possible, not four years down the road. After we have done our work, we want to be able to come back to the people and say that we have really reformed local government the way it should be, and not by Act No. 21 of 1990.

We said, very clearly, in opening—I made no bones about it—that we are not happy with all the provisions of Act No. 21 of 1990. All we have done now is make amendments, which we consider absolutely necessary, so that we can hold local government elections. There were some things—the disciplinary tribunal, and so on—a PNM Government could not call a local government election with a disciplinary tribunal hanging over the heads of elected representatives. We were looking at making the minimum number of changes.

We are in agreement with some of the points raised by my friends opposite. This Minister certainly does not want all the power that the Act provides. What I am saying, however, is that every Member would have a chance, in the consultative process, to come up with real reform for local government. I can tell you, if Members would recommend, they would find favour with this Minister to have a four-year term for the life of county councils, and so forth.

Recommendation (5) provides:

"(a) That the authority to appoint, promote, remove, discipline, etc., all officers/employees of Corporations except Chief Officers be delegated to the Corporations.

and there were other changes. In other words, recommendations 5 and 7 really deal with the movement from the province of the Public Service Commission to that of the Statutory Authorities Service Commission.

The Public Service Association say, "You cannot do that without consulting us." My understanding is that they attempted to consult with the Public Service Association, after the fact. We have said, "We have no problem." There is a Public Service Implementation Committee, let them look at it. We know we want to give authority at the regional level. At the same time, however, we took the point that the staff at the regions must be protected. If there is a fear that the political directorate at the regional level may act arbitrarily, at times, we have got to consider that and to see how we can protect the staff; how we can give them the

assurance. Minister Draper and the Public Sector Implementation Committee will be looking at that.

Recommendation (6) provides:

"(a) That the Corporation Secretary need not be an Attorney-at-Law and would not be designated a Chief Officer."

Again, my hon. friend, Sen. Wade Mark, spoke as though this was a recommendation of the Minister that was pulled out of the air.

This was a recommendation of the committee, which we accepted, for good reasons. The Institute of Corporate Secretaries came to me and made representation. They said, "Listen, in the UK we are the people who work in the local government system. As a matter of fact, by training we are fitted for that kind of work. So, why do you want to exclude us?" It is a recommendation of the committee; you have representation from the Association of Chartered Secretaries, and it made sense. That is another recommendation we accepted.

Recommendation (8) provides:

"That a Representative of the Village and Community Councils sit on the Standing Committees of Corporations and that authority be delegated to Village and Community Councils to control, use and maintain recreation grounds, playgrounds and cemeteries."

Now, that is another issue that my friend, Sen. Wade Mark, dealt with as though there were some ulterior hidden agenda by the Minister.

Let me just go back, once more, to the PNM's manifesto. In three short paragraphs—again I want to make a point made by my colleague, Sen. Robinson-Regis—that whereas we have stated a position with respect to local government when we went to the people in 1991, when you look on page 10 of the UNC's manifesto, there is one sentence, which says:

"The UNC proposes the following measures to upgrade and generate efficiency in our public utilities:"

They were not thinking about authority or anything. Their main focus was "efficiency in the public utilities". They were going to do that by, among other things—there are five points—and (3) says:

"Decentralization and devolution of powers to the local Government Bodies with a view to involving peoples' participation in the maintenance and administration of our public utilities."

Now, I wish them luck. *[Interruption]* Yes, it says everything but means nothing.

Mr. President, as I was saying, at page 44, paragraph 2 of our manifesto, we said:

"The PNM is conscious of the fact that participation at the local level requires the development and strengthening of other community institutions such as village councils and youth organisations to ensure the widest possible participation in the local government process."

There is a commitment. One of our fundamental principles is the whole concept of participation; participative democracy.

On March 6, 1992, I had the pleasure of addressing the Diego Martin Association of Village Councils, and in that address, I stated, very clearly, what is our view with respect to village and community councils, the part they can play in the overall system of local government. We have been campaigning, up and down this town, for the revival of the village and community councils as the basic unit.

We see three main roles for local government. First of all, there is the political role—what I like to call, “taking government to the people”, building leadership skills in our people, at that very basic level. Secondly, the function of ideal service deliverability, which is the one most of us harp on: the sanitation, the markets, the scavenging, and so on. All of these things. Service deliverability—very important function—wherever one lives; it does not matter whether it is up a mountain or down a hill.

The third one is social function or building communities. The village and community councils have a fundamental role with respect to that. The local government bodies and the whole reform exercise must play a very important role in strengthening those village and community councils. I can give Sen. Wade Mark a copy of this address at any time, so that I can disabuse his mind concerning this Government's position with respect to local government. Those were the fundamental recommendations.

5.35 p.m.

Then there is the catch-all recommendation (9):

"That provision in the Municipal Corporations Act No. 21 of 1990 be amended as recommended in section 3 of this Report, to ensure effective devolution of authority to the corporation."

If you go to section 3 you will see that we picked up most of the recommendations. It is not true to say that the committee made a number of recommendations which we did not accept. Those that we did not accept, there were valid reasons for so doing. They were not accepted because—

Sen. Hosein: Will the Minister give way?

Hon. K. Valley: Sure.

Sen. Hosein: I wonder if the hon. Minister could tell us the reason he did not accept the recommendation for a more definite date for the elections.

Hon. K. Valley: In the amendment, we have given a firm basis for the elections. One knows exactly when elections will be held now. I do not know what the Senator wants.

Sen. Hosein: What he is saying is within three months, but the Sarjeant Report gave a definite date. I was wondering why the Minister did not accept that.

Hon. K. Valley: Because, quite simply, we enjoy flexibility. I think the Sarjeant Report recommended the sixth Monday after the term. That day could be a public holiday, or anything can happen on that day. I do not know whether one wants to get down to that level of detail to say it must be held on that sixth Monday. What we have said is that elections must be held within three months. I would think that is moving quite away from where we are at present.

Let me deal quickly with some other issues. There is the view that all municipalities should be based on the Tobago model. In the reform exercise, as I said, we are willing to listen to any proposal and, of course, we have to make a decision as to whether or not it makes sense. Just on the face of it, first of all, we should remember that there are different types or levels of local government throughout the world. It is not unique to Trinidad and Tobago. In Trinidad there is a distinction between the city, the borough and the municipalities, even under the Act.

If one were to look at the report of the Conference on Local Government in the Caribbean—Sen. Mahadeo quoted from this Report sometime ago—one would see that the representative from Antigua and Bermuda, when he was reporting on the type of local government that exists, made the point. He said there are 17 district councils which are determined by the constituency division within the territory. Barbuda because of its separation by water from Antigua is

given a special status, and empowered to raise funds to provide services for residents in that constituency. So that even there in the Caribbean, Antigua and Barbuda, we see that because Barbuda is separated by water, it is treated differently because it is fundamental that equity requires that we treat different situations differently.

If one were to look at local government systems worldwide, as I said, one would see that all systems are not the same. From my own view, it seems that whatever we do, there would always be a different type of local government system in Tobago than on the mainland and I think for very good reasons.

Sen. Baksh was asking the question whether in fact with all of this we are doing here, we are dealing with the efficiency issues. This is a valid point. We had a time constraint. We are dealing with the efficiency issues administratively. We are putting those systems in place by devolution of authority to the council. The Senator made the point that we ought to address the issue that there are no defined boundaries between local and central government. Immediately on making that point, she went on to quote from section 232 dealing with some of the functions that were under the Act, allocated to the local government system that seemed to be now removed.

Let me just explain that. Under that section there was a bit of duplication and we attempted to correct all that. Also, we thought that given the nature of the work, it could better be done under the Ministry of Works which would centralize national perspective. That is the simple fact. If you were to look at it, you would see that there was a high level of duplication. There might be some overlap between central government functions and local government functions. Of course, we would want to look at that at the reform level.

Sen. Mahadeo: I think the hon. Minister was referring to my contribution when he spoke of section 232, was it? I was not really delving into the duplication part of it. It was that parts of it were removed and passed on to central government. In addition to that, I do not know if the Standing Orders would permit me while I am on my feet to congratulate the hon. Minister, because I see he has waxed very warm and strong. I think his heart and soul are behind what he is saying now, after the tea break.

Hon. K. Valley: Thank you. You see on the last day, I was speaking before tea time. Actually Sen. Mahadeo, I was speaking about the contribution of Sen. Baksh when she dealt with section 232, the deletion of (i) and (k). The point I am

making is that if we were to look at (e) and (f), we would see some duplication. Whatever is not there has really gone back to the Ministry of Works, because we felt that could better be handled at that level.

In closing, let me once again give all Senators the assurance—especially Sen. Daly because I know that he would be taking a note—that this Government has stated clearly in its manifesto that it is committed to devolution. It proposes to amend the legislation to provide that the mayor should hold office for the entire term of the council. Clauses 5 and 6 provide for that. It provides also that the management of committees would be transferred to local hands. That is our commitment. We shall be using the period of the next two years to try to put systems in place at the local government level, to increase the efficiency of the operation.

5.45 p.m.

Sen. Mahadeo made the point that some of the functions which were done by the local government system sometime ago were removed and hived off as it were, to DEWD, LIDP and to Solid Waste. Obviously, there had to be some reason. As a fact, I think we have to admit that there is some work to do in the local government system. My colleague here made the point that, perhaps, we would want to privatize—for want of a better word—some of the functions in the local government system. I would say that we really have to look at our development programme in the local government system and, perhaps, give that out via petty contracts, so that we can improve the productivity of the operation. I make no bones about it. We have to do whatever is required in this country to improve the efficiency of operations in local government. That is what I am about in local government.

With these few words, I commend this legislation to all Members of the Senate. I thank you.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 16 ordered to stand part of the bill.

Question put and agreed to, That the bill be reported to the Senate.

Municipal Corporations (Amdt.) Bill
[HON. K. VALLEY]

Tuesday, July 7, 1992

Senate resumed.

Bill reported, without amendment; read the third time and passed.

**MUNICIPAL COUNCILS 1992 ELECTIONS
(SPECIAL PROVISIONS) BILL**

Order for second reading read.

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. President, I beg to move,

That the Municipal Councils 1992 Elections (Special Provisions) Bill, 1992 be read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 8 ordered to stand part of the bill.

Question put and agreed to, That the bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment; read the third time and passed.

CONDOLENCES

Mr. President: Hon. Senators, I am grateful to Sen. Mark for reminding me of this.

I should like on behalf of all Members of the Senate and on my own behalf, to extend condolences to Sen. Draper whose mother has died. I know that several Members of the Senate attended the funeral last Saturday morning.

Motion made, That the Senate do now adjourn to Tuesday, July 14, 1992 at 1.30 p.m. [Hon. L. Saith]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.55 p.m.