

Absence of Madam President

Thursday, July 06, 2006

SENATE

Thursday, July 06, 2006

The Senate met at 1.30 p.m.

PRAYERS

[MR. VICE-PRESIDENT *in the Chair*]

ABSENCE OF MADAM PRESIDENT

Mr. Vice-President: Hon. Senators, I wish to inform you that due to illness Sen. The Hon. Dr. Linda Savitri Baboolal is unable to perform her duties as President of the Senate. During her absence from the Senate the Vice-President will preside over the sitting.

SENATOR'S APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence from His Excellency Prof. George Maxwell Richards, T.C., C.M.T., PhD, President of the Republic of Trinidad and Tobago.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., PhD, President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. NILEUNG ROLAND HYPOLITE

WHEREAS Senator Dr. Linda Savitri Baboolal is incapable of performing her duties as a Senator by reason of illness:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NILEUNG ROLAND HYPOLITE, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Dr. Linda Savitri Baboolal.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 6th day of July, 2006.”

Oath of Allegiance

Thursday, July 06, 2006

OATH OF ALLEGIANCE

Sen. Nileung Roland Hypolite took and subscribed the Oath of Allegiance as required by law.

MUNICIPAL CORPORATIONS (AMDT.) BILL

Bill to amend the Municipal Corporations Act, 1990; brought from the House of Representatives [*The Minister of Local Government*]; read the first time.

PAPER LAID

Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statement of the Intellectual Property Office for the year ended December 31, 2004. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]

LAW REVISION (AMDT.) BILL

Bill to amend the Law Revision Act, Chap. 3:03; [*The Minister of Legal Affairs*]; read the first time.

ORAL ANSWERS TO QUESTIONS

Sen. Wade Mark: You will recall that at the last sitting I indicated to Sen. The Hon. Dr. Saith that in terms of question No. 61, I have no difficulty with him deferring it for two weeks from today. In terms of question No. 62 which is in the name of the Minister of National Security and question No. 63 in the name of the hon. Minister of Public Utilities and the Environment, I made no such arrangements.

I found it a bit strange when questions were bypassed and today is a sitting, unless an explanation is given as to whether the Minister is ready or he is not ready, then we consider them.

Mr. Vice-President: Hon. Senators, in response to Sen. Mark's concern I wish to inform Sen. Mark that I am going to request the exact ruling of the President. I will ask for the verbatim on that section. I seem to remember that the arrangement was to answer the question next week. I do not want to go by that. I will get the verbatim and then I will make a ruling on it.

The Minister of Local Government.

MUNICIPAL CORPORATIONS (AMDT.) BILL

The Minister of Local government (Sen. The Hon. Rennie Dumas): Mr. Vice-President—

Sen. Mark: Mr. Vice-President, on a point of order. We got a letter on Monday last indicating that the Government intends to take this Bill throughout its stages today. The Government must first seek the approval of the Senate because

as you are aware under Standing Order No. 48(1), 15 clear days notice must be allowed this honourable Senate before we can entertain a debate on any matter and in the case of a Finance Bill, five clear days.

The Minister cannot just rise and begin a debate without seeking the permission and apologizing to the Senate and giving us reasons, if necessary, for seeking to impose his will on the Senate, when it is clear under Standing Order No. 48(1) we need 15 clear days notice.

May I kindly remind you that that Bill was never introduced in terms of being on the Order Paper. If you look on your Order Paper there is no Bill like that on it. It has no locus standi in our scheme of things today. He has to seek your leave, then you will have to seek our leave in order for him to rise and speak in accordance with the Standing Orders of this honourable Senate. [*Interruption*] That is what you were going to do? I know you were going to start the debate.

Mr. Vice-President: Hon. Senators, I have had discussions with the Acting Clerk of the Senate and I am of the view that whereas Sen. Mark has a point there is a way forward in this and that is of course, discussion. I know that Bills have been brought with the agreement of the Leaders of the Government, Opposition and Independent Benches and matters have gone forward. I also know that the Leader of Government Business decides what we do on the next sitting.

We need to seek the permission of the Senate to have the Bill read a second time.

The Minister of Local Government (Sen. The Hon. Rennie Dumas): Mr. Vice-President, I beg to move that a Bill to amend the Municipal Corporations Act, 1990 be now read a second time.

Sen. Mark: Mr. Vice-President—

Sen. The Hon. R. Dumas: I am not finished.

Mr. Vice-President: Sen. Mark, the Minister is on his feet.

Sen. The Hon. R. Dumas: You are a little too eager. The Government considers this necessary. Yesterday, this Bill was taken through all its stages in the House of Representatives. The requirement has a time line and a deadline which is July 13, before the expiration of the term of office of the municipal corporations. In that context it is a requirement if the intention of Parliament is to be served, that the Senate advise the nation as to whether it agrees with the House of Representatives.

In that context, I beg to move that this Bill be read a second time and taken through all its stages.

Question put.

Mr. Vice-President: Miss Sandy, please take a vote on this.

Sen. Prof. Ramchand: Should we take a vote or discuss the matter? Should the Leader of Government Business, the Leader of the Opposition and the Leader of the Independent Benches not sit and decide what they want to do? [*Interruption*]

Mr. Vice-President: Sen. Dr. Gopeesingh, please.

The point is that an objection was raised by Sen. Mark. I know that the Leader of Government Business instructed the Senate that the Bill would be taken today. If it is the will of the Senate that we discuss it, there really is no problem. The Minister has moved a motion. I asked for a vote on it. Let me give the Leader of the Independent Bench a view on this please.

Sen. Dr. Mc Kenzie: Mr. Vice-President, to be quite honest whereas we got notice that this Bill would have been taken, I am only just seeing the Bill, I do not know whether others who are in Trinidad would have gotten their copies before. I actually just got my copy and you know what it is like. I think the matter is that although we know there is a deadline, we were forewarned that we would have had to carry the Bill through all its stages, we need a little time. For me to even look at the Bill, I would need sometime to look at it. If we are going to take the Bill through all its stages before July 13 our next legitimate sitting is on July 11.

I understand the urgency and if we do not pass the Bill before July 13, then people could be out in the cold; they would not be paid and there would be no order in local government. Seeing that some of us have just gotten it and for me, just reading through it quickly, I understand part (a) and seem not to understand parts (b)(i) and (ii), I do not know whether we could take a few minutes. I really think we are rushing it especially as we are going against the Standing Orders which say distinctly two weeks.

I get the impression that the hon. Minister could have been more, not vigilant, I would not even say vigilant, but could have made us feel we want your cooperation and say, "could we" rather than giving us the impression that the majority rules, push it down your throat. I do not like to feel like that. The hon. Minister could have explained it and said it is against the Standing Orders, but what would you do? My contention is about the breach of the Standing Orders and treating it in so flippant a manner. [*Desk thumping*]

Sen. Yuille-Williams: Let me apologize to the hon. Senators. I am quite sure that was not the intent of the hon. Member. There is an urgency with the date for this. Probably you are not aware of the dates. If you know that, I am sure you will give us your usual cooperation. Let me apologize. There was no such thing meant at all in dealing with this Bill.

Sen. Mark: We are always willing to cooperate. Mr. Vice-President, you, the nation of Trinidad and Tobago and I know that on May 26, 2006, six weeks ago the hon. Prime Minister read in the other place a lengthy statement in which he sought to alert the country that there would be a postponement. In his statement which I have in my possession, he said that legislation would be brought to Parliament. We are being rushed.

Mr. Vice-President: Sen. Mark, thank you for your contribution. The point is that whatever you are saying there now is going back to what you said before. You feel there should be a deferment of this.

Hon. Senators, I will suspend the sitting for 15 minutes. I am asking the Leader of Government Business, the Leader of the Opposition, the Leader of the Independent Bench and the Minister to come to my office please.

1.53 p.m.: *Sitting suspended.*

2.15 p.m.: *Sitting resumed.*

Mr. Vice-President: Hon. Senators, during the period that the Senate was suspended I have had discussion with the parties on the matter before us, that is the Municipal Corporations (Amdt.) Bill. It is the view of everyone that permission of the Senate be sought and that the Senate should vote on it. I call on the Minister, please.

The Minister of Local Government (Sen. The Hon. Rennie Dumas): Mr. Vice-President, the situation is that the Municipal Corporations (Amdt.) Bill was circulated on June 29, 2006, not meeting the requirement of 15 clear days for which notice of a Bill should be given. It was taken to the House of Representatives on July 05, yesterday. Certain amendments were made and today they were made available to Senators. We are seeking to have the debate on the Bill.

In that context we draw to the attention of the Senate that July 13 constitutes the end date of the present term of office of the members of the municipal corporations. Given the fact that we also have after any enactment by Parliament, the process of proclamation and other arrangements to ensure the continuance of the municipal corporations, we have come to the Senate requesting that it agree to debate this Bill and the amendments, as originally proffered and passed by the House of Representatives yesterday.

Municipal Corporations (Amdt.) Bill
[SEN. THE HON. R. DUMAS]

Thursday, July 06, 2006

In making this plea to Senators we draw to the attention of the Senate the critical nature of the continuance of the municipal corporations and the possible fallouts from the non continuance of same. In this context we come quite humbly before the Senate asking that the Senators consider the Bill and seeking support as we would place before Senators in the debate to follow.

Thank you.

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I apologize for being late. I was engaged in something else. Just to add my contribution, we recognize that the Standing Orders provide for a 15-day period before we debate Bills in the Senate. We have also recognized that in matters where there is some reason—and in this case the reason is the imminent expiration of the life of local government bodies, should we fail to pass the legislation the bodies would go out of existence as they did once and the mayors and councillors would remain as advisors. It will continue in a very unsatisfactory manner.

We request Senators to give us—as they have done on occasions when we have this kind of situation—the benefit of the fact that we can as a body if we wish debate the Bill. It is not something that we normally do and take for granted. Since last week I indicated to the Clerk of the House that because of this situation she should send out the Bill to Senators so they would have a chance to study it. It is not a very complicated Bill. The Members of the Lower House had even shorter notice and the Opposition in the Lower House was quite generous in debating it and had a full debate yesterday. The Bill was passed without any dissent but with amendments.

While I understand the need to stick to the Standing Orders, I am requesting the Senate that on this occasion because of the time lines, please, let us take our time this afternoon to debate the Bill.

Thank you.

Sen. Prof. Ramesh Deosaran: Mr. Vice-President, if you will allow me a few minutes, while listening to the Leader of Government Business we have to reflect on one hand to facilitate Government Business in the spirit of Parliament. Whilst I hear several explanations, pronouncements and intentions, the Standing Orders are pretty clear. I would expect somebody as a distinguished scholar of the Standing Orders like Sen. Montano for example, to rise in defence of the Standing Orders on this occasion. It is the spirit of things that we try to deal with.

If I had heard in the same spirit with which the Leader gave his explanation, an apology as to the inordinate delay in bringing forward this particular Bill, perhaps our hearts would be softened to compromise on the Standing Orders. I

cannot as a responsible legislator just get up and violate so seemingly, arbitrarily, the laws which govern me in this Parliament. I am willing to understand and have some mercy but I would need an apology from somebody to let us know why this delay has happened. If with that apology then an explanation is attached, my heart could be softened just as the rules.

2.20 p.m.

But I have heard no such apology and I feel it is seeming and a seeming arrogance that governments, one after the other, inflict upon this House—when the UNC was in power, perhaps they did the same thing. I think that habit should be broken. If something has to be adjusted there should be an act of contrition, some apology, to let us know that, perhaps, it is an error made unintentionally, but I have heard no such thing.

Sen. Dr. Saith: Mr. Vice-President, I apologize—[*Laughter*—]—profusely for the Bill being late. When we got the Bill we asked the same question. But it was late so I apologize for that.

I also want to say that this Senate has the power to—notwithstanding the Standing Orders—allow debate if it felt it was necessary. All I am asking, Mr. Vice-President, is—in this case I take Sen. Prof. Deosaran's advice, and I again apologize that the Bill did not come with the 15-day notice. I hope that this will be a lesson that we will learn. I am not saying that we may not find ourselves in the same position again, but obviously you would want when that happens that a proper explanation be made, and we would seek to give you that.

Sen. Prof. Ramchand: Mr. Vice-President, I just need some information to help me make up my mind. I know that there are precedents for waiving the Standing Orders. We all accept that. And I can see the urgency for the extension. I would have been a lot happier if this was a simple request for an extension. You have a status quo: we just want a one-year extension. Where the difficulty arises it seems, is that there are amendments. I would like to know, are these Government amendments or were these amendments proposed by the Opposition in the other place?

Sen. Dr. Saith: Yes and the amendments will be debated. I could also tell you that those amendments came as a result of the intervention of the Opposition in the other place. But it will be debated and you would have an opportunity, too.

Sen. Mark: Mr. Vice-President, now that the Government has sought an act of contrition, I would have thought we would have had five “Haily Marys”.

Mr. Vice-President: What did you say?

Sen. Mark: “Haily Marys”.

Hon. Senators: Hail Marys.

Sen. Mark: Hail Marys. Anyway, Mr. Vice-President, today I want to make it very clear; our hearts are not softened and will not be softened. Mr. Vice-President, I want to make it very clear to you and to this Government that it is not the first time that crucial legislation that we are required to debate—and for which we need time, particularly, when it comes to finance bills, as an example—we get a short notice.

This Government knows what it is doing. This is a deliberate attempt on the part of the Government not to give us, members of the Opposition, adequate time to study a very important measure that has democratic implications for our future.

We, on the Opposition Benches, maintain that we would like the Government to postpone this debate and let us come back here on Tuesday; if not Tuesday, on Monday, Sir. We are prepared to give Monday because we need more time to study this particular piece of legislation. We are not in a mood to forgive and/or forget this afternoon. The Government is guilty of deliberately doing what they have done today.

Sen. Dr. Mc Kenzie: Mr. Vice-President, if I may just intervene. We have heard all the discussions and the contents of the Bill and we would debate it because that is what we are here for. But as to starting the debate and entertaining the debate—I have no time with the Government; I am considering the councillors and the people who are serving in those local government institutions. It is only because of that, personally, I would say let us have the debate. I do not think we should punish the local government bodies; the councillors, aldermen and the mayors; they are all UNC, PNM and whoever. I do not think we should punish them because of the inefficiency, in this instance, or the tardiness, for want of a better word, of the Government. It is in that context I would say let us put the thing to a vote. I support that we begin the debate.

Mr. Vice-President: Hon. Senators, the question is that permission of the Senate is sought for the second reading of a Bill entitled an Act to amend the Municipal Corporations Act, 1990.

Municipal Corporations (Amdt.) Bill

Thursday, July 06, 2006

Question put.

The Senate divided: Ayes 24 Noes 6

AYES

Saith, Hon. Dr. L.

Yuille-Williams, Hon. J.

Jeremie, Hon. J.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Ramroop, Hon. S.

Hackshaw-Marslin, Mrs. J.

Hypolite, N.

Mc Kenzie, Dr. E.

Ramchand, Prof. K.

Deosaran, Prof. R.

King, Mrs. M.

Anmolsingh-Mahabir, Mrs. P.

Khan, Bro. N.

Cropper, Mrs. A.

James, W. F.

Rocke, Miss A.

NOES

Mark, W.

Gopeesingh, Dr. T.

Kernahan, Dr. J.

Ahamed, Mrs. R.

Moonan, Dr. S.

Munro, W.

Question agreed to.

Mr. Vice-President: The Minister of Local Government.

The Minister of Local Government (Sen. The Hon. Rennie Dumas): Mr. Vice-President, I beg to move,

That the Municipal Corporations (Amdt.) Bill, 2006 be read a second time.

Mr. Vice-President, the purpose of the Municipal Corporations (Amdt.) Bill, 2006 is to extend the term of municipal councils for a period of 12 months with effect from July 14, 2006. More specifically, the Bill seeks to amend the Municipal Corporations Act 1990 as follows:

“the term of office of each Councillor shall continue for twelve months from the date of the expiry of the existing term of office, as though each Councillor had been elected for an additional period of one year; and

subject to sections 15(2) and 12(6) the term of office of each Mayor, Deputy Mayor and Alderman shall expire at the end of the existing term and—

- (i) the Councillors shall elect new Aldermen for a term of twelve months, in accordance with section 13; and
- (ii) the Councillors and Aldermen shall elect a Mayor or Deputy Mayor of the Council for a term of twelve months, in accordance with section 14.

All powers exercisable by Councillors, Mayors and Aldermen under the Act, shall be exercisable by them during the period referred to in subsection (1D).”

That said one year.

Mr. Vice-President, the Government has embarked on a programme of local government reform and in this regard has published a Draft White Paper on Local Government Reform, 2006, which was laid in the House of Representatives on May 26, 2006, and in the Senate on June 06, 2006.

The Draft White Paper on Local Government Reform, 2006 contains policy proposals for not only the restructuring of the system of local governance but also enhancing the nature of the relationship between central and local government and impact the constitutional arrangements for the sharing of responsibilities between these bodies in the governance of the country.

These policy prescriptions for the reform of the system of local government are all geared towards accomplishing the following key objectives:

- modernizing our Government's structures and systems;
- improving the efficiency and effectiveness of the management of operations of municipal corporations;
- delivering quality services to our citizens;
- increasing the participation and involvement of our citizens in governmental affairs; and
- attaining the highest possible standard of living and quality of life for our citizens.

Mr. Vice-President, before we go into the specifics associated with the amendments being proposed, it would be important to look at a short historical review of the development of the local government system since 1962 and Independence to the present. We suggest that the meaningful change in the local government system, as proposed, will be achieved within the time frame established by this Bill, which is this year.

We would remember that in 1962, the then government was quite clear that its national development thrust could not be pursued efficiently without a restructuring of the local government system inherited from the colonial system. Therefore, the government appointed the Sinanan Committee to make recommendations for the said restructuring.

The Sinanan Committee in its report, argued for a greater role and prominence for local government in the democratic and development process. Critical to its recommendations, was the empowerment of communities to play a more meaningful role in the management of community assets and the decentralization of functions to local government bodies.

Consequent to the report, the County Councils Act which was enacted in 1967, consolidated the executive positions of the seven county councils. The roles and functions of the county councils were also defined in that Act.

In 1974, with the appointment of the Hugh Wooding Constitution Commission, recommendations were also made to the local government system.

This commission treated with the extension of local government boundaries, the expansion of local government functions and the provision of facilities at the local government areas. It also treated with the management of funds appropriated from the Parliament.

Mr. Vice-President, in the case of Tobago, the Tobago House of Assembly (THA) Act was passed, which replaced the Tobago County Council and which closed the old system of county council management in Tobago. The THA which commenced operations in 1982, could be regarded as the first genuine island model of self-government within the framework of unitary statehood in the post-Independence Anglophone Caribbean. [*Interruption*]

Local government reform became a specific policy initiative placed on the national policy agenda in 1983, with the publication of a draft Policy Paper on Community Development and Local Government Reform by the George Chambers administration.

The thrust of this paper was the enlisting of local government bodies as a partner in the national development process, through greater community involvement and participation in national policy making, community development and development planning. An area advisory committee and a national advisory committee were proposed but these fell by the wayside when the Chambers government demitted office in 1986.

The successor administration, in 1989, published a paper on the decentralization process; regional administration and regional development, proposals for reform, which culminated into the passage of the Municipal Corporations Act, 1990 after a round of public consultation. This in the main drives the present local government system.

The essential features of this piece of local government reform legislation were the consolidation of the various pieces of local government legislation into one Act. The expansion of local government function was based on a significant increase in the number of local government bodies, a decentralization process for some functions, for example in local planning, et cetera.

This Act was further amended in 1992. The main amendment being the reduction of the number of regions to nine. This Act was a major catalyst for transforming the local government bodies into relatively autonomous, financially self-sufficient, efficient and effective entities, delivering quality services.

Mr. Vice-President, we stand at a crossroad today, in that looking back over the 14 years of the operationalization of this Act and this legislation, the local government bodies and the local government system is seen as unsatisfactory to take us into the future. We notice that there are some functions that may no longer be relevant:

1. that there are some functions that should be taken on by the corporation;
2. that we should change the organizational and managerial structure of some of these organizations;
3. that we should determine a satisfactory partnership and relationship between central and local government, all in the service of the communities;
4. that we should treat with the standards and quality of service delivery in new ways;
5. that the total dependence on government subventions needs to be addressed;
6. that operational performance in terms of value for money expended should be considered and improved; and
7. that citizens participation, involvement and awareness of local government affairs should be brought up to a desired standard.

We further believe that the boundary demarcations do not necessarily facilitate effective administrative coordination between central and local government, effective service delivery and the promotion of regional planning and the growth of sustainable communities. It is thought further that certain aspects of the current legislation are ambiguous and do not facilitate easy dispute resolution and clarity of policy formulation responsibilities between central and local government, as well as do not handle, effectively, certain managerial issues in terms of the relationship between councils and managers of the local government system.

The present administration assumed governance against the backdrop of the collapse of the United National Congress (UNC), and with the acceptance of our manifesto pledge in which the Government pledged to deliver public sector services in an effective, efficient and timely manner, through consultations with the wider national community so as to correct market failures and to ensure prompt Government intervention. We argued to the population, and it was accepted that this position would only be achieved by the decentralization of the system of government.

Mr. Vice-President, even as we acknowledge the problems of the system, a number of interventions were made by the present administration to improve the administration of the local government system. We revived the monthly collaborative system of meetings which were held by the chairmen, mayors and CEOs on the ministry, but allowed a free-flow of information, exchange of mission and vision views, which allowed efficiency to be brought to the system as far as the present structure would allow.

We enhanced budgetary allocations, in fact, changing these by threefold. We engaged, particularly, in a refit or renewal of vehicles or equipment available to the municipal corporations. We lent support for the chairmen and mayors by providing them with individual and particular staff that answers to them. We embarked on a system of institutional strengthening across all the corporations and we looked at significant infrastructural needs faced by all corporations in terms of community assets.

Mr. Vice-President, the urgent need for secondary drainage systems across the country was noted and significant allocations were made to each municipal corporation for treating with the drainage programmes. In fact, the record would show that within the last three years, hundreds of these drainage projects were embarked upon across the country.

We looked at the state of the infrastructure within the communities and a particular programme, Infrastructure Renewal, Improvement and Development was put in place, providing funds to all corporations to treat with those irritants evident in the community.

We embarked on a bridge-building programme; a landslip management programme; a secondary roads developmental maintenance programme; a development of town centres; recreational facilities and, of course, municipal corporation complexes in the extreme for developmental delivery.

Mr. Vice-President, we have demonstrated our commitment to the enhancement of the local government system by improving the administrative measures as far as we are able; as far as they can also be stretched. We have determined that the changes that are required would not be treated with only administrative measures, so therefore it required a look at policy. A draft Policy Paper on Local Government Reform, the Green Paper, was published in 2004. This was subjected to widespread public consultations at both national and regional, between August and September, 2004.

In fact, a two-day national consultation and four, one-day regional consultations were held between August and September, 2004 across the country. During these public consultations more than 1,000 persons from a wide cross-section of the national community attended and participated.

These persons represented over 35 groups, organizations and institutions including non-governmental organizations, community-based organizations, village councils, women's groups, religious bodies, trade unions, political parties—even the one opposite—and the business sector.

2.50 p.m.

The Ministry of Local Government also received and reviewed commentaries and suggestions on the Green Paper, from individuals and institutions. Mr. Vice-President, this Green Paper was laid in the Senate on October 22, 2004 and in the House of Representatives on October 29, 2004.

The Cabinet, in examination of the consensual issues and positions that emanated from these consultations, together with the findings and recommendations of the Local Government Inter-Ministerial Transitional Task Force on Functions and Responsibilities to be Decentralized to Local Government Bodies—What do you want me to quarrel about?

Sen. Munro: Keep it low.

Sen. The Hon. R. Dumas: Keep what low?

Sen. Munro: The paper.

Sen. The Hon. R. Dumas: This paper? [*Holds up page of presentation*]

The Cabinet agreed that a revised Green Paper be produced incorporating both reports and a Draft White Paper produced. This is the Draft White Paper on Local Government Reform 2006, which was laid in Parliament on May 26, 2006, accompanied by a statement by the hon. Patrick Manning, Prime Minister of Trinidad and Tobago. It was laid in the Senate on June 06, 2006, by your humble self.

Mr. Vice-President, the Draft Policy Paper on Local Government Reform, we think, is a revolutionary document grounded in a philosophy of decentralization and informed by the imperatives of Vision 2020, our national restructuring and sustainable development strategy to achieve developed country status by 2020.

The administration's overarching position is that local government bodies are to become more active partners in the governance and development process of the country. The core of the philosophy is the notion of shared responsibilities between

central government and local government in Trinidad and Tobago. Under this arrangement, the Government will be the policy-making body of the country and local government will be the principal executing arm of the State, except in portfolios such as national defence, foreign affairs, foreign trade and energy, which will remain the purview of the central government.

There will also be revised arrangements for other functional areas. In this regard, national agencies shall carry out certain functions, such as the supply of electricity, the management of water and sewerage, aviation and air transport and the development and maintenance of roads and highways. The system contemplated seeks to ensure effective decentralization of authority for delivery of services at the community level where there is close proximity between decision-makers and those whom they serve. Another key aspect of the local government policy prescription is a review of our system of representative government through the broadening of the representation of people or community interests in the country.

In this context, an enlarged Senate of Trinidad and Tobago to include all the mayors and chairmen of municipal corporations is contemplated. The view is that community concerns and issues would be ventilated in the nation's highest forum, the Parliament, providing the opportunity for much greater influence and input by the local representatives.

The third philosophical pillar is the introduction of executive councils in the local government system in Trinidad and Tobago, similar to the Tobago House of Assembly model. Building on the experiences of the Tobago House of Assembly, these executive councils will constitute the leadership of the local government bodies, with the elected and nominated officials performing assigned roles and functions and being responsible to the local government bodies for the management of particular departments or portfolios. The executive council shall take collective responsibility for management of the local government body as it implements the policy of the central government.

Mr. Vice-President, another key component of the local government reform policy is the review of local government boundaries to ensure that they are functional, rational and user-friendly, as well as coterminous with central government administrative district arrangements. It is our view that the boundaries must facilitate regional identification and mobilization; programme coordination and administration, coherence among various agencies, as well as efficient and effective service delivery to our sustainable communities. The intention is to ensure more effective, national, regional and local area planning, as well as the growth and development of sustainable communities.

These are the five major policy positions of the local government reform agenda. We have planned a definite programme of activities to give effect to these policy proposals within the proposed 12-month period by which the life of the councils is to be extended. The programme of activities include national, regional and community consultations on the Draft White Paper on Local Government Reform; the determination of the actual functions and responsibilities of local government bodies; the determination of an appropriate structure, both in terms of governance and corporate for local government bodies; the boundary demarcations for local government bodies, inclusive of the types and numbers.

With the publication of the Draft White Paper on Local Government Reform, we seek to engage the population in further national dialogue and towards this end, a programme of public exposition has been developed and is to be executed. In this context, the Government urges every citizen, organization, group and institution to participate. Furthermore, the complete package of local government policy reform prescriptions would require new legislative provisions, both primary and secondary and, moreover, must be seen as an integral part of the challenging issue of constitutional reform.

Recognizing the importance of this matter in the context of the reshaping of and restructuring of our government structure and systems, the Government posits that the new arrangement should be formulated and put in place before new local government elections are held. The proposals of this legislation speak to the urgency of the reform measures and the need to schedule the programmes in the furtherance of the process of local government reform. This will give the newly-elected officials, not only a fresh start, but also allow them to enter a newly-reformed local government system with an expanding range of functions and responsibilities, a decentralized authority implementing government functions and responsibilities at the local level; more resources for deployment to community; opportunities for more effective representation and decision-making and a greater measure of contribution to national legislation, policy and programmes.

In light of the foregoing, the Government is proposing that the Municipal Corporations Act, No. 21 of 1990, and its attendant amendment Act, No. 8 of 1992, be amended accordingly to reflect the following:

“the term of office of each Councillor shall continue for twelve months from the date of the expiry of the existing term of office, as though each Councillor had been elected for an additional period of one year;

the term of office of each Mayor, Deputy Mayor and Alderman shall expire at the end of the existing term...

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the Councillors and Aldermen shall elect a Mayor or Deputy Major of the Council for a period of twelve months, in accordance with section 14.”

Furthermore:

“All powers exercisable by the Councillors, Mayors and Aldermen under the Act shall be exercisable by them during the period referred to in subsection (1D).”

Mr. Vice-President, the fear was expressed that other things would happen. The Government is demonstrating its clear intention that the council shall continue; that the councillors elected shall be in charge and that they would retain all their powers without dilution.

The councillors may be elected and continued service may be unasked, but since they have a direct mandate from the people, we expect them to continue for the next year and contribute to the further development of local government, accepting that their sacrifice will lay the foundation for improvement in the system of governance of the nation.

On the question of the expiration of the term of office of mayors, chairmen and aldermen and the election of new aldermen, chairmen and mayors or the re-election of the same aldermen, chairmen and mayors, we are simply providing a window of opportunity for those who would have accepted the secondary mandate from the councils and practised over that period, carrying the responsibility for local government management, but who do not wish to continue to serve at the local level for the additional one year, leave to exit the system.
[*Interruption*]

Significantly, mayors, chairmen and aldermen have expressed the desire to be relieved of, to them, the onerous responsibilities, especially now occasioned—

Sen. Mark: Let them resign.

Sen. The Hon. R. Dumas: Mr. Vice-President, it should be drawn to the attention of the Senate that several mayors, chairmen and aldermen have expressed the desire to be relieved of their now onerous responsibilities occasioned by the introduction of new income and an increased set of responsibilities over the last three years.

As a caring, understanding Government and a people who understand order, this Government, subscribing to the rights and freedoms, provides an opportunity for these office holders who do not wish to demit office forcefully, but would

rather bring their service to a graceful end—instead of having forced resignations and a disruption to the smooth functioning of the system; not to mention denying communities democratic representation and adequate and prompt service delivery for any period—and would prefer this orderly process to demit office.

Sen. Prof. Deosaran: Mr. Vice-President, I am sorry to interrupt the Minister. It will help me in my response in the debate. These mayors who have agreed to demit office, can you tell us how many they are and, to your knowledge, whether they are from the PNM- or UNC-run councils?

Sen. The Hon. R. Dumas: Mr. Vice-President, I am sure that, senior advisor as the goodly Senator is, he knows that there are some things that are only discussed in confidence.

I urge those on the other side and, of course, the Independent Senators, to support the amendments to the Municipal Corporations Act 1990, which shall also allow the councillors to continue in office, thereby ensuring effective democratic representation and the election of new aldermen, mayors and chairmen to provide political leadership and continuous service delivery, whilst we put the new arrangement in place for a more effective, efficient, dynamic and progressive system of government. We urge them to notice that all the power and responsibility during the transition process shall lie with the councillors, who are elected by and represent their respective communities, the aldermen, mayors and chairmen they select and the members of those various municipal areas. We believe that this measure in democratic governance deserves support.

Mr. Vice-President, I so move.

Question proposed.

Sen. Wade Mark: Mr. Vice-President, the purpose of the Municipal Corporations (Amdt.) Bill, 2006, according to the Explanatory Note, is to extend the term of the municipal councils for a period of 12 months with effect from July 14, 2006.

From the very outset, I refer you to Act No. 21 of 1990. I want you to turn to Part I of the Act, Interpretation and Definitions:

“‘Council’ means the Council of a Corporation.”

I want to tell you what “corporation” means in the Act, if the hon. Minister of Local Government is not aware. A corporation or a council—

“means the body corporate constituted by the Mayor, Aldermen, Councillors and electors of any of the cities, town, districts or places to which this Act is applied...”

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I repeat: The purpose of the legislation before this honourable Senate is to extend the life of the municipal councils of local authorities. In the definition of the parent Act of 1990—

“‘Corporation’ means the body corporate constituted by the Mayor, Aldermen...”

who can be chairman or deputy chairman, councillor or elector. I would like you to bear that in mind.

This legislation we are dealing with here today is not only offensive, but also very retrograde. It is anti-democratic. This legislation was hatched in the heart of Balisier House and designed to achieve certain sinister and evil objectives using the fig leaf of so-called local government reform, which I shall refer to in a short while, in order to kidnap, hijack and undermine a number of the corporations and a number of the boroughs. That is the objective and motive. [*Desk thumping*]

When the hon. Prime Minister addressed the other place—and we have a copy of his statement, which was made available to us by my colleague and friend from Tobago, Sen. The Hon. Rennie Dumas—he spent some time trying to explain to this country why it was necessary to have local government reform. A government that has been in power for almost five years and a Minister of Local Government who has been in office for three years; Green Paper, White Paper, yellow paper, purple paper; nothing has come out of the Ministry of Local Government to improve the role and function of local government. [*Desk thumping*]

The hon. Minister of Local Government and his Prime Minister came to the Parliament, told the country, as the hon. Minister has just outlined, all kinds of criteria, factors and reasons for the postponement of local election. You see, Mr. Vice-President, a leper never changes its spots. The evil that men do lives after them and the PNM is bordering on evil.

What is at stake here is a postponement, not of local government elections, but an attempt by the PNM to postpone our democracy. They are afraid of facing the masses. We did not call for postponement of local government elections. We want local elections so that we can face them. Why is PNM afraid of facing the masses? The Minister of Local Government, like the Prime Minister, has offered no proper reason, as far as I am concerned, for the decision to hijack our democracy.

That is arbitrariness. It is capriciousness on the part of the Government simply to take our democracy, put it in its back pocket like it has the date for election and tell us no election for one year. Who gave the Prime Minister the power to determine these things? Is it not the Elections and Boundaries Commission?

When we were in office in 1995, the Elections and Boundaries Commission (EBC) wrote us when we enquired whether they were in a position to hold elections. They told us that they were in no position to hold elections because they had run out of ink to dip your finger in and were not in a position to hold elections. We postponed the elections for nine months. This PNM has been postponing elections, not today you know.

My colleague gave a historical evolution of this process. Let me indicate to my friend, through you, Sir—maybe he is young and does not understand the PNM—that the first local government election held under PNM was in 1959 and they were routed by the Opposition. After that licking in 1959, the PNM never held another local government election in this republic until 1968. It is a pattern of conduct on the part of this undemocratic regime.

They were in office before the National Alliance for Reconstruction (NAR) came into power in 1986. Local elections were due in 1986. This undemocratic regime postponed the elections and held general elections. The elections were again postponed by the PNM in 1995. Local government elections were due on September 27, the PNM postponed it and, instead, called a general election and, of course, the rest is history. The PNM became the Opposition and we became the government. Old habits die hard.

Mr. Vice-President, as you know, they stole the election with Abu Bakr in 2002. As soon as they settled in office, in 2003, they brought legislation, which I will bring to your attention very shortly. They now come in, after being installed by the former President, unconstitutionally as far as we are concerned, and postponed the election for local government in the year 2003.

Here we are, elections due on July 13, and they have once again postponed local government elections. What I am showing is a pattern of public misconduct by this regime. They have no respect for the aspirations and democratic wishes of the people of this Republic. They have not gone to the people to ask if they want local government elections. They have taken a unilateral decision because they know that they can come here and railroad us with a simple majority and say no election until the new emperor of the Republic of Trinidad and Tobago decides. We have a new emperor here. He is the king. We are his subjects. He decides when we will have elections and when we will not have elections.

This measure is tantamount to fraud against the population, with Ministers like the Minister of National Security, who had a good relationship with Abu Bakr in the last election, as Abu Bakr said. They know how to bring about coups, so what we have here is an attempted coup by the PNM. I will tell you why.

I sought a little more time to do my research on this matter because I looked at the literature and I tried to see a pattern of how democratic governments behave when they want to postpone an election. Whether it was the United National Congress (UNC) in 1995 or the People's National Movement in the year 2003, I have never seen such ugly provisions as I have seen in the legislation before us.

Mr. Vice-President, I do not know if you really understand the implications of these amendments. Hear the frivolous, vacuous statements coming from the lips of the hon. Minister of Local Government of Trinidad and Tobago: he has some mayors, whose names he has in his back pocket, who cannot be revealed because of confidentiality; but he is telling this Parliament that they are bringing legislation in order to facilitate some people who want to resign.

3.20 p.m.

I did not know the Parliament was designed to pass legislation because the Mayor of Arima or the Mayor of San Fernando wants to resign, and if the mayor wants to leave, he does not want to leave forcefully. That is what we were told by the hon. Minister. He is saying that chairmen want to resign, mayors want to resign, deputy chairmen want to resign and councillors want to resign. I am saying let them resign and have by-elections. [*Desk thumping*] Why are you telling us that you want to pass legislation to facilitate resignations? [*Interruption*]

Hon. Senator: He did not say that.

Sen. W. Mark: He did not say that. He would talk when I am through. Mr. Vice-President, let me deal with this matter that is before us.

Sen. Dumas: I never said that.

Sen. W. Mark: Whatever you said. I am going to deal with what I am dealing with now. You did not say that, I withdraw it. Mr. Vice-President, I withdraw it. [*Laughter*] Let me continue with my contribution.

Mr. Vice-President, hear the undemocratic behaviour of this fascist dictatorship we have emerging in this Republic. Hear what they say in clause 2.

Mr. Vice-President, let me take you to section 11(4) of the Act. The PNM does not bring legislation here lightly. Everything they do, there is a motive behind it; a sinister motive. Hear what clause 11(4) says:

“The term of office of Councillors shall be three years, and they shall retire together on the last day of every triennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office.”

That is fine. Let us look at section 4(a) of Act No. 8 of 1992. It says:

“An election referred to in subsection 4(a) shall be held within three months of the expiry of the term of office of the Mayor, Councillors and Aldermen comprising the council.”

Mr. Vice-President, are you listening? It is the mayor, councillors and aldermen who could be either mayors or chairmen or deputy chairmen or deputy mayors. This is what this section is saying. Mr. Vice-President, so you understand what is going on. The municipal corporation is made up of these people.

Mr. Vice-President, let us go to clause 15(1) of the Act. *[Interruption]* Yes, I know, that is why I am here. I want to have a legacy for them, but with you I am not too sure. *[Laughter]* Mr. Vice-President, let me continue. Hear what section 15(1) says:

“The Mayor shall hold office for a term of one year but, subject to subsection (3), shall be eligible for re-election.”

It goes on in subsection (2), but he did not talk about that. He talked about subsection (1). Hear what section 15(2) says:

“Unless the Mayor resigns...”

I did not hear Suruj Rambachan say that he wants to resign.

“or ceases to be qualified...”

He is a highly qualified MBA person with a PhD.

“or becomes disqualified...”

There is no evidence of disqualification.

“or is removed...”

We have no intention of removing him.

“from office in accordance with this Act, he shall continue in office until his successor in office has accepted office and has made and subscribed the appropriate declaration.”

Mr. Vice-President, I want you to hear what the law is saying. The law is saying that the Government cannot remove a mayor. The law is saying that unless the mayor resigns or ceases to qualify, et cetera, “shall continue in office until his successor in office has accepted office and has made and subscribed the appropriate declaration”.

Sen. Dumas: Just on a point of order. I just want to draw to the Senator’s attention the fact that what we are debating here now is the Bill which came from the Lower House. You would notice that the provisions of that Bill take into account the matter that you are raising by putting a (b) part “subject to sections 15(2) and 12(6)” which saves the term of office of the mayor until he is replaced.

Sen. W. Mark: I did not see that. Let me just look at the Bill that he is talking about. I am going to get a copy of it. What my colleague is saying is that having strenuously faced the rigours of the Opposition’s constant barrage, he was able to forcefully retreat and, therefore, what he is confessing to us—it is always good for your soul, I must admit—is that he has made an amendment subject to our advancement of a proposal to sections 15(2) and 12(6) that “the term of office of each Mayor, Deputy Mayor and Alderman shall expire at the end of the existing”—now. Mr. Vice-President, what does that mean? That does not mean much to me.

Mr. Vice-President, I want to ask the hon. Minister whether this is subject to Act No. 8 of 1992 clause 15(2). Well, I am seeing section 15(1) here, Sir. Section 15(1) of the Act that I am reading from says:

“The Mayor shall hold office for a term...”

which shall be the same as that of the Councillors and Aldermen—

Mr. Vice-President, if you are saying in the legislation that:

“the term of office of each Councillor shall continue for twelve months from the date of the expiry of the existing term of office, as though each Councillor had been elected for an additional period of one year;”

He goes on here to say that:

“Subject to sections 15(2) and 12(6) the term of office of each Mayor, Deputy Mayor and Alderman shall expire...”

What do you mean by that? His term cannot expire. No, the law did not say so. You are saying so!

The Minister is saying that the alderman and mayor's term of office shall at the end—and hear what is the wickedness of this regime in terms of their proposal—

“the Councillors shall elect new Aldermen for a term of twelve months in accordance with section 13;”

He goes further:

“the Councillors and Aldermen shall elect a Mayor...”

Mr. Vice-President, do you understand what the Government is attempting to do? The Government is attempting to remove the mayor, deputy mayor, deputy chairman and chairman of all regional corporations. It is unlawful; it is inconsistent with the legislation. I would be proposing an amendment at the appropriate time to ensure the mayor is not forced to face election; the aldermen are not forced to face election, and just as the councillors, they are part of the council. If we are extending the life of the council for one year, the mayor must be there, the chairman must be there, the deputy chairman must be there and everybody must be there. [*Desk thumping*] Do not come here and try to create your mischief in this legislation.

Mr. Vice-President, let me bring to your attention a reality. In the last local government election there was a close contest in the Mayaro/ Rio Claro Regional Corporation. We ended up with three for the UNC and three for PNM. Via a lottery, we pulled the right number, and we were able to win the chairmanship of the corporation. We appointed an alderman and the alderman became the chairman. At the moment, in the Mayaro/Rio Claro Regional Corporation, the UNC is in charge of the corporation. With this provision, the Government is trying to destabilize and to change illegally the status quo of the Rio Claro/Mayaro Regional Corporation. [*Desk thumping*] They want them to go and vote again so that when they vote this time the PNM could possibly win or the UNC could win.

Mr. Vice-President, if you are extending the life of the local government council, it should not have any election for anybody. If you are extending it by one year everybody should be involved. [*Desk thumping*] We call on the Government to withdraw this provision. I am going to propose an amendment which would incorporate—in fact, let me indicate to the hon. Senators what the amendment would read like. Mr. Vice-President, you see, the PNM believes that they alone know politics. This is mischief PNM style at work. But, you see, once my eyes are open, boy, I could see all of them from a distance. You would have to cremate me.

The framers of the 1990 legislation had a similar situation, and what did they do? Mr. Vice-President, in section 273 of the Municipal Corporations Act, 1990, hear what was proposed and what the law is. I do not know why the Minister of local government is allowing the Prime Minister to mislead him and the Attorney General. If this Government was very democratic and wanted equality to maintain the status quo, do you know what provision they should have gone with? Let me tell you what provision they should have gone with:

“Notwithstanding the provisions of any written law relating to the term of office of members of the councils constituting the local authorities, the term of office of members of local authorities holding office...”

Instead of saying “13th September, 1990” we are saying 13th July, 2006.

“is hereby extended for a period of one year or to such date as the President may specify by order published in the *Gazette* whichever first occurs.”

This is what is in the Act, and you know that. Why the mischief? I am going to show you what the pattern has been, and why the PNM is on a lot of mischief with this piece of legislation.

Mr. Vice-President, if the PNM wants to get rid of Dansam Dhansook, then tell Dhansook to resign. If they want to get rid of Mayor Atherly, tell him to resign. If they want to get rid of the woman in Tunapuna, Mejias, tell her to resign. I did not go to the PNM. The UNC never approached the PNM to say we wanted Mayor Rambachan to resign! We never approached them and tell them that we want Dr. Allan Sammy to go! We never told them that. *[Interruption]* Do you want to get up and tell the country and the party that we told you that?

Mr. Vice-President, the Government has been unmasked. The emperor is naked. He has no clothes any longer. Anybody could see through them—well, look my friend has a magnifying glass. I might need that. *[Laughter]* I might need a magnifying glass to see the PNM, but they are totally exposed.

What we have here is a situation where the Government is trying to hijack and kidnap the Rio Claro/Mayaro Regional Corporation. They believe that they have an alliance with certain forces within the UNC and they could probably go for the Chaguanas Borough Council, so they are looking to kidnap the Chaguanas Borough Council and to kidnap the Rio Claro/Mayaro Regional Corporation, and that is why they have placed these provisions inside the legislation.

I am telling you that they have other objectives. I know that they do not want Mejias at all. I told her that. I said, “Mejias it is best you resign because they do not want you.”

Mr. Vice-President, I want to quote from the *Hansard*, our good friend, Mrs. Camille Robinson-Regis, the Minister of Planning and Development, back in the House of Representatives on Friday, December 15, 1995. We had brought a similar measure—

Sen. Dumas: A what?

Sen. W. Mark: We had brought a similar measure in order to extend the life of local government by nine months.

Sen. Dr. Saith: You have done it too.

Sen. W. Mark: Of course, because the Elections and Boundaries Commission said that they were not ready, and not because your Prime Minister went to Parliament and said that there would be new boundaries and executive councils. It was the EBC that wrote to us and said that they could not deal with the elections and we complied. It is in the record. [*Laughter*]

Mr. Vice-President, this PNM is transparent, you could see through them completely. They are coming with all kinds of low tricks to see if they could mamaguy the Independent Bench and the UNC Bench, but I am going to expose them. I am going to make them naked here this afternoon.

Mr. Vice-President, I want to refer you and my colleagues in this honourable Chamber to Act No. 36 of 1995. If you have a copy of that Act, you would see for yourself how a democratic United National Congress functions. We are not fascist. I want to quote section 2 of the Act. Mr. Vice-President, because of the fact that elections for local government were due on September 27, 1995, the then hon. Prime Minister, Patrick Manning, chose instead—he had some traitors on board. Wendell Mottley and a couple of them went and told somebody that elections would be on a certain day—to go immediately to the polls and that was a God given. They went to the polls and the masses dealt them a fatal blow. The results were 17/17/2. We formed the Government and Martin Joseph was on the Back Bench here—[*Laughter*]—the hon. Minister of National Security, Martin Joseph. My apologies to my former teacher.

Sen. Joseph: You are telling people that?

Sen. W. Mark: “Oh God, ah shame boy, but I does have to say it.” I better withdraw it. If you go to section 2 of this Act you would see what we did. I want to tell my colleagues what we did, because the life of the local councils had expired. Once the life of the local councils has expired, as my hon. colleague, Sen. Dr. Saith said, you would have to put them in an advisory capacity. That is the law. He said that it is an untidy arrangement, so we inherited that from the PNM.

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Hear what we said. On the coming into force of the Municipal Corporations (Amdt.) Bill which we piloted in 1995 and subject to paragraph (b)—I am going to read it for you. Hear how a democratic government behaves.

“...the Councillors and Aldermen,”

Mayor, Deputy Mayor, Chairman and Deputy Chairman:

“of each corporation whose terms of office expired on the 27th day of September, 1995 shall comprise an Advisory Committee of that Corporation on the same terms and conditions of service that they enjoyed as Councillors and Aldermen...”

That is what we put into the legislation. We went further. There was a chairman who was holding down the post of Deputy Chairman at the Sangre Grande Regional Corporation, and the law said that he would become the chairman upon the passage of this law. This is how a civilized and democratic government behaves. [*Desk thumping*] So it is here.

Mr. Vice-President, it is not only us. I want to tell you what the PNM did. The PNM who is now bringing what I call the most ridiculous legislation to achieve very notorious and sinister ends, here is what they did in Act No. 13 of 2003. I am going to quote from Act No. 13 of 2003. The PNM was in office at that time and is still in office. I ask the question: Why the change, Sen. Joan Yuille-Williams? Why the change? Is it because you want to hijack corporations? Is that the reason?

Sen. Yuille-Williams: Why are you calling my name?

Sen. W. Mark: I am vexed. You should know better, and you supported that. I am vexed with her too. I do not like people like the PNM to come into this Parliament—I have served here. If God were to spare my life, Mr. Vice-President, next year October would be 17 years that I am in this Senate; the longest serving Senator ever in the Republic of Trinidad and Tobago. [*Desk thumping*] So I have a vast experience.

Sen. Dr. Gopeesingh: We are proud of our boy.

Sen. W. Mark: Mr. Vice-President, may I continue? [*Interruption*] It does not matter. I know that the truth hurts. Let me quote the PNM’s legislation. Hear what the PNM said in Act No. 13 of 2003 in clause 2(a):

“Notwithstanding subsection (4A) for the purposes only of the elections due in 2002, under this section, such election shall be held within one year of the expiry of the terms of office of the Councillors and Aldermen comprising the council.”

So, the PNM recognized that the council is made up of councillors, aldermen, mayors and chairmen.

Section 2(c) says:

“subject to subsection (1C) the Councillors...”

They borrowed it directly from Dhanraj Singh’s amendment—

“and Aldermen of each Corporation whose term of office expired on the 12th day of July, 2002 are deemed to have become an Advisory Committee of that Corporation...”

Mr. Vice-President, according to this amendment, as councillors and aldermen, they are going to enjoy the same terms and conditions. They went on to affirm someone in the San Juan/Laventille Regional Corporation who was a deputy chairman. They made him chairman. The precedents are here. The hon. Sen. Rennie Dumas does not have to invent the wheel or reinvent the wheel. It is here; it is in the law. Why are you seeking to bring such frivolous, mischievous and offensive provisions in this amendment? Why are you trying to do that? You have an ulterior motive! If you do not have one, through the Vice-President, I would respectfully call on you to withdraw these provisions and take the provision as outlined in section 273 of the Act and change the date. That is all.

As I said, when I was on the other side, Sen. The Hon. Joan Yuille-Williams used to have fun and she used to enjoy it. Whenever she spoke—I was sitting in the place of Sen. The Hon. Dr. Lenny Saith, the Acting Prime Minister—she would get up and say, “Mr. Vice-President, I must quote my friend who is now on the other side.” She used to quote page after page and it made good reading. I must tell her that today I want to quote someone else who supported our position, and that is no other person than Mrs. Camille Robinson-Regis, the hon. Minister of Planning and Development. If you see the beautiful language! She was arguing in defence of the measure, and she was saying to leave out this and leave of that otherwise they would vote against it. Hear what Mrs. Camille Robinson-Regis said. Sen. The Hon. Joan Yuille-Williams, you should listen to this carefully and I quote:

“Mr. Speaker, referring again to Act No. 8 of 1992, section 5 of which amends section 15 of the parent Act and states quite clearly that—

“The Mayor shall hold office for a term which shall be the same as that of the Councillors and Aldermen.””

Mr. Vice-President, if there was any doubt in the minds of anybody as it relates to equality of treatment involving the councillors, the aldermen, the mayor, the chairman, the deputy mayor and the deputy chairman, here it is almost lucidly clear, according to the hon. Prime Minister. It is here. You do not need to reinvent the wheel.

Mr. Vice-President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. T. Gopeesingh*]

Question put and agreed to.

Sen. W. Mark: Mr. Vice-President, I want to advise you that the hon. Minister, at that time, was a Member of the House of Representatives, and in terms of this particular provision, may I quote it again for you, Sir?

“The Mayor shall hold office for a term which shall be the same as that of the councillors and aldermen.”

What this provision is saying is that if you are extending the life of the councillors by 12 months, automatically and simultaneously, you must extend the life of the mayor and the aldermen for the same period, because that is what this provision says.

This is what the hon. Minister said:

“The first inclination, Mr. Speaker, is that the Mayor’s term of office and the councillors’ and aldermen’s term of office are equal.”

That is what Mrs. Camille Robinson-Regis, who is now the hon. Minister of Planning and Development said. She is saying that “the Mayor's term of office and the Councillors’ and Aldermen’s term of office are equal.”

She said that clause 15(2) goes on to state—according to Mrs. Camille Robinson-Regis, the hon. Minister of Planning and Development and I quote:

“... ‘the Mayor remains in office until his successor has been appointed.’”

How could you expire the term of a mayor when no elections have been held; no successor has been appointed? They are telling this country and this honourable Senate that the mayor must vacate his office. How could the mayor vacate his office when the law says that he is not to vacate his office unless a successor is named? A successor could only be named when you have local government elections and the results are announced and you go in the council and elect your mayor. Once you elect the new mayor then the existing mayor must leave office. That is what this provision means. So why are you telling me that the mayor must stand for election? Why are you saying that? This is what the hon. Camille Robinson-Regis is saying. She goes on to say:

“And a successor to the mayor would be appointed once an election is held.”

This is what she said. Why is the Government seeking to violate both the spirit and the letter of the Municipal Corporation Act and the consequential amendment to that Act? They are trying to do that because they have a mischievous motive. That is why they are trying to do it. She goes on:

“...Mr. Speaker, my argument is that clause 2(b) of the Bill before this House is clearly unnecessary...”

We were putting a clause in the Bill that would make it clear. The hon. Minister and Member of Parliament said that was unnecessary. She asked the question:

“Are there councillors and aldermen in some corporations who have not vacated office? That question needs to be answered because, once we read the legislation as it exists, there should be no person who has not vacated office (when I say no person I mean no councillor or no alderman who has not vacated office) on September 27, 1995. Consequently, this section should not be part of this particular piece of legislation at all.”

Mr. Vice-President, at that time, we even entertained an amendment from the PNM. We had just gotten into power and we were very generous with the PNM. This is the amendment that the PNM proposed in the other place and we accepted it. I am also going to tell you what was our amendment and we changed it. Hear the amendment that was proposed by the PNM when we were debating this Bill. They said that they only wanted this in the Bill.

“subject to paragraph (b) the Councillors and Aldermen of each Corporation whose terms of office expired on the 27th day of September, 1995 shall comprise an Advisory Committee of that Corporation on the same terms and conditions of service that they enjoyed as Councillors and Aldermen...”

Mr. Vice-President, we had an additional clause and we deleted the clause in order to accommodate the PNM’s amendment. Do you know what is significant? Even Mrs. Camille Robinson-Regis, at the time, recognized that the councillors and aldermen of each corporation—she did not say the councillors of each corporation. She said the councillors and aldermen of each corporation. Aldermen would mean mayor, it would mean chairman, it would mean deputy chairman and it would mean deputy mayor.

I do not know why the hon. Minister has chosen to bring such an ugly amendment to this Parliament. [*Interruption*]

Mr. Vice-President: Sen. Mark, speak to me.

Sen. W. Mark: Mr. Vice-President, what am I doing? I am looking at you, Sir. I want to tell you something. I have to shake my head too otherwise I am in trouble. [*Laughter*] If I look at you all the time I would get a stiff neck. [*Laughter*] So I have to turn so and turn so.

Mr. Vice-President, anyway, we are very disappointed with the provisions of this legislation. We are calling on the hon. Minister to withdraw these amendments. I am going to propose an amendment that would capture the essence and letter of the municipal corporations where the mayor would not have to be re-elected, the deputy mayor would not have to be re-elected, the chairman would not have to be re-elected and the deputy chairman would not have to be re-elected.

Mr. Vice-President, if those mayors, chairmen, deputy chairmen and deputy mayors wish to resign they can resign. We are not going to facilitate this. This is a dangerous precedent that the Government is putting down here; a very dangerous precedent. This is not acceptable. We think this is a ruse.

We have to fight to get something in. When we got the amendment in they still left the provision to force the mayor to election. No, we are not supporting that. [*Interruption*] You could say what you want. You have your own objective. I would expose all of you. I would unmask the PNM. I know that right now in the PNM there is one faction—I thought he was talking about faction. I want to tell him who is the first faction. I hear it is Ken Julien, Manning and himself. First faction! Not even Sen. Joan Yuille-Williams is in that faction.

Mr. Vice-President, as I said, with your leave, I am going to circulate the appropriate amendment. We are going to circulate that amendment. In fact, that amendment was circulated in the other place and it was defeated. I am going to embellish it and add a little more to it. I am going to deal with it consistent with Act No. 21 of 1990. Mr. Vice-President, as I said, we are going to call on the hon. Minister to delete this entire subclause (ii). We are going to propose an amendment to that subclause.

At the same time, I want to warn the Government that there is something called the equality of treatment before the law and it is the equality of treatment under sections 4 and 5 of our Constitution. This could end up just like the Attorney General. He almost ended up in jail for not issuing the licence to the Maha Sabha. The Privy Council had to order the Attorney General to issue a licence to the Maha Sabha otherwise he would have been faced with court clothes and jail clothes. [*Interruption*]

Mr. Vice-President, the Soca Warriors brought us fame internationally, but the PNM has brought us international shame. [*Desk thumping*] This judgment is all over the world that the Attorney General and the Prime Minister conspired to deny the Maha Sabha a licence. Mr. Vice-President, sometimes when we talk about discrimination people feel that it is only “ol’ talk”, but here it is the highest court of the land has told the whole world that the PNM discriminates against people in this country. [*Desk thumping*] This should be condemned! [*Desk thumping*] The Attorney General should resign. [*Desk thumping*]

Mr. Vice-President: Please return to the Bill.

Sen. W. Mark: All right, I am returning to the Bill because I am winding down now. [*Interruption*] Do not worry with me. I want to know, what was Sen. The Hon. Dr. Lenny Saith’s role in denying the Maha Sabha a licence. Mr. Vice-President, give me some protection whilst I am winding down. [*Laughter*]

Mr. Vice-President, I believe this is a matter of grave importance. We are not going to support this Bill in its current form. As I said, we shall be submitting an amendment. We want to warn this Government that if it persists with this piece of legislation, we may have to take this matter to the Privy Council. We believe that there is an inequality of treatment; we believe that the PNM is violating sections 4 and 5 of our Constitution. The council says that all these members are made up of the council, and it is wrong for the PNM to engage in a divide and rule strategy in this instance. You cannot discriminate against these people.

Mr. Vice-President, I want to thank you for allowing me to make my very limited contribution at this time.

Thank you very much. [*Desk thumping*]

Mr. Vice-President: Sen. Mark, you are amazing. If you did not prepare and you really needed time, and you could go for an hour—

Sen. Mark: Mr. Vice-President, could you imagine if I was prepared.

ORAL ANSWERS TO QUESTIONS

Mr. Vice-President: Okay. Hon Senators, you would recall that I deferred a ruling on a question raised by Sen. Mark as to having no response to a question which he had posed, and I think Sen. The Hon. Dr. Saith was supposed to answer. I told the Senate that I would request the *Hansard* and I would like to read the relevant section now and I quote:

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“Madam President: Hon. Senators, we have now passed question time. Senator Mark, would it be all right with you if we get the answers to these questions and make copies and circulate them or would you prefer to get the answers to these questions next week? Most of the questions are yours.

Sen. Mark: The latter.

Madam President: So, you would stand them down to next week?

Sen. Mark: Yes.

Sen. Dr. Saith: Madam President, it is likely that I would not be here next week and I have to answer one of the questions. I could answer the question if he wants or I could circulate it.

Sen. Mark: Madam President, I am sure he would not be out for more than two weeks, so when he comes back.”

Sen. Mark, the question could not be answered today.

Sen. Mark: Mr. Vice-President, I humbly apologize to you and the honourable Senate. [*Desk thumping*]

MUNICIPAL CORPORATIONS (AMDT.) BILL

Sen. Dr. Eastlyn Mc Kenzie: Mr. Vice-President, thank you very much. Let me begin by congratulating Sen. Mark for apologizing when he is wrong. [*Laughter*] At least, that is the mark of a strong person. Before I begin my very brief comment on the Bill, let me take this opportunity to welcome back to this House, Sen. Raziah Ahmed. [*Desk thumping*] She was a Senator in the 1995 era when I was here. I am sure she would have very fond memories of the very remarkable time we spent here. I would like to say to her, a very warm welcome. We are indeed happy when we have more ladies joining the ranks here. [*Desk thumping*]

I would also like to welcome Sen. Dr. Shastri Moonan whom I never knew before, and I have just met on Tuesday. I would like to say to him, a very warm welcome, Sir. From what I have read in the newspapers on your profile, probably you are a very bright person. You have many academic achievements behind your name, and we look forward to the experience that you would share with us. [*Desk thumping*] So a very warm welcome is extended to you. [*Desk thumping*]

Mr. Vice-President, we have gone through all the matters that were wrong with the procedure leading up to the debate of this Bill, so I do not want to go back to them. What strikes me is that I think before the Government considers the

extension of the life of the present corporations, they would have discussed this extension with the stakeholders. I am sure the hon. Minister of Local Government would have discussed this matter with the municipal corporations, and that is why I am a little concerned about clause 2(b) of the Bill. Would these subclauses in 2(b) of the amendment have found agreement and favour with the people concerned like the aldermen and mayors? That is left to you, but I just wondered.

Mr. Vice-President, as I said earlier, I am in agreement with the extension for the simple fact that if we do not agree and pass the Bill, there would be a number of elected and probably nominated persons out in the cold. There would also be a disruption in the order that we have in the local government body, and we need the continuity. There are persons with expectations, and we need to look at that. So I say, yes, to the extension because of the order that we want to maintain, the continuity that we want to maintain and the expectations that we would be acceding to.

I have two main concerns with the Bill; one of them comes from (1D) (1D)(a), (b)(i), (b)(ii). I want to take up on the case that Sen. Mark referred to. You would remember that I also referred to this earlier when we had our little tête-à-tête at your office. In one corporation there was a tie, and the procedure was that you break the tie by pulling from a hat. It happened that one person got the nod over the other person. You are telling me now that in this amendment that these councillors would elect new aldermen. These are the same councillors and the same composition. We had no by-election to change the composition of this corporation.

Mr. Vice-President, suppose there is a 3/3 tie and the numbers are in the hat, and you pull this time and the other person becomes the mayor. I think the expectation would be as if I am unfairly treated. I was there and just as how you are extending the life of the others, so let my life be automatically extended since the councillors and others would have selected me. [*Desk thumping*] I am saying this because that is how I would have felt.

If the person who is elected does not object, then that is it. I think that if we are extending the life, we should extend the life in totality. We are not extending the life of the councillors and then we are saying now that you must go back and vote for whoever you like as your alderman. That is one of the reasons I am objecting to clause 2(b) of the Bill. I do not know what you could tell me to convince me otherwise, except that you could tell me—we would put it in the *Hansard*—that the person who is now serving and who has gotten the nod said to you or has written to you and said let them choose somebody else, I do not want to be the person.

I am saying that if there is any person who is in a position and does not want to be in that position anymore, whether they are councillors, aldermen, mayors or deputy mayors, they have the option of saying, “I do not want to serve anymore, here is my resignation.” Mr. Vice-President, I am saying this is exactly what I am objecting to in the amendment. I would hope that some sort of consideration would be given to what I have said or some sort of amendment would be entertained to solve this problem that I have.

Mr. Vice-President, I remember in 1995 when we were here, we had just come in—probably this is one of the reasons that sort of made me a little agreeable to our debating the Bill today—we had passed an amendment in this Senate on December 19, 1995, and it really was not assented to until 10 days after. That is probably one of the reasons I said, okay, we could have debated the amendment next Tuesday, but there would be such a short time for the amendments to be assented to before the life of the local government bodies expire. So I thought it was reasonable that we could give as much time as possible. It does not mean that I am in agreement with the late submission and the process, but bearing in mind what happened in 1995, this is how things turned out. It took 10 days to be assented to and, as I said, we have to be understanding in that respect. At that time, as Sen. Mark said, we extended the life for nine months. The mayors and aldermen were not put out of office or they did not have to give up their office or their time was not finished. What happened was that they reappointed those persons as advisers. I am not sure if that caused any confusion and why the Government has not gone back to that. We would need to know.

In those amendments, these aldermen and so forth comprised an advisory committee of the corporation, on the same terms and conditions as the councillors, aldermen, et cetera, except that their life stopped when a new body was elected. I am not sure if that caused any sort of confusion, but probably this is one of the responses I could expect from the hon. Minister when he is responding.

Mr. Vice-President, there is precedent for the extension of the life of local government. I was here when there was one in 1995 and we are doing it again today. We would really hope that we do not have to do this again, and that elections would be held on time, but as the hon. Leader of Government Business said, things happen at times. I know that we have the local government reform package being discussed. I also know that there have been proposals from the EBC for the increase in the number of seats and the changing of boundaries, et cetera.

I would hope that this period of one year that we are extending the life of these corporations for would be used for public education so that electors would know where their constituencies are and what is happening. We should not use it

as a period of nullity and stagnation, and where nothing would be done. It is nearing the time again and people would begin clamouring if they do not know where they should vote; which constituency they fall under; and who is representing them, et cetera, and then to come back and say that there is need for public education and we need to extend the time.

Mr. Vice-President, today's mandate should be if we pass the amendments as they are, I am not satisfied with them. I am saying that from today we hope that there would be a lot of public education so that there would be absolutely no reason for a further extension of time because all the matters would have been dealt with—public education, the EBC proposals and their recommendations, the public education for the electors and for voters to know where are the boundaries, et cetera. All this should be done within this one-year period.

Mr. Vice-President, thank you very much.

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, before I commence my contribution to this debate, let me also join Sen. Dr. Mc Kenzie in welcoming our two new Senators to this honourable Chamber. [*Desk thumping*] Mr. Vice-President, I am glad that I am coming after Sen. Dr. Mc Kenzie and not immediately after Sen. Mark.

Mr. Vice-President, Sen. Mark accused us of all kinds of things—he said sinister, evil objectives, anti-democratic and the intention is to kidnap, hijack and undermine local government. He said we are undemocratic; we are afraid of facing the masses; this is a fascist dictatorship, and this is all about divide and rule. Mr. Vice-President, divide and rule what? Only God in heaven knows.

Mr. Vice-President, Sen. Dr. Mc Kenzie recognized that there are some issues that need to be addressed. In my opinion, there are two issues that need to be addressed. The first issue is why the extension, and the hon. Minister dealt adequately with why the extension. Sen. Dr. Mc Kenzie has also indicated that we need to use this period of the extension to do other things, especially as it relates to the increase in the number of seats, the question of the changes in boundaries, et cetera. So, I am not going to spend any time on that.

Let me deal with the second issue and that is the issue of the approach that we are using today that is different from when we amended the Municipal Corporations Act by way of Act. No. 36 of 1995 and by way of Act. No. 13 of 2003. The big question is: on those two occasions, we went by way of extending the life of the corporation—all persons in there—and by establishing an advisory committee. The experience with respect to the advisory committee is that the

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person who was in fact responsible for all the decision-making during that period, in the case of cities and corporations, would have been the mayor, not even the deputy mayor, not even the aldermen, not even the councillors, but it was the mayor. In the case of regional corporations it was the chairman of the corporation. That was the reality.

So that while the legislation talked about an advisory committee, the members of the advisory committee really had absolutely no power or authority during that particular period; those two periods which we have talked about in 1995 and in 2003. As a result of that, we have decided to go the way that we are going right now. In going that way, we have said that we are extending the life only of the elected councillors.

4.20 p.m.

Now, the elected councillors then nominate aldermen and then the aldermen and the elected councillors then select a mayor, a deputy mayor, a chairman and the vice-chairman, as the case may be. In all of the circumstances, Mr. Vice-President, when we looked at all of it, we felt that the most democratic way was the way in which we were going.

Sen. Dr. Mc Kenzie raised a particular situation, that the reality is that in the Mayaro/Rio Claro Regional Corporation there were 3/3.

Hon. Senator: Yes.

Sen. The Hon. M. Joseph: That is the unfortunate reality and as a result what would happen is that there would be need for a drawing of straws as the case may be to determine—

Sen. Mark: Why?

Sen. The Hon. M. Joseph: Because at the end of day it would be just as how it would have been at the end of the election.

Sen. Mark: Go to clause 3. [*Crosstalk*]

Sen. The Hon. M. Joseph: We are hearing that the reason Sen. Mark is saying that we are trying sinister moves and evil objectives—I do not know if that has to do with what the circumstances of the UNC are, but what we are doing clearly, has absolutely no intention of being undemocratic. I am dealing specifically with the realities that we have experienced as it relates to how the advisory committees operated. And the advisory committees operated in a way in which

the councillors, who are the elected officials, were unable to discharge the responsibilities in the way in which they are expected to discharge their responsibilities. That is the reason we are going this particular route.

I hope that answers the concerns raised with respect to why we are going the way in which—it has absolutely nothing to do with the intention— If at the end of the day, Mr. Vice-President, the elected councillors, having elected their aldermen decide on how they are going to be run; who is going to be the mayor, who is going to be the chairman, et cetera, all those things would be incidental. The key thing in our view was the question about making sure whose term of office should we extend. We said we are going to extend the term of office of the elected councillors. *[Interruption]* The elected councillors are elected! Those are the ones who faced the polls and were elected. At the end of the day the corporation is made up of aldermen and the number of aldermen varies from municipality to municipality. So aldermen would be elected and then also mayors and chairmen would be elected.

So to say that the intention really is to destabilize, et cetera, there is no such thing! If particular political parties want to reappoint their aldermen; all two or four aldermen or five aldermen would be reappointed. If they want to reappoint their chairmen and if their chairmen are not councillors there is the opportunity to do all of those things.

Hon. Senator: I have an amendment for you.

Sen. The Hon. M. Joseph: So that to accuse us—Sen. Mark spent 60 minutes talking about—the only correct thing that Sen. Mark said, unfortunately, because he has now put it in the *Hansard*, is that I was his teacher almost 40-something years ago. *[Desk thumping]* Just in case people figure that there was a wide age difference, we were almost the same age. I taught him West Indian History. He came from St. Mary's—

Sen. Mark: True.

Sen. The Hon. M. Joseph: Or somewhere where he did not pass History and I was teaching at Progressive—*[Laughter]* *[Interruption]* No, no; let me set the record straight.*[Laughter]*

[Sen. Mark stands]

No, I am sorry; *[Interruption]* no, but you see I cannot lie; let me set the record straight. *[Interruption]* He knows I am not deceiving; it is on the *Hansard*, so I need to correct myself.

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[*Sen. Mark stands again*]

No I am not giving way.

Sen. Mark: Mr. Vice-President, on a point of correction.

Sen. The Hon. M. Joseph: Mr. Vice-President, I am not giving way!
[*Laughter*] This is one time I am not giving way.

Sen. Mark: Mr. Vice-President, on a point of order—

Sen. The Hon. M. Joseph: What is the point of order? [*Crosstalk*]

Mr. Vice-President: Hon. Senators, you cannot both stand at the same time—

Sen. Mark: Mr. Vice-President, on a point of order, the hon. Senator, my good former teacher is misleading the Parliament. [*Interruption*] I can tell the honourable Senate that the first time I sat History it was under my good friend and I passed; with a distinction. [*Desk thumping*] [*Crosstalk*]

Mr. Vice-President: Could we get back to the Bill, please?

Sen. The Hon. M. Joseph: I do not know under what circumstances he came. I do not normally blow my own trumpet. I say it was at Progressive. We had a 95 per cent pass rate at the time when I taught West Indian History and he did well. [*Desk thumping*] [*Laughter*] Now, Mr. Vice-President, I cannot be responsible for what happened between then and now. [*Laughter*] So I just want to put that on the record.

Now the other thing that Sen. Mark put on the record, he has been saying it over and over and talking about—he accused me as Minister of National Security of Abu Bakr being responsible for election and the management of election; all again on the record. I have said it here before and I will say it again: The last election campaign I managed the Ortorie/Mayaro constituency; Abu Bakr played no part. I got no assistance from Abu Bakr in the conduct of any election in the Ortorie/Mayaro constituency. [*Interruption*] I am putting it on the record the same way as he said.

Mr. Vice-President, I did not intend to be long, [*Laughter*] because all I wanted to do was to satisfy—because I am sure many of the Independent Senators; I am not talking to the Opposition Senators. I am not! Because I do not understand, yesterday in the other place, no Opposition Member objected to the legislation. [*Interruption*]

I really do not know and as a result I am not addressing that. What I am addressing is the concerns, because I am sure in the minds of the Independents they would have seen the fact that on two previous occasions and we have it here.

In 1995 there was need to extend the life of the councils, which they did for nine months under advisory circumstances; and then we also came and did it in 2003 where time had elapsed and as a result we were forced to go by way of the advisory group. This time around we are not allowing time to elapse, that is why we are debating under these circumstances, [*Desk thumping*] and as a result we are going the route of the elected councillors who would then determine the aldermen, mayors and chairmen. Again, to satisfy the concerns of the Independents; if it is that persons are satisfied with the performance of their aldermen, mayors and chairmen there is no need for them to move them. So to say that this Bill is designed to move people is inaccurate.

Mr. Vice-President, with these few remarks, I thank you very much for giving me an opportunity to participate. [*Desk thumping*]

Mr. Vice-President: Hon. Senators, I know that you are not noticing how fast time is flying, but we are down to—well just two minutes away from the tea break.

I would just like to ask all Senators; that is, all Senators who are going to continue to contribute to this debate, please try not to repeat what somebody said before and please try not to say the same thing over and over. I was noticing how many times Sen. Mark said "we". I am very happy for the cohesion in thought that he seems to express when he says "we", I am very happy for it. [*Interruption*]

You kept saying certain things time and time again; over and over again. I am asking all Members, let us desist from that. If you look at the Standing Order 43(1), it says something about it. At the beginning of the day we spoke about Standing Orders. Please, if we are going to set a precedent, let us do it.

The Senate will now be suspended for tea; we come back at 5.05 p.m.

4.28 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Sen. Dr. Tim Gopeesingh: Thank you, Mr. Vice-President, my contribution on this Bill would be a relatively short contribution but there are a few essential and important points that ought to be mentioned as far as the Local Government (Amdt.) Bill is concerned.

The first is, according to the Explanatory Note to the Bill, the purpose of the said Bill, "is to extend the term of the Municipal Councils for a period of twelve months with effect from the 14th day of July, 2006." Section 10(2) of the Municipal Corporations Act, 1990, states that:

"The Council shall consist of the Mayor, Aldermen and Councillors."

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“Mayor” there, Mr. Vice-President, includes “Chairman”, according to section 2(1) of the Municipal Corporations Act, 1990. And, therefore, if the purpose of the Bill is to extend the term of councils and since the council consists of mayors, chairmen, aldermen and councillors, the simple point which needs some degree of repetition, it is irrational to extend the term of only councillors and not mayors, chairmen and aldermen; *[Interruption]* first point.

Clause 2 of the Bill states that the amendments are being made for “the purposes only of the elections due in the year 2006”. It is difficult to see why it is necessary to elect new chairmen, mayors and aldermen in order to achieve the stated purposes. So if you want to have an amendment for the purposes only of the elections due in the year 2006 for one year, why do you think it necessary to have election of new chairmen, mayors and aldermen? So that is absolutely unnecessary. The point has been made and we repeat the point.

Hon. Senator: Repeat the points.

Sen. Dr. T. Gopeesingh: The points, yes for emphasis. According to the Municipal—*[Interruption]* shortly, shortly—Corporations Act, 1990, mayors, chairmen, aldermen and councillors all hold offices for equivalent terms. Section 15(1), 12(5) and (11) and of the Municipal Corporations Act refers. Section 15(1) states:

“The Mayor shall hold office for a term...”

which shall be the same as that of the councillors and aldermen. So there is no necessity for any election of any mayors, aldermen or councillors.

It appears, Mr. Vice-President, that such amendments are basically setting the stage for removal of some of the mayors, chairmen and aldermen as alluded to by the hon. Minister of Local Government, and while this may make political sense to some, we believe that it flies in the face of common sense and good administration.

Sen. Dumas: I would address that soon.

Sen. Dr. T. Gopeesingh: Mr. Vice-President, it seems as though the amendment makes no provision for the election of vice-chairman; we would want the hon. Minister to clear up that point because you are making arrangements for chairmen, mayors and deputy mayors but some corporations have vice-chairmen.

[Sen. Dumas stands]

I would give way to you on this point.

Sen. Dumas: I think someone earlier from the bench, it might have been Sen. Mark in reading the interpretation on the definition, defined mayor and then in the amendment we have a specific reference to the deputy mayor which includes vice-chairman.

Sen. Dr. T. Gopeesingh: It probably needs to be—

Sen. Dumas: No, I am saying that it is in the definition of the Act.

Sen. Dr. T. Gopeesingh: In the parent Act it has that; okay, fine. Then that clears that point up.

So what we are saying, Mr. Vice-President, this amendment, it is not transparent, it is selective and it is totally arbitrary and goes against natural justice. And to support that point it is clear for everyone to see that in the Constitution under section 4:

“It is hereby recognised...that in Trinidad and...Tobago there have existed and shall continue to exist, without of rights and discrimination by reason of...”

“(d) the right of the individual to equality of treatment from any public authority in the exercise of any functions;”

So it is a local government authority, so the chairmen, vice-chairmen, mayors and the deputy mayors should be treated with the same equality as enshrined in the Constitution. That is my first contribution and the first point I want to make.

The second point, Mr. Vice-President, and Members of this august honourable Senate, local government has been in existence over the last 400 years and Trinidad and Tobago has done relatively well. But there is still a long way to go and under the Constitution of Trinidad and Tobago a local government body has no constitutional authority in a way. It is not enshrined in the Constitution and it is something that the Government should take into consideration. If you are bringing about local government reform; local government is not enshrined in the Constitution and by a simple majority of any government—it could be the present administration; we would not do it—you could remove local government altogether and that is totally wrong. *[Interruption]*

I am making the appeal that the whole question of the presence of local government should be enshrined in the Constitution to make it legally and constitutionally—

Hon. Senator: Binding.

Sen. Dr. T. Gopeesingh:—legally binding. So it is something when this present administration is putting its White Paper reform and bringing a new Bill to Parliament based on the recommendations that would emanate on the recommendations that would come forward from the general public—and we on this side have produced—

Hon. Senator: You did!

Sen. Dr. T. Gopeesingh: Yes, we have produced a document in response to your White Paper reform which our local government chairmen, mayors and councillors would provide to you so that you could take this into consideration in coming up with your Bill on the reforms for the local government. We would be very honourably willing to provide our recommendations to the present administration. The second point of ensuring that local government is legally binding and under the Constitution should be taken under serious consideration.

The third point out of the four that I have to make is; Mr. Vice-President, and Members of this Senate, local government under the Elections and Boundaries Commission (Local Government) Act which was given recently, the Elections and Boundaries Commission Order, 2006 increases the number of electoral districts, fine, but there is a serious anomaly that ought to be considered and which has to be rectified by virtue of the present Elections and Boundaries Commission (Local Government) Act. And that is, if we take into consideration the boroughs; Port of Spain, San Fernando, Arima, Point Fortin and Chaguanas, the number of electoral districts per electorate is not commensurate with the number of electoral districts per electorate in the non borough areas.

But under the Constitution you cannot change the number of electoral districts in the boroughs. It is enshrined in the Constitution that that cannot be changed and this needs to be looked at urgently and quickly. And to support and substantiate my point on this I would just give you some empirical data, very quickly.

In the city of Port of Spain we have, almost 35,000 electors and 12 electoral districts, an average of one to 3,000; San Fernando has 45,000 electors, nine electoral districts, one to 5,000; and Arima has 23,000 electors and seven electoral districts, one to 3,000. Contrast that, Mr. Vice-President, with something like Couva/Tabaquite/Talparo Regional Corporation, 122,000 electors and 13 electoral districts; an average of one to 9,500.

So there is marked discrepancy in the electoral districts in the boroughs as opposed to the regional corporations and as a result, Mr. Vice-President, the electoral districts in the regional corporations ought to be more critically cared for by having an increased number of electoral districts and henceforth an increased number of councillors. So, in your White Paper reform which you spoke about, hon. Minister, you need to take that into consideration and if you look at that and you need support in moving the number of electoral districts in the regional corporations by an increased number and looking critically at the electoral districts in the boroughs, we would give some support to that aspect of it.

Tunapuna/Piarco Regional Corporation has almost 142,000 electors and there are 14 electoral districts at an average of one to 10,000. So therefore, you are unable to care for the electorate and the citizens in the regional corporations as well as you would care for them in the boroughs, there is marked discrepancy and there is inequality.

The fourth point is, Mr. Vice-President, if this present administration is talking about local government reform; you cannot speak about local government reform in the context of a small amount of resources and capital put into that. If you have a budget of \$38 billion for 2006—34 + 4—and you spend approximately, how much, Minister in local government, approximately \$1.5 billion? Mr. Vice-President, \$1.5 billion out of a budget of \$38 billion is about one twentieth; 5 per cent. So 5 per cent of the total budget, total national expenditure is spent on local government and if this administration is serious about decentralization of authority, decentralization of responsibility; bringing communities together and working for themselves, you cannot accept a mere expenditure of 5 per cent on local government in the national expenditure. So we are grateful for that degree of acceptance, but it must be considerable.

5.20 p.m.

If the hon. Prime Minister is thinking of having a Senate with chairmen of corporations, non-voting rights and so on, according to the new Constitution which he is contemplating, on which we will comment as well because we are in the process of bringing about the change of Constitution that we would like to take place nationally. This is something that is to be looked at critically and I am drawing my reference from the example of the Tunapuna Regional Corporation which you are in charge of.

There is a budget of about \$110 million, \$55 million of that goes towards wages and another \$29 million goes to the collection of garbage, so \$55 million plus \$29 million is about \$84 million, so \$26 million goes toward recurrent and capital expenditures. Do you know how much it works out for a population of 260,000 citizens in the Tunapuna Regional Corporation? Approximately 6 cents per citizen and the same exists for the regional corporations in South. We worked it out to 16 cents.

In today's environment, where finance is not a problem for the present administration, where the money is not spent properly, it is untenable, when you really speak about local government to have to be spending 6 cents per capita population in an area like Tunapuna/Piarco and 16 cents per person in the Mayaro/Rio Claro Regional Corporation. So these are some of the important

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issues that the present administration needs to carefully consider in the overall context of local government reform, and I mentioned those because the hon. Minister at the commencement of his discussion on the introduction of the Motion, mentioned a number of things which we can debate ad infinitum at another time when that is really necessary.

My colleague, Sen. Wade Mark, has made the statement that we are going to put forward an amendment and I am sure it is there. It was just passed to me and I hope that you will carefully consider, and give cognizance to it and accept it because the same thing you want to do is the same thing we want to do. We want to ensure that the corporations continue. And do not try to move out your people because you are vexed with them, or they are vexed with you as we know. Do not do that at all. We are quite satisfied with our mayor and chairmen of corporations. So, do not try to take our corporations away from us. The electoral process has gone on; do not use Parliament to do that.

So, Mr. Vice-President, with that, I say thank you very much.

Sen. Prof. Ramesh Deosaran: Mr. Vice-President, this Bill has caused some uneasiness in the Senate as you will appreciate this afternoon. When I got the original Bill it seemed to me a relatively simple exercise that the Government was endeavouring to put something right. Then I read the amendment and re-examined the Bill in terms of the additional clauses put in with respect to the removal of other officers apart from the councillors on these regional corporations.

Mr. Vice-President, any time you talk about election, people must get worried or concerned, because an election is the house in which democracy lives. So tampering with an election that is generally fixed by statute is something which should engage justifiably, the serious concerns of parliamentarians because it would seem to me and others that the burgesses, the constituents, have cast a vote and in the spirit of democracy that vote must be respected, and if the product of that vote—in this case, the regional corporations—has to be disrupted, it has to be done for very good and convincing reasons. That is all I ask.

So if I were a Member on the Government side I myself would be discomforted to understand what the fuss is all about when a Government is entrusted to govern the country as we know under sections 75 and 85 of the Constitution. I would be discomforted to know what the fuss is about. We have to manage the country, and here it is you are seemingly obstructing us from so doing.

But I wish to make the point again that when it comes to an election in a democracy, people have to be doubly guarded as to the reason, because what the Government is asking for is a shift and a very significant one. This country—and

it is important for me to make this point—has a sterling record in the conduct of its election in the last 25 years or so. The only apparent stain on the election process occurred with the introduction of the voting machines, and the no-vote campaign that followed, but other than that, the technical shortcomings were quite common all around the world in terms of the names on the register and so forth.

I believe this Government at present ought to be wary of what it is doing with election so as not to disrupt its good reputation of having fair and free election, and it is well-known in the Caribbean and also across the world for that reputation, and I would like to see that reputation, with respect to the maintenance of proper free and fair election, be maintained.

In Guyana there is a rising controversy about election; people die for free and fair election in Iraq, South-east Asia, and China, so when we have the right to vote, it must be exercised properly and those in charge must guard that right ferociously which means in essence, parliamentarians apart from the Elections and Boundaries Commission and the government in office.

To get something clear, I wish to submit for the Government's consideration that these election dates should not be subject to any nuances and shifts in both time and mood. I think it is time we have fixed election dates enshrined in the Constitution for both general and local government elections. It will be normal to have a caveat to that piece of legislation in case of emergencies, natural disasters and so forth, but it must be predictable in the minds of people. They must know when the election will be held and it is not putting the incumbent in any disadvantage; it will have a regularity that will deepen our democracy and people will know what to expect. It is simply good management to know what is predictable. A good system, whether it is opened or closed, especially in a democracy with so many complexities, could do with some certainty; one being to have a fixed date for general election.

Many people are not comforted by the guessing like, you have the date in your back pocket, and the virgins must walk with their lamps. All that is good campaign talk and we enjoy it, but certainly we are dealing with running a wealthy country properly, with talented people and institutions that have great potential.

Certainly, I do not think it is asking too much, and this Government will bring a signal on or upon itself by breaking new ground and by being either courageous or forthright enough to put in one of its proposals for a reformed constitution a fixed date for general election, and as well, since it intends to bring in mayors and chairmen in the Parliament to talk, but not to vote, you can also put a fixed date in the Constitution not only in the Municipal Corporations Act, 21 of 1990.

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It will be subject to the vagaries of majority rule but put it as well in the Constitution, of course, with the caveat in case of emergency. Those are progressive steps and I do not think anybody should think about it in a narrow sense of gaining or losing an advantage, tantalizing the public with such an issue. I do not think that is a reputable option any more. We have come too far and I believe the time has come to do exactly that.

In trying to get the Bill passed, some, not all of us are seemingly bothered by trying to leave the councillors intact by moving, through the amendment, the mayors, chairmen, aldermen and, of course, the deputies therefrom. But what struck me first of all is the fact—and I know that as fact—that you have some very incompetent councillors, some very incompetent officials at the different levels in these regional corporations. I know that, and in fact, following upon that awareness, I believe if there is an opportunity to remove some of them, it should be a welcomed one if the intention is—and this is where the dilemma poses itself—to make the regional corporations more efficient. If there is another motive spoken or unspoken, well, that puts a different light on the exercise. Even so, is it not logical, and does the Act itself not give the regional corporations, the borough councils and city councils the prerogative to remove its officers through the majority vote which already exists if there is dissatisfaction in the same way they have put them up in the first place even if it needs instruction from a higher order? So I am wondering why we need to go all this way to do something that could have been logically, properly, and fairly done at the very level at which it was done in the first place.

So, Sen. Dr. Mc Kenzie, to me is quite correct. She is bothered about why all the complexities and if you could, tell us what the reason is. Once we know the reasoning and the logic behind what you are doing, I am always prepared to assist and facilitate the Government of the day. What we have done here, and perhaps unwittingly, is to politicize something that could have been done in a more administrative way at the local government level because—and this is where I want to submit with respect to the Minister—I know and I want to put it on record that he has been working extremely hard and feverishly over the last two years by bringing a White Paper and Green Paper and trying to move the process of decentralization into local government further. So I hope that these remarks do not cause him undue consternation. I think we are all trying to get that local government system to work, and it is not working well even when the Act that we debated in 1990 promised to do so, and I say we because I was at the Central Bank after the coup when this particular Bill was debated and passed.

We had to flee to the Central Bank Towers to hold our meetings because this place was in a mess around that time and those of us who debated the Act had great hope of the promise, except that we pointed out several deficiencies; one being the gap that could accommodate hostility between the Chief Executive Officer and her senior staff and the elected councillors.

In other words, we saw the administration getting the opportunity to subvert the democratic process through which the elected representatives came, and if you want to have a proper democracy, you cannot let the bureaucracy overturn the elected representatives on no account. This is what happens in the public service to Ministers. This is what happens in agencies where the policy makers have to be stymied, or perhaps neutralized by the prerogatives of the bureaucracy, and if we are speaking about constitutional reform and even in this particular Bill, we should like to see in the general picture that the bureaucracy does not neutralize, subvert or obstruct the elected representatives who really represent the people through the democratic process of voting.

If you want to speak about obstructing the Government, it is certainly not the Independent Senators here today, but the bureaucracy in some parts of the public service including, may I say, the service commissions, and I can tell you, Mr. Vice-President, if you will allow me in the latter case, I can speak with some authority on that point: The service commissions are obstructing the Government of the day where they should not, and I am not speaking about accountability and fairness in promotion and so forth.

I am asking my first question: Can we do this another way? Or would we have to subscribe to the amendment now brought forward by my distinguished colleague, Sen. Wade Mark? Or would the hon. Minister in winding up or some other Government Member explain to us once again?

I listened to my friend and colleague, Sen. The Hon. Martin Joseph, who knows me to be a reasonable person. I listened to him quite well and I tried to etch out the reason this amendment was put forward, but he still left us, he just whetted my appetite. As the strategist that he is, he merely stimulated my interest, and I was waiting for the closure to the point because he did lay out the premise, and I was following him, I can follow him from here to Mayaro and back. He was quite articulate and he really put forward the premise but I think he still left us—and I am quite sure the way Sen. Dr. Mc Kenzie spoke—and he also left her, the lady in waiting as well.

There is another issue, the 3/3 that Sen. Mark spoke about when you are framing this legislation. While you allow things to be 3/3 and so forth, could you not put a number that is odd that would help solve that issue? I find it personally, politically

repugnant to elect senior officers as chairmen of a regional corporation by ballot. This is the lotto to its highest absurdity. This is play whe in an unthinkable way. You have election; this is not a lottery. And I find another area that really needs treatment in the new way forward and I think the Minister is quite aware of the implication, and it does not really represent the democratic process. It follows merely in the tradition of gambling, it is taking gambling to the height of absurdity. That is not what election should be about.

This Bill is trying to pump some artificial insemination into the democratic process by moving from on top into an area that I believe the councillors themselves should rectify by making the changes that might be required. So the Bill in essence, and after listening to the hon. Minister explain the premise and the philosophy of the Bill which he did quite well, because anybody who reads the White Paper and the Green Paper—the White Paper especially—as I have done, would find it an impressive document. It lays out the framework and some steps in terms of integrating the different groups in the community for example, and bringing back a life into the community.

What I would say however, is that we have had a number of such documents that promised so much, but the implementation of these promises has always met with limitations, and the reason is not because of the Government's fault as the major policy maker, it is because of the people who operate in these regional corporations. They get tired too quickly, or they fail to push the intention and letter of the law to its fullest capabilities and they relax, and anybody who knows something about how these regional corporations operate would recognize you have to not only make the White Paper into law, but you have to make sure that the expenditure of moneys and the performance that they are supposed to deliver are all done properly.

There is a lot of deficiency, and bad expenditure going on in these regional corporations so you need a monitoring agency, and if it is the intention of the Government to decentralize in the way that they are intending to do, you will still need an overarching monitoring agency to help make sure that accountability is there and the money is well spent.

It is one thing to decentralize, it sounds nice, and it is indeed a fancy word, but you also need to be accountable as to how the taxpayers' moneys are being spent. I think that is something I would wish the Government to look at very carefully, even when we are considering this particular Bill.

Mr. Vice-President, briefly again, there are certain sections in the Act itself which are germane to what we are going to do. The first is in section 10(1) on page 117 of this Act which tells us about the powers of the corporation. It says:

“The powers of a Corporation shall be exercised by its Council and...”

But subsection (2) says:

“The Council shall consist of the Mayor, Aldermen and Councillors.”

So immediately in that early stage of the Act, one gets a feeling as to what the council represents. If you pick out a foot or a hand from the council and say that the rest will remain—which in effect is what is being done here—you are pulling out the mayor and the chairmen and leaving the councillors. There is a good reasonable premise that they are the ones elected by the voters, but the mayors and the chairmen for example, did not appear by guess, they were also elected at a different level. So the principle of election still stands and those who were elected should have the power to de-elect as it were, that is to reverse what they have expressed for reasons that they and they alone should know: incompetence, dishonesty, lack of commitment, missing meetings. That is a good one, there should be some kind of sanction for people who miss meetings but we would deal with that another time. [*Laughter*]

We do not know, so if you can give us the reason. That is why I asked the Minister respectfully—I did not mean anything untoward because that would have turned the debate—who are these mayors and chairpersons who do not wish to be returned. If it is a confidential matter—and he told me so and I accept that—I do not want to press the point in any narrow manner, but I am saying if they do not want to go back, well Sen. Dr. Mc Kenzie is right, let them resign and I think that is a proper procedure.

If, in the case of the United National Congress, they have someone who is incompetent, or does not want to return, there is a procedure. So here again there are procedures, and Members of the Independent Bench and colleagues, there are procedures that could be adopted without going this far distance and creating the impression in the public minds and in the minds of some of us, that it is necessary on the face of it, and if it is necessary, we have not yet had a good reason for it. That is all I am saying.

I do not know if it is too much to ask the Government to remove all this business as Sen. Dr. Mc Kenzie and other speakers had indicated about just removing mayors, chairmen, aldermen and so forth because the process is as follows: You elect your councillors, the councillors, under the provision, elect their aldermen, and then they elect the mayors or the chairmen, and that is logical. So you have sections 10 and 14, and what I am trying to say is that there are provisions here that must be respected, and let us not appear to be too high-handed from above without good reason.

Section 14 gives the procedures to elect the mayors, deputy mayors, councillors and so forth. We can leave that, but if you look at section 15(1) it says:

“The Mayor shall hold office for a term of one year...”

And subsection (3) says:

“No person may continuously serve as Mayor for more than three consecutive years whether or not the beginning of the period precedes the date of commencement of this Act.”

I was sorry that the hon. Minister or no Government Member pursued this provision to its logical conclusion because that would have helped shift the balance into the kind of intervention that we are now seeking to have through this particular Bill. So when you go to section 273(1), which is the provision that the Bill really tackles. It says:

“Notwithstanding the provisions of any written law...”

And we understand that, but I want to go to sections 269 and 270 just above that. Both sections give the Minister, that is the Government, in the exercise of powers a lot of prerogatives to change things in councils and regional corporations which are not working well, and I would like to see the Minister—whoever he or she might be—implement this provision more forcefully and regularly rather than wait until things reach the stage of collapse.

The Minister and the Government have a responsibility to intervene for example, where a councillor wilfully neglects or refuses to carry out his responsibilities in terms of public policy and so forth. So I would like to see some more action with respect to those provisions, because if these mayors and chairmen are not doing a good job, or they do not want to go back because of frustration or whatever reason, there is here again another methodology, as you would say, to deal with it.

Again, why do we take so long to come up with these White Papers and reform measures when you are now coming to the end of your five-year term as it were? What stops us from implementing many of these things in the first year of our term? We have manifestos, we know what the problems are and I believe these delays with respect to all governments—what we have from governments in my memory is that as soon as they come into office they have consultations for one year, two years, three years, they produce White Papers, and by the end of the fourth year they are really preparing for the manifesto for the next election. Little

is done except to complain about what the last government has not done, and so that cycle of inefficiency creates the feeling that government is really the science of inefficiency that keeps recycling itself every five years, one government after another.

I am not saying that the job of a Minister is an easy one. I have said so before and I will always say it, it is a very difficult, complex challenge to be a Minister in a country like Trinidad and Tobago. But at the same time, by the rules of governance, I think things could indeed be much better that they are.

For example, in section 236 of the Act we have had something called a Municipal Corporation Disciplinary Committee and I have to ask where it is. It is nowhere around the corner because the regional corporations as requested by the Act, never formed themselves into the association that they were supposed to form to establish this disciplinary committee. They should fire some of these chairmen and mayors, or ask your councillors to do something about it. Why do we wait until all these inefficiencies pile one on top the other before we do something that we are able to do quickly?

The Minister was right, I could see the earnestness in his face, and the commitment in his voice, but if you want these people as he said, the citizens in these communities to be active partners in decentralization, we have to have some system of accountability over them that is much more institutionalized otherwise in the years to come, there will be a reversed call to do away with local government. Because, if year after year it is not working and if it is, it is working inefficiently and wastefully, then a voice will arise with good logic to say let us do away with local government and let the government agencies decentralize themselves properly and with good monitoring systems.

5.50 p.m.

In other words, we here can take the horse to the grass but we cannot force the horse to eat, and people in the communities and these councillors must recognize they, too, have a role to play in implementing these policies which are for the betterment of the respective constituencies. It seems to me—and I hope the Minister takes this very seriously if he has not done so already—that the problem with some councillors and some regional corporations, is that the manner of operation, what you call the *modus operandi* of some of these chief executive officers, leaves a lot to be desired. They frustrate the work of the elected representatives many a time. So when we are looking at the elected representatives and the composition of the corporation, we have got to go out there now with the chief executive officer, otherwise the work of these elected officers continues to be frustrated.

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I have heard that the mayors and the chairmen would be brought into Parliament to talk but not to vote. At first I thought that was a little political humour because we already have an issue here with people talking too long and too much in some cases—present speaker excluded, of course—[*Laughter*] to the point where there was a move in one of the relevant committees to cut down the speaking time and there was some objection to it. How much time are you going to give these mayors and chairmen? Some of them do not lack for words, I can tell you that. How are you going to divide their time with an already overloaded speaking agenda in the substantive House of Parliament?

I am not against these moves to democratize things but democracy has a limit, otherwise you would end up with anarchy. Taking democracy down the road without checks and balances is the pursuit of anarchy which is the opposite to a word I heard used here today, “fascism”. You want neither. But in seeking the balance I believe you should let these regional corporations remain with their more decentralized structure. If they want to have a Parliament, well, call it a regional corporation Parliament where they all sit as chairmen and mayors and have their own panchayat and their deliberations and produce a document for the representatives in both Houses to deal with, or pass it through the relevant Minister to bring forward to the House. But I do not know, logistically, how you are going to have chairmen and mayors talking about problems and how we are going to get the legislative process working, whereas we have mechanisms already to collect their views and their concerns, one being through the joint select committees. You appoint joint select committees to enquire and report on municipal corporations, which we are doing. Mr. Vice-President, you have chaired a meeting at the Tunapuna/Piarco Regional Corporation. The report is going to be laid here next week and you are a witness to the usefulness of the Parliament in dealing with those issues. I think those are alternatives we should look at without having to bring them here and frustrate them, because when you talk without action—you know if you only talk without any action following, it could frustrate you, Sen. Bro. Khan.

But I must compliment the Prime Minister. Sometimes he comes up with these ideas that have tremendous political mileage. He reminds me sometimes of the late Dr. Eric Williams. He has a knack for really stirring the ambitions of people and getting them thinking away from what they should have been otherwise thinking about. It is a marvellous technique and I believe some of us could begin to learn some of that technique. It would, perhaps, serve us well in the political domain. But he is brilliant with his expositions at the timely moment. I

always admire the way he got the joint talks on crime together in the Lower House. He was like a Wizard of Oz with the way he moved and got the Opposition to commit itself momentarily. Well, the Upper House seems to have a different configuration on things.

There are a few other things but I do not want to detain the Senate. I am still waiting to hear how the Minister would respond. My single vote would make no difference, but I want to hear how he would respond so I would know if to vote for the Bill as it is, whether I would subscribe to the amendment moved by Sen. Wade Mark or perhaps think about something else.

I thank you very much, Mr. Vice-President. [*Desk thumping*]

The Minister of Local Government (Sen. The Hon. Rennie Dumas): Mr. Vice-President, I want to say thanks to all the contributors to the debate and I want to assure Sen. Prof. Deosaran that I consider every vote important. I certainly consider all the contributions quite critical.

There are a few points that Sen. Prof. Deosaran made which I would want to start from, which were also made by Sen. Dr. Mc Kenzie. The question that arises first is this whole thing of—and this is the subject of this amendment which is placed before us which I want to suggest to you we cannot support and which I hope that we could agree that we cannot support at the end of the conversation.

First, the responses that came to the table suggested that you are either abandoning people; you are asking people to either abandon the corporation or to demonstrate that they are incompetent and therefore change them. I think there is a third option. There is a whole possibility of recognizing the option to change a situation in which the period of incumbency has come to an end and you can mutually agree to change your position and I think that is critical. So that you do not have to fire anybody; you do not have to have anybody abandoned, but you take the opportunity for this hiatus at the end of the period of agreed service and you mutually move on. I want to suggest—and I am not trying to be rude at all, but I really want to suggest that the Independents do not get taken in by Sen. Mark and Sen. Dr. Gopeesingh. I would tell you why. It is simple.

Sen. Dr. Gopeesingh: You have an Independent man—

Sen. The Hon. R. Dumas: Let me advise them, as you took the time to advise them, please. Independent Senators, I want to tell you that as I stand here now; I can say to you that the UNC, in terms of its councils, already knows whom it wants to move and whom it wants to bring back. I want to take one minute to demonstrate that. There is a gentleman named Naidou Pouder from Chaguanas—
[*Crosstalk*]

Sen. Dr. Kernahan: That is not your business, you know.

Sen. The Hon. R. Dumas: Let me talk about my business. You were calling all “kinda” people’s names. Let me talk “nuh! Ay, ay.”

Sen. Dr. Kernahan: You are bringing your Bill; talk about your people. [Crosstalk]

Sen. The Hon. R. Dumas: Mr. Vice-President, Mr. Naidou Pouder made the mistake of declaring his support for a goodly gentleman who had been promoted as leader of the UNC, and the intention—[Crosstalk] Mr. Vice-President, they have already decided—and I could say this with absolute confidence, with predictive power and capacity, that they could only now change their minds if they want to run and hide, as you say, now that they are made naked and unmasked.

Sen. Mark: Oh God, boy, you like my language?

Sen. The Hon. R. Dumas: I learn all the time. That gentleman is gone. He is going to be removed the minute we pass this. They want this. In the Lower House the expression is quite clear that this is what is required, what is needed, what treats with the matters they face. I want to add one thing, though. I see some of you quarrelling, you know. Mr. Vice-President, I want, through you, to advise Sen. Wayne Munro, Sen. Dr. Shastri Moonan, welcome, but I may have to say goodbye soon; Sen. Raziah Ahmed, welcome, but I may have to say goodbye soon; Sen. Dr. Jennifer Kernahan, it has been good knowing you but you may go soon—[Laughter]—Sen. Dr. Tim Gopeesingh, be careful, because Sen. Wade Mark boasts that he is the longest serving Member of the Senate, but I want to suggest to you that many knives have passed through his hands—many knives. [Laughter] There are many non-survivors who have occupied those benches next to him. [Laughter]

I want to share a secret with those five people I called. Sen. Suruj Rambachan is coming.

Hon. Senators: What?

Sen. The Hon. R. Dumas: He is coming. The faction of the UNC to which he adheres, for whom he serves as the chairman of those nightly meetings, has already agreed that come the 13th, he is taking one of those five seats. Your guess as to which one is as good as mine. [Laughter] [Crosstalk]

Mr. Vice-President: Sen. Dumas, I was listening for a while to see exactly where this was going and I would like to suggest that you get back to the matter at hand, please.

Sen. The Hon. R. Dumas: I stand advised, Mr. Vice-President. The reality is that we are not removing anybody, because I think we want to get over that barrier. It is the expiration of a term and we are now making provisions for continuance.

I want to treat a little with this word “constitute”. You see, when you elect the councillors and they come together, the council is on its way to being constituted. Its core element is constituted. You cannot say you do not have a family because you only had two parents. When you have the children, the family becomes complete, if you are lucky. But if the children, by some unfortunate accident, are removed, the family still exists; it is not destroyed. So the “constitute” has two parameters: It has that of being and it has that of becoming and creating. And when the councillors are elected, we are leaving them with the full power, as you said, of the democratic intent and the results and ends of the process of election. So we have had the election period; we have the process and then we have the end that is a result of it, and all of those words can be used to say “constitute”.

Sen. Dr. Kernahan: Bad analysis.

Sen. The Hon. R. Dumas: The final end is what happens when we say the council is fully constituted. When we say that, we recognize that the terms expire and we are rebuilding the council, we say the councillors who are elected and they, exercising their right and responsibility as the elected portion of the House, are saying: “Do you wish to go back”, and if you have a “yes”, then you can put the person back. Nobody is disqualified who is a qualified elector for the purposes of local government.

I think if we say that the democracy that we want, to use the words of Sen. Prof. Deosaran—the election is the house in which democracy lives, and the product of that process has to be the person. All of us here are, in fact, here because of that process of election and we all hold office at a secondary and even tertiary level as a result of the election.

Sen. Prof. Deosaran: I am sorry to interrupt you but I am impressed by the way you are moving with the logic. But rather than coming to Parliament with a Bill to do what you are saying could be done, could the party itself not instruct your councillors to move similarly and accordingly, without having a Bill?

Sen. The Hon. R. Dumas: Again, Professor, through you, Mr. Vice-President, you said why politicize this. So we reduce the politics and bring it as an institutional measure. I noted when you said that as Minister you can use sections 269 and 270 to give instructions, and then I noted that early in the day somebody

accused me of being arrogant, and exactly because I do not want to be accused of being arrogant I do not want to do that by myself. I want the Parliament, the elected officials, the highest authority in these areas of public affairs, to give its pronouncement on it.

It is in that context that this administration came and said these are the ways we would want to do it. We are seeking your favour. You cannot get it better than that. You know, this clause that is here is a saving clause when you are in transition between systems. A system was already decided, and then you say you are going to do this. It is a different case. We are saying we recognize that the task for which these people signed on is very different to the task we are going to face them with. Sen. Prof. Deosaran himself said that we have spent so much time talking and arguing and not getting things done, and we are saying to people who come now, we want a new commitment to a new local government system and to bring into being a new local government system. So anyone who signs up post the 13th, would know that by mandate of this Senate and the Lower House, that the mandate they have is to help bring the new system in place.

We are suggesting, therefore, that we want to be forceful; we want to be driving towards this end; that we have a definite schedule; that this schedule is achievable with the right purpose, the right drive, the right administration and the right system for putting it in place. That is where we are. We are seeking to enlist you in that purpose. We are saying implementation is where we are at—

Sen. Mark: Words, “Stretch”; words.

Sen. The Hon. R. Dumas: We want to ask that we accept the proposals as placed because, you see, I want to lay another thing on the table. Part of what went before in various times—and I think by now you know I try my best not to talk about who did what, when and so on. But one of the dangers you have is that when you continue the councils without certain behaviours, as you would suggest, you are actually putting the power not in the hands of the councillors but in the hands of the Minister.

Like you said, we could have continued and let it be as advisory councillors, but then quite contrary to what has been going on for the last three or four years, the CEO and the chairman would bring all their projects to the Minister and with the amount of money we have put in the system, quite contrary to what Sen. Mark said that nothing has happened—the IRID programme, spending millions of dollars, and I am saying hundreds of projects; the drainage programme, hundreds of projects. I heard a mayor boasting about how many projects were done; the

same Mayor Rambachan on Radio 106, boasting about how many drainage projects were done in the Opposition areas in the last three years. You do not want a Minister signing off on those and taking total control of the corporations. You want the councillors who have been elected to continue the work they are doing.

We think that the provisions that have been accepted by the Lower House which constitute the Bill as it now stands are quite reasonable. We think, further, that the support for them goes now beyond the Government. The support now includes the Leadership of the Opposition. And we are quite clear that we have no subterfuge; we have nothing to hide. It is a clear process of putting the councillors, empowering them to put the same people in place, or where they and those people cannot agree, to move on; they move on, and then they act as if they are elected. I am quite clear about that; they act as if they are elected because by our action today we would have elected them, as it were, by passing this law.

When we do that, they then could elect the mayor and the deputy mayor which also reads, chairmen, deputy chairmen and aldermen, who would walk with them in that 12 months and then, in the law we say, all power that is exercisable by the councillors, and so on, shall be exercisable by them. It is contrary to what happened when on the first day the Leader of the Opposition in the Lower House heard what was being said, she was on the radio and television saying that they want to empower the Minister to run the thing. Contrary to that, we are saying all powers exercisable would be with the councillors. We are changing that.

The accident of history that Sen. Dr. Mc Kenzie referred to—it is an accident of history. It is an anomaly which does not happen very often and which, hopefully, in the reorganization of the system, it would be so designed to ensure that maybe that anomaly does not happen. By that mechanism we can remove the ballot and the drawing of lots, and all these things, because all these things can be made odd numbers. That is something we can do.

I cannot help but tease Sen. Prof. Deosaran a little. Everybody is calling for more money for their councils. Where is money accounted for by spenders of the money? It is a difficult position you put me in every year. As the Minister, I come here to try to account for where Caroni spends money, where Chaguanas spends money or where Penal spends money, but I do not have that responsibility to spend Penal's money. So let us remove that duality and put the man there, so you could ask him what is happening with the Penal/Debe money and he could talk about it in the Parliament. He could be asked to account. Questions could be asked of him. I want you to reconsider what you were saying earlier.

Municipal Corporations (Amdt.) Bill
[SEN. THE HON. R. DUMAS]

Thursday, July 06, 2006

Finally, we are told that we cannot do this because the law says “X”. But the purpose for which we came here was to change exactly those laws, you know, because all that we were saying before is reasonable and therefore the culmination of that is to change the law to do what we say should be done.

Mr. Vice-President, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Sen. Mark: We have an amendment here, Sir. Mr. Chairman, we are proposing the deletion of clause 2 and we are suggesting it be replaced by the new clause as circulated.

We do not support the clause in the current Bill and we are saying that it is a dangerous clause. Therefore, we are suggesting that the Government agree to our amendment.

Question, on amendment, [Sen. Mark] put.

Sen. Mark: Before you go on, I also understood the Minister to have said that this clause may have been a transitional clause in Act No. 21 of 1990. If he insists on that, I have another one for his consideration and for the Senate’s consideration. It states and I read:

“Notwithstanding the provisions of any written law relating to the terms of office of Mayors, Deputy Mayors, Aldermen and Councillors, the term of office of Mayor, Deputy Mayors, Aldermen and Councillors holding office on the 13th of July, 2006 is hereby extended for a period of one year.”

If that would be more satisfactory to the hon. Minister. He did say in his contribution that the current measure that I have submitted was part of a transitional provision in the 1990 Municipal Corporations Act. So I am saying that if he is not satisfied with that, I am proposing another amendment for Government's consideration, if it is acceptable to the—

Mr. Chairman: You are proposing two amendments to the same clause?

Sen. Mark: No, I am saying, for instance, having regard to his concerns.

Sen. Dumas: Mr. Chairman, I think, given the thrust of the contributions; we have had the debate, I think the Government has made it clear that the Bill has three specific intents: to extend the term of office of each councillor, and that is there—

Sen. Mark: We agree with that.

Mr. Chairman: Please let the Minister finish.

Sen. Dumas: That the term of office of the mayor, deputy mayor and aldermen shall be allowed to expire at the end of the existing term.

6.20 p.m.

The next provision is for the reconstitution of the council. The powers exercisable by these people are—these are the provisions here. We are not willing to consider either of the two amendments made by the Opposition.

Sen. Dr. Mc Kenzie: In clause 2(b) we seem not to understand why you will extend the life of each councillor for 12 months and it does not automatically extend the life of the mayors and aldermen for the same period. Why do you have to stop them and make them go over the exercise?

Sen. Dumas: They are elected on the basis of an agreement with the councillors who were elected primarily. You have come to the expiration of the time. We want the councillors to exercise management of the rest of this process. You allow that agreement to end and the re-start of a new agreement with those same people or other people if the councillors so desire. If we say to the councillors that they must keep those mayors we would be imposing our will on them.

Sen. Dr. Mc Kenzie: Right now before the expiry date next week, let us say a group of councillors want to move their mayor or chairman, can they do it? You understood my question?

Mr. Chairman: Hon. Senators, there is need for the Senate to resume to consider a procedural motion.

Senate resumed.

PROCEDURAL MOTION

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I beg to move that the Senate continue its sitting until the completion of the debate on this Bill.

Question put and agreed to.

MUNICIPAL CORPORATIONS (AMDT.) BILL

Committee resumed.

Sen. Dr. Gopeesingh: Mr. Chairman, the premise on which the Minister is basing his argument is erroneous and false. The councillors whose term of office you are now trying to extend by one year would be able to vote for a new chairman or mayor. Remember, those councillors are not re-elected by the people. You are giving them authority which they do not have at the moment to vote for a new mayor and you do not want to give it to the mayors and chairmen. Why are you giving them the authority when they did not ask?

Sen. Dumas: You are saying if they wanted they could move the mayor or chairman with a lot of trauma and drama. I do not think that you want that. You do not need any drama now. They have come to an expiration of the term. Those people have the power now; they earned it in a direct election. We are extending the period.

Sen. Dr. Mc Kenzie: I am seeking clarity because I want to understand. Right now the mayor is there and he has been elected as mayor. That person who is now the mayor has been chosen as mayor by the people who were elected councillors. The Act says that the mayor being elected by the councillors must serve for a year—I call it a contract—and he is eligible for re-election. Let us get this straight.

The mayor who has been chosen under those terms and conditions, his term would be up next week. The same councillors whose lives we are extending would have the same authority or responsibility to choose their mayor. Now this process of choosing the mayor happens every time you have a local government election.

Sen. Dumas: This is why in subsection (1D)(a) we say continue as if they were elected for a year. Our action stands in place of an election. By this legal instrument we are treating them as being newly elected for one year. When they go there they would then choose who they work with, whether the same person or a different person.

Sen. Dr. Mc Kenzie: My question is: Did a mayor know in July 2004 that in July 2005, he could no longer be mayor?

Sen. Dumas: Yes. He would know that because his term would have been expired. He was there for three years ending July 13.

Sen. Dr. Mc Kenzie: This is for every three years. Let us say of the three years, one year has passed.

Sen. Dumas: There is no such situation. I should make one correction. The place in the Act that you are referring to with the one year, two years and three years was amended in 1992 to ensure that it is a three-year term.

Sen. Dr. Mc Kenzie: So now every three years a mayor knows that his term would expire. We are saying that because we are extending the life of the councillors, the elected people for another year, we have to go over the whole process. Let me ask a hardball question. I do not want to defeat the purpose of why we are here which is mainly to extend the life of the councillors. As far as I am concerned, that is my responsibility.

I put things straight. Let us say we disagree with this, you take a division and we go even, how would the Vice-President have to vote? I am not talking to you, Mr. Vice-President as Chairman who has to vote. We must know the consequences of our actions at times. I am very honest.

Sen. Dumas: I am clear that I cannot determine how he would vote.

Sen. Dr. Mc Kenzie: You do not understand me. Let us say the Vice-President has to use a casting vote about the status quo, what is the status quo? This is the point. We are not little children. We are coming sensible to the thing.

Sen. Dumas: The status quo should be that the term has ended.

Sen. Dr. Mc Kenzie: That is what I want to hear. The term has ended and no local government would be going on.

Sen. Prof. Ramchand: If we do not support the amendment the term would be over. If we do not support the amendment and the term of office is over—

Sen. Dumas: I do not want to be a dictator.

Sen. Dr. Mc Kenzie: When I made my short contribution I said I was in favour of 2(a). I do not like 2(b)(i) and (ii). Could we go with 2(a) or does the Government insist that we go with 2(b) too?

Sen. Dumas: We have to fully reconstitute the councils and the best person to do that should be the councillors.

Sen. Dr. Mc Kenzie: What prevents them after being elected from choosing the mayor? You have to explain the thing to me, you know.

Sen. Dumas: They can choose whom they want. They can choose the same person.

Sen. Dr. Mc Kenzie: Why do you have to write it in and that is automatically their work?

Sen. Dumas: When we say “new” it includes those who were already aldermen.

Sen. James: Mr. Chairman, in terms of clause 2(b) that word “new” is misleading because it excludes those who were aldermen before.

Sen. Mark: That would not make any difference.

Sen. Dr. Mc Kenzie: The technical people could intervene. With clause 2(a) it is as though each councillor had been elected. Why do you have to tell them in another subclause that they have to elect their mayor? They know that. That is understood. Why do you have to spell this out? Nobody passes a law to say now that I am elected I have a duty; that is automatic to my election. If that is not so, tell me.

Sen. Jeremie: We are being advised by the Chief Parliamentary Counsel that that formation would create uncertainty in the law. This makes it certain. You are treating with the term of office of persons elected to office, on the principle that you do no more than what is necessary. They must do what is necessary for them to constitute the council.

Sen. Mark: We are assuming that the Senate can postpone the collective will of the people. What is being said in this clause is that we have substituted ourselves for the will of the masses of people. We are saying that those people who are supposed to face the polls every three years, the time expired and Parliament is saying to forget the time has expired, this Parliament is going to give you power similar to if you were elected by the people. Something is fundamentally wrong with that concept. The term of these people has expired and nobody has re-elected them. We are taking a decision to say that they are now elected. Further, we are giving them the power to elect persons whom they have no power to elect.

Sen. Jeremie: The alternative to this is to make the minister a chairman. That had been done before but we are not extending it on that basis. That would be taking away the power.

Mr. Chairman: Just a minute. We are getting out of hand.

Sen. Prof. Ramchand: I do not want to get into those arguments. I want to give my opinion. I am taking a very primitive and common sense view supported by the rules that the council consists of the councillors, mayor, deputy mayor and aldermen.

I do not see why we should discriminate on the spurious ground that one set is elected and the other is nominated. They were elected by people who were elected. They were not nominated in the way we were nominated.

I would like to marry clause 2(a) with Sen. Mark's amendment. I would like clause 2(a) to read as follows:

“The term of office of members of councils constituting the local authorities holding office on 13 July 2006, is hereby extended for a period of one year as though each member had been elected for an additional period of one year.”

You can take off “as though”.

Sen. Dumas: In a common sense way you are asking us to rewrite this amendment and take it back to the House of Representatives. I am suggesting that for once, maybe the Senate should accept the ruling of the House of Representatives, that they who are elected are advising us that we are out of time and hopefully, we could accommodate them.

Sen. Prof. Ramchand: I would not support that. Normally if the elected Members in the other place want something as they did recently with certain Bills which I had to support like the Police Reform Bills, I am inclined to go along with elected Members. You have a group of people here who are related to the elected Members in the other place.

Sen. Dumas: And they abandoned the position taken yesterday by the Members.

Sen. Prof. Ramchand: If the Opposition Senators here were supporting what came up from the House of Representatives, then I would feel as an Independent Senator that I have no choice but to let it pass.

Sen. Dumas: You are going into the House of Representatives and trying to divide it. The House of Representatives sent us a Bill they have passed to us. It is not our place to go inside the House of Representatives and decide who supported it and who did not support it.

Sen. Mark: Do not bring it here.

Sen. Dumas: We have to take the decision of the House of Representatives as one. We assure you that it was unanimous. There was no dissenting voice.

Sen. Prof. Ramchand: But we do have a right.

Sen. Dumas: Yes, of course. I am not taking that away. That is why I asked that we support it.

Sen. Dr. Gopeesingh: In clause 2(a) we are passing legislation to say that we are treating them as though they had been elected by the people. That is untenable.

The second thing is that these councillors are not being re-elected by the people by any special voting. You are asking those councillors who have not been elected to vote for a mayor or chairman. They have not been elected for the year but you are asking them to vote. What are you doing? They do not have a prerogative to vote because they have not been re-elected by the people.

Sen. Ahmed: Mr. Chairman, it seems to me that the Government is trying to take a unit which I want to liken as a household—to make it clear, from the background from which I come, in this unit there are husband, wife and children. The Government is saying that the wife can stay to look after the children but the husband must leave. That makes no sense to me. I am further disheartened by the statement just made by the hon. Minister where he said that what took place in the Lower House must also take place in the Upper House.

In the first instance, with the unit of local government he is saying separate the husband and wife and on the other hand, he is saying that the Lower House and the Upper House cannot. It is two totally inconsistent and diametrically opposed positions. It makes no sense to separate one from the other. You have people you want to keep in power who have not been subject to the representation of the people's conditions. You want to say half of them can stay but the rest must go. It is illogical.

Sen. Dr. Saith: I am listening to the argument which says that if Parliament does not have the power to extend the term of the people because they have been elected for three years, they are not facing the polls again and we should not. If you take that point of view, you are suggesting that we do not extend the term of anybody because we do not have that power. With the old system where everybody goes out, the chairman and minister would run the thing. That is not the best way. Once we decide that we do not want that system we have to extend the life of the people.

You could do it a number of ways. Your way is a unit and the unit should be it. We should not extend the term of people who were not elected by the people. I take Sen. James' point. It is not new. They will elect and if they want to elect

everybody who was there before they could do it. It is either we go back to the old system and let it lapse, the mayor and chairman remain and they operate under the direction of the Minister. You keep the advisory council because that means you advise but you do not have to accept the advice.

Sen. Prof. Ramchand: We either respect section 10(2) or we decide to disregard it. “The Council shall consist of the Mayor, Aldermen and Councillors.”

Sen. Dr. Saith: It does not change the fact that the council is made up of people who have come there differently. You are saying to do it and if the people re-elect Sen. Prof. Ramchand as an alderman and Sen. Prof. Deosaran as the mayor, they are free to do that.

Sen. Montano: To pick up from where Sen. Dr. Saith left off, the issue is one of three options. It is either we allow the Bill to fail and we end up with a situation with the mayors working with the advisors and the Minister directing the entire show. I think that is an unsatisfactory solution to the problem.

The two other alternatives as I am hearing from the Independent Bench are: to continue with the mayors, aldermen and councillors or to continue with only the councillors and allow them to choose the mayor and aldermen.

While I understand the view of the Independents, I have not heard any argument as to why that is a superior position from that of the Government. The Bill has been debated in the other place and was passed with small amendments that have been brought to this place. We are faced with a situation where we have a solution that was apparently accepted in the other place.

Another alternative has been proposed but no argument has been made as to what exactly is the mischief of the Government’s position and how and why it is better to extend the life of the entire council. I have not heard that.

6.50 p.m.

Mr. Chairman: I am going to allow Sen. Bro. Khan and Prof. Ramchand to make a contribution and I will have to go to the vote. We have been going pretty long at this. Sen. Bro. Khan, please.

Sen. Bro. Khan: Thank you, Mr. Chairman. The way I see it, for whatever reason we would not go into that but the time is coming for these authorities to lapse. What is before us, primarily, is to ensure that these authorities continue to exist. Obviously, what constitutes the councils—the authorities—is what we want to see go forward. This is my stand on it.

Now, to adduce that stand is that the power that we are exercising here is reposed in ourselves. It is generated out of the democratic process of one man, one vote and these things that have guided us in the past. We are subterfuging that because of some delay or some mistake in the past. We have to be very cautious how we are going forward, once we are for the total life of the council as one movement. To subset that into different sections, it means to say that this Senate would be assuming the power that these councillors were generating by the people, to some extent, if you want to fine-tune that.

To carry it further, if you want to break it up, as I have said—which is what seems to be before us—you would have this body putting power into people's hand that did not generate, per se, out of the people. Here they will be acting in a way to bring people who are there, primarily, when these people were there with the people's power behind them.

The safest way of going forward—I do not know if other people could understand what I am saying—is that the law has what the councils constitute; all the inputs of the council, and we are extending the life of that council, so let it go forward. It is for one year and let that be.

Sen. Prof. Deosaran: Mr. Chairman, I think we all agreed on the substantive object of the Bill, which is to extend the life of these councils. The part on which there seems to be a difference of opinion—before I get into that I think Sen. Montano has exaggerated the point too much in that, by implication or otherwise, the Senate cannot be a rubber stamp to the Lower House. The justification for your Senate is to serve as a check and balance on certain occasions because there is very little value that we would have otherwise. I think we have to be very careful of the role of Senators and that has been done through appointments and nominations for that particular purpose of trying to refine and, perhaps, bring further light on what has been done in the Lower House.

The third and more important point at hand is that the Minister is right. The Government wants to avoid any confusion among the councillors in terms of re-appointment of mayors, aldermen and so on. But would it not be any confusion at all if you just allow everybody in the council to be re-established, rather than, to put it into more detail, having an election among the councillors where you would very well have one or two candidates canvassing and there would likely be divisions among the councillors? If you want to avoid confusion, my respectful view is to avoid allowing this second option. If you really want confusion, well, the Bill is going to create confusion and the evidence would unfold quite likely as if we proceed with the Bill as it is.

Sen. Dumas: Mr. Chairman, I want to accept the suggestion of Sen. James that we remove the word “new” from the clause, and we would like to have the clause put to the vote after that amendment.

Mr. Chairman: Hon. Members, the question is that clause 2 be amended as circulated by Sen. Mark.

Question put.

The Committee divided: Ayes 14 Noes 16

AYES

Mark, W.

Gopeesingh, Dr. T.

Kernahan, Dr. J.

Ahmed, Mrs. R.

Moonan, Dr. S.

Munro, W

Mc Kenzie, Dr. E.

Ramchand, Prof. K.

Deosaran, Prof. R.

King, Mrs. M.

Anmolsingh-Mahabir, Mrs. P.

Khan, Bro. N.

Cropper, Mrs. A.

Rocke, Miss A.

NOES

Saith, Dr. L.

Yuille-Williams, Mrs. J.

Jeremie, J.

Joseph, M.

Montano, D.

Enill, C.

Manning, Mrs. H.

Chin Lee, H.

Dumas, R.

Abdul Hamid, M.

Kangaloo, Miss C.

Sahadeo, Mrs. C.

Ramroop, S.

Hackshaw-Marslin, Mrs. J.

Hypolite, N.

James, W. F.

Question, on amendment, negatived.

Mr. Chairman: Hon. Senators, the question is that clause 2 be amended in section (b)(i), that the word “new” be deleted. The section would read as follows:

the Councillors shall elect Aldermen for a term of twelve months, in accordance with section 13;

Question put and agreed to.

Sen. Prof. Ramchand: Mr. Chairman, does my amendment not qualify to be voted on?

Mr. Chairman: I told you I am coming to it.

Sen. Prof. Ramchand: Okay.

Mr. Chairman: Sen. Prof. Ramchand has an amendment.

Hon. Senator: Has it been circulated?

Mr. Chairman: No, it has not been circulated. I would like him to repeat it.

Sen. Prof. Ramchand: Subsection (a) be amended to read as follows:

The term of office of the members of councils constituting the local authorities holding office on the 13th day of July, 2006 is hereby extended for a period of one year.

Sen. Dumas: Mr. Chairman, that has the same import and impact as the one that has been voted against. That constitutes an abuse of process and cannot be accepted.

*Municipal Corporations (Amdt.) Bill**Thursday, July 06, 2006**Question put.*

<i>The Committee divided:</i>	Ayes	14	Noes	16
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AYES

Mark, W.

Gopeesingh, Dr. T.

Kernahan, Dr. J.

Ahmed, Mrs. R.

Moonan, Dr. S.

Munro, W.

Mc Kenzie, Dr. E.

Ramchand, Prof. K.

Deosaran, Prof. R.

King, Mrs. M.

Anmolsingh-Mahabir, Mrs. P.

Khan, Bro. N.

Cropper, Mrs. A.

Rocke, Miss A.

NOES

Saith, Dr. L.

Yuille-Williams, Mrs. J.

Jeremie, J.

Joseph, M.

Montano, D.

Enill, C.

Manning, Mrs. H.

Chin Lee, H.

Dumas, R.

Municipal Corporation (Amdt.) Bill

Thursday, July 06, 2006

Abdul-Hamid, M.

Kangaloo, Miss C.

Sahadeo, Mrs. C.

Ramroop, S.

Hackshaw-Marslin, Mrs. J.

Hypolite, N.

James, Mr. W. F.

Question, on amendment, negatived.

Clause 2, as amended, ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the Senate.

Senate resumed.

Bill reported, with amendment, read the third time and passed.

ADJOURNMENT

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday, July 18, 2006. We are giving a week off to study the Bills that are coming. [*Laughter*]

On Tuesday, July 18, 2006, Mr. Vice-President, we will debate the Firearms (Amdt.) Bill and the Fire Service (Amdt.) Bill, which will then appear on the Order Paper in accordance with the Standing Orders.

Mr. Vice-President: Hon. Members, leave has been granted for a matter to be raised on the Motion on the Adjournment by Sen. Mark.

Disappearance of Passports from New York Consulate (Failure to Investigate)

Sen. Wade Mark: Thank you very much, Mr. Vice-President. This Motion concerns the failure on the part of the Minister of National Security to investigate the disappearance of the Trinidad and Tobago passports from the Trinidad and Tobago New York Consulate, in New York.

The *Auditor General's Report of 2005*, on page 118 under Consulate General New York, USA reads as follows:

“Seventeen hundred passports were not seen to be entered in the register. Four hundred passports recorded as issued to the Consulate by the Immigration Division of the Ministry of National Security were not recorded in the register.

Another 200 passports were entered in the register without the date of receipt being recorded.”

These passports were not recorded as having been issued by the Immigration Division. What the Auditor General is saying in her report is that some 2,300 passports cannot be properly accounted for, in terms of the Consulate General in New York. She goes on to say:

“Only the receipt of new stocks of passports was recorded in the register. Issues of passports were not recorded.

Entries in the register were not systematically made and as a result the balance of passports on hand could not be readily determined.”

Mr. Vice-President, this constitutes a very serious matter; 2,300 passports that cannot be properly accounted for, according to the Auditor General, is of grave concern to the national community. The Ministry of National Security is the Ministry with responsibility for this particular issue.

The issue of passports is becoming a very serious issue in our country, to the point where I have been informed that the Ministry of National Security has awarded a contract in which they have requested a particular entity called Canadian Bank Note Company Limited out of Canada to supply this country with 670,000 machine-readable passports at a cost of TT \$77 million.

When we read this matter against the background of 2,300 passports that cannot be properly accounted for, we are worried. I think that the time has come for the hon. Minister of National Security to account to this Parliament and to this country for what is taking place in the Ministry, insofar as the Immigration Department is concerned.

We have information that there was a tender process involving this Ministry in which three particular firms participated. One was called Canadian Bank Note Company Limited, the other was called 3M and the last one was called De La Rue.

Mr. Vice-President, we understand—and I want the Minister of National Security to explain to us—there were a number of irregularities that have surrounded this particular transaction, where we have been informed that the tender process was tampered with, and this particular company out of Canada was

Disappearance of Passports
[SEN. MARK]

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able to revise its proposal in terms of the supply of these machine-readable passports and therefore, because of that fact, it breached the tender procedure and put the other two competitors at a disadvantage.

We learnt, via a correspondence dated May 05 from the Central Tenders Board, that they awarded this contract to this Canadian Bank Note Company Limited at a cost of TT \$77 million. When this particular company submitted its tender to supply this country with 670,000 passports, there were only three components in their original proposal. The revised proposal had two new provisions that they never submitted to the Central Tenders Board. These provisions were the inclusion of additional functionalities deemed necessary. The other was the inclusion of any other relevant points for consideration. These were never contained in the original proposal.

Mr. Vice-President, we are concerned and the taxpayers are concerned. It is our information that this TT \$77million was not supposed to be TT \$77 million, it was escalated because of the inclusion of these two other components, meaning that maybe the taxpayers would have paid TT \$50 million for the 670,000 machine readable passports.

This is a very serious matter. Here it is you have on the one hand the Auditor General of the Republic of Trinidad and Tobago talking about the unaccounted 2,300 passports and on the other hand, out of the Ministry of National Security you have a contract being issued under very suspicious circumstances.

I call on the Minister of National Security to launch a forensic audit investigation into this particular contract that was awarded to this Canadian firm called the Canadian Bank Note Company Limited. This matter should be referred to the Fraud Squad; it should be referred to the Director of Public Prosecutions and the police because we believe that it is a scandal and it requires urgent investigation. The Minister of National Security owes an explanation to this Parliament as to this particular scandal in terms of the 670,000 machine readable passports.

I hope the hon. Minister could bring to this honourable Senate what is the state of play insofar as the passports that are unaccounted for in the New York Consulate and, at the same time, what is taking place in his Ministry, under his watch, involving this corruption scandal we are hearing about.

Mr. Vice-President, we are searching for more evidence but for the time being we want the Minister to comment on what is going on in the Immigration Department of the Ministry of National Security.

Thank you, Mr. Vice-President.

7.20 p.m.

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you very much. Mr. Vice-President, you know it is difficult preparing for a motion on the adjournment. As you are aware, the Clerk of the House approves a Motion on the Adjournment that comes to the Minister. For example, the Minister of National Security and other agents in the Ministry would have received a request to respond to a Motion on the Adjournment about the failure of the Minister of National Security to investigate the disappearance of Trinidad and Tobago passports from the Trinidad and Tobago Consulate, New York. However, my Senator colleague decides to use that as the basis to talk about what he considers to be some strange ways in which the Ministry of National Security approved a tender to the Canadian Bank Note Company Limited for machine readable passports.

Interestingly enough, I read in the newspaper where the Senator has accused the Ministry of National Security of some impropriety with respect to the award of the tender. I think it is unfair. If Sen. Mark wants a motion to deal with companies that have applied to the Government, let me make something clear, the Ministry of National Security does not award tenders. The Central Tenders Board awarded a tender the Canadian Bank Note Company Limited for the issue of machine readable passports.

Three companies applied—De La Rue, as he said, 3M and Canadian Bank Note Company Limited. I will deal with it even though I am not prepared for it and that is not the Motion on the Adjournment. That matter was, in fact, with the Ministry of National Security for about three years as it related to the award of the contract. My understanding is that there were improprieties associated with the award of the contract and we took it away from the Ministry of National Security and sent it to the Central Tenders Board to deal with it.

This is a contract where there are three major players—De La Rue, Canadian Bank Note Company Limited and 3M—and, like anything else, each one was lobbying every Tom, Dick and Harry to make sure they were the successful bidder as it relates to this particular contract. So for the Senator to get up here this evening and ask the Minister to give some explanation as to some \$67 million [*Interruption*] or seventy-whatever, and say that the Ministry awarded contracts—the Ministry did not award any contract. The Central Tenders Board awarded the contract.

Sen. Mark: There were irregularities and we would like you to investigate.

Mr. Vice-President: Please!

Sen. The Hon. M. Joseph: Mr. Vice-President, Sen. Mark used the basis of the Auditor General's report, where she indicated that they had seen certain discrepancies when they did the audit of the section on the consulate in New York. Seventeen hundred passports were not seen to be entered into the register as he said. Four hundred passports recorded as issued to the consulate by the Immigration Division of the Ministry of National Security were not recorded in the register. Two hundred passports were entered in the register without the date of receipt being recorded. These passports were not recorded as having been issued by the Immigration Division.

As soon as I saw that Auditor General's report, in May 2006, I asked for an immediate explanation from the Chief Immigration Officer. Immediately he indicated that the observations of the Auditor General reflected no malfeasance, but rather deficiencies in the record keeping occasioned by increasingly heavy demand for documents from the national community in the Consular General's area of jurisdiction. The increase in demand is reflected in the fact that during fiscal 2003 the consulate delivered 5,078 passports, while in fiscal year 2004, the number increased to 10,805, that is an estimated 100 per cent increase. In addition, the consulate issued 282 emergency certificates, 363 ordinary visas, 55 diplomatic visas and processed 45 applications for restoration of citizens.

The Ministry of National Security has now been able to ascertain that the Mission's records are now current in that the logbook and the passport register are now up-to-date and measures have been put in place to separate existing passports from newly delivered passport books. Sen. Mark's insistence on the missing or disappearance of passports appears to be a misrepresentation of the information in the Auditor General's report. From what I have just explained, the issue is one of improper record keeping and certainly not of missing passports.

Mr. Vice-President, let me read—which I do not normally do—the response from the Chief Immigration Officer as it relates to this particular matter. It is dated July 04 and it is addressed to me.

“Procedures in Place for the Supply and issue
Of Passports at our Overseas Missions

Reference is made to your request for a report on the matter at caption given the recent findings of the Auditor General on the operations at our New York Consulate and Sen. Mark's interpretation of the report as a case of disappearing passports.

I am to advise that there were no missing passports. Failure by staff at the consulate to follow the established procedure of immediately recording each issued passport in the appropriate register resulted in the temporary inability to account for thirteen hundred passports supplied to the Mission by the Passport office in Port of Spain. The un-entered issued passports have since been recorded in the register and all of the 'so called' missing passports have been accounted for.

Hereunder are the established procedures for supplying passports to our missions, and the accounting for the usage.

- Passports in sealed boxes of one hundred are delivered to the registry at the Ministry of Foreign Affairs before twelve noon on the day that diplomatic mail is scheduled to leave for the particular mission. The shipment of the passports is accompanied by a delivery note stating the quantity and the passport identification numbers.
- The senior responsible officer at the Ministry of Foreign Affairs dispatches the passports through the diplomatic bag and alerts the receiving mission that a bag is to be collected.
- Upon receipt, the Head of Mission ensures that the passports are counted, entered into a stock register and dispatches to the Chief Immigration Officer an acknowledgement of the passports received.
- The passports are placed in a locked vault or cabinet.
- Each working day, passport applications which have been approved for processing by the Immigration Attaché or other responsible officer where there is no attaché, are counted and a corresponding number of blank passports released to the clerk for preparation. The stock register is adjusted to reflect the remaining stock.
- The passport clerk assigns one book to each form, writes the number of the book on the form and enters the number in the appropriate passport register together with the name, date of birth and receipt number for the passport fee paid.
- After the passport is prepared the completed document together with the form is sent to the Immigration attaché who after satisfying himself/herself that everything is in order, affixes his signature to the passport and form.
- The completed passports are either mailed out if requested by the customer or stored in the Cabinet for pick up.
- Monthly reports regarding passports issued are sent to the Chief Immigration Officer.

Disappearance of Passports
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The Immigration Attaché, New York, explained that the discrepancy identified by the Auditor General was due to a departure from established procedure because of the heavy volume of applications and insufficient staff. Resources were focused on preparation of the passports to maintain a satisfactory delivery time of passports to nationals and the forms were stored for recording in the register at a later date. This security breach was discovered by the auditors resulting in a negative Auditor General's report. The backlog was subsequently cleared up because of the reduced workload resulting from the decision to extend the life of passports rather than issue new ones in the interim while we await the issue of machine readable passports. Even when the new passports come on stream in November, preparation of all passports will be done in Port of Spain. Staff at the Mission will be responsible only for receipt and checking of applications. In addition, the former Immigration Attaché in New York has been hired on contract by the Consulate General to work in the passport section and this has provided additional relief."

This, Mr. Vice-President, is the detailed information given by the Chief Immigration Officer, which I have entered into the record.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.30 p.m.