

*Leave of Absence**Tuesday, July 10, 2007***SENATE***Tuesday, July 10, 2007*

The Senate met at 1.30 p.m.

**PRAYERS**[MR. VICE-PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Vice-President:** Hon. Senators, I wish to inform you that President of the Senate, Sen. The Hon. Dr. Linda Savitri Baboolal, is at present acting President of the Republic of Trinidad and Tobago for His Excellency the President, Prof. George Maxwell Richards, who is out of the country.

During the absence of the President, the Vice-President of the Senate will preside over the sitting and Mr. Overand Padmore will act in his place.

Hon. Senators, I have granted leave of absence to Sen. The Hon. John Jeremie SC, who is ill.

**SENATORS' APPOINTMENT**

**Mr. Vice-President:** Hon. Senators, I have received the following correspondence from Her Excellency, Acting President, Dr. Linda Savitri Baboolal,

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency, DR. LINDA SAVITRI BABOOLAL,  
Acting President and Commander-in-Chief  
of the Republic of Trinidad and Tobago.

/s/Linda Baboolal  
Acting President.

TO: MR. OVERAND PADMORE

WHEREAS the President of the Senate has temporarily vacated her Office of Senator to act as President of the Republic of Trinidad and Tobago:

AND WHEREAS the Vice-President of the Senate is acting President of the Senate:

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you,

*Senators' Appointment*  
[MR. VICE-PRESIDENT]

*Tuesday, July 10, 2007*

OVERAND PADMORE, to be temporarily a member of the Senate with immediate effect and continuing during the period that Senator Dr. Linda Savitri Baboolal has temporarily vacated her Office as Senator.

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 9<sup>th</sup> day of July, 2007."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency, DR. LINDA SAVITRI BABOOLAL,  
Acting President and Commander-in-Chief  
of the Republic of Trinidad and Tobago.

/s/Linda Baboolal  
Acting President.

TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator John Jeremie is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting 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, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate with immediate effect and continuing during the period of illness of the said Senator John Jeremie.

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 10<sup>th</sup> day of July, 2007."

**OATH OF ALLEGIANCE**

*Senators Overand Padmore and Magna Williams-Smith 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.

*Motion made*, That the next stage of the Bill be taken at a later stage of the proceedings. [*Hon. Dr. L. Saith*]

*Question put and agreed to.*

**PAPER LAID**

The Administrative Report of the Princes Town Regional Corporation for the year 2005 to 2006. [*The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith)*]

**ORAL ANSWERS TO QUESTIONS**

**Customs House  
(Details of)**

**76. Sen. Wade Mark** asked the hon. Minister of Finance:

With respect to the construction of the new Customs House in Port of Spain, could the hon. Minister inform the Senate:

- (i) what was the original estimated cost;
- (ii) how much money has been expended to date;
- (iii) what is the new estimated total cost;
- (iv) what was the original scheduled completion date; and
- (v) what is the new scheduled completion date?

**The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):** Mr. Vice-President, we have received the answer to question No. 76, but it has not gone through the process and, therefore, it is not available for this session. It should be available for the next session.

There was a difficulty in getting the information from the institution. We have gotten it now, but it has not gone through our internal process and it will go through that this week, so this answer should be ready by next week.

*Question, by leave, deferred.*

**T&TEC Light Poles  
(Details of)**

**77. Sen. Wade Mark** asked the hon. Minister of Public Utilities and the Environment:

With respect to the new galvanize type of light poles being used by the Trinidad and Tobago Electricity Commission (T&TEC), could the hon. Minister inform the Senate:

- (i) whether these poles are being imported and if so by whom;
- (ii) whether the contract to purchase these poles was subject to:
  - (a) public competitive tendering or
  - (b) sole selective tendering;
- (iii) if the answer to (ii) is (a), could the Minister provide the relevant information outlining in detail the procedure involved in the public tendering process; and
- (iv) if the answer to (ii) is (b), could the Minister explain the rationale for such an arrangement?

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Mr. Vice-President, I have been advised by the Minister of Public Utilities and the Environment that answers to three questions to her are not ready and ask for a two-week postponement.

**Mr. Vice-President:** Sen. Mark, is that all right?

*[Assent indicated]*

*Question, by leave, deferred.*

*The following question stood on the Order Paper in the name of Sen. Wade Mark:*

#### **Street Lights (Details of)**

- 78.** A. Could the hon. Minister of Public Utilities and the Environment provide the Senate with a detailed breakdown of the total cost of supplying street lights to the citizens of the country over the past five years?
- B. Could the Minister further state what is the total number of street lights installed and precisely where they have been located during the same period?

*Question, by leave, deferred.*

**Sen. Dr. Gopeesingh:** I received a call from him a while ago, indicating that it has just come to his attention. *[Interruption]*

**Sen. Mark:** This is the Minister of Works and Transport.

**Sen. Dr. Gopeesingh:** There is one also to the Minister of Public Utilities and the Environment. *[Interruption]*

**Sen. Mark:** We already agreed on two weeks.

**Sen. Dr. Gopeesingh:** Mr. Vice-President, I am explaining that he called a while ago and indicated that he would not be ready for the next two weeks because it just reached his attention. I was speaking about question No. 81.

Is it the same thing with question No. 82 to the Minister of Works and Transport?

**Sen. Dr. Saith:** The Minister of Works and Transport told me that he had a conversation with you and he is not ready. I think you have agreed for two weeks.

*The following questions stood on the Order Paper in the name of Sen. Dr. Tim Gopeesingh:*

**Water and Sewerage Authority (WASA)  
(Details of)**

- 81.** With respect to the operations of the Water and Sewerage Authority (WASA), could the hon. Minister of Public Utilities and the Environment advise the Senate:
- (i) What percentage of the population receives water in their homes on a twenty-four hour basis?
  - (ii) What new water production or water distribution programme has WASA undertaken during the period 2002 to 2006?
  - (iii) The number of new employees hired by WASA during the period 2002 to 2006? and
  - (v) The total cost to WASA for these new employees?

**Road Paving Programme  
(Details of)**

- 82.** With respect to the proposed road paving programme being undertaken by the Ministry of Works and Transport, could the hon. Minister of Works and Transport inform the Senate:
- (i) which roads are scheduled to be paved;
  - (ii) the process utilized in determining which roads needed to be paved; and
  - (iii) the cost per kilometre of paving?

**Road Paving Programme  
(Contract Details)**

- 83.** With respect to the proposed road paving programme being undertaken by the Ministry of Works and Transport, could the hon. Minister of Works and Transport advise the Senate of:
- (i) the tendering procedure involved in awarding contracts;
  - (ii) the names of the firms/contractors that have been awarded contracts; and
  - (iii) the cost of each contract awarded?

*Questions, by leave, deferred.*

**STATEMENT BY MINISTER  
Construction of Schools  
(Detailed Breakdown of Expenditure)**

**The Minister of Education (Sen. The Hon. Hazel Manning):** Thank you, Mr. Vice-President. On behalf of the Government of Trinidad and Tobago, I wish to crave the indulgence of this honourable Senate to clarify and amend the response to question No. 62 on the Order Paper, which reads as follows:

“Could the Minister provide the Senate with a detailed breakdown of the expenditure for the construction of schools during the period January 01, 2002 to December 31, 2006 under the following headings:

- (i) Early Childhood Education Centres;
- (ii) Primary Schools; and
- (iii) Secondary Schools?”

The response to the question summarized that during the period in question, the following expenditure was incurred in the construction of schools:

Category	No of Schools	Amount \$
Early Childhood Care Education Centres	18	21,700,000.00
Primary Schools	18	66,545,553.32
Secondary Schools	11	151,456,160.02
<b>Total</b>	<b>47</b>	<b>239,701,713.34</b>

The technical advice given is that the expenditure for the construction of schools comprises, among other things, the cost of acquiring the land, design fees and actual construction fees.

As such, the Government wishes to clarify that expenditure reported in the response, referred to expenditure on various stages of the construction process. Particular reference is made to the expenditure on the primary and secondary schools, which can be classified into the following broad categories:

	<b>Primary</b>	<b>Secondary</b>
Acquisition of land	2	
Fees	6	
Fees and construction	2	8
Construction costs	8	3
<b>TOTAL</b>	<b>18</b>	<b>11</b>

The details on primary schools are as follows:

<b>PRIMARY SCHOOLS</b>			
<b>Schools</b>		<b>Total Expenditure</b>	<b>Remarks</b>
1	Princes Town Presbyterian No. 2	3,233,828.57	Construction costs
2	Moulton Hall Methodist	1,087,833.39	Construction costs
3	Western Boys' Roman Catholic	603,700.31	Construction costs
4	South Oropouche Gov't	8,935,943.26	Construction costs
5	El Socorro South Gov't	8,707,798.80	Construction costs
6	Waterloo Hindu	6,667,919.86	Construction costs

<b>PRIMARY SCHOOLS</b>			
<b>Schools</b>		<b>Total Expenditure</b>	<b>Remarks</b>
7	Lengua T.I.A.	8,069,235.43	Construction costs
8	Point Fortin Anglican	16,608,099.18	Construction costs
9	New Grant Government	74,910.00	Acquisition of land
10	Icacos Government	4,302,760.63	Fees and construction
11	St. Mary's Government	2,260,976.56	Fees
12	Tranquility Government	529,203.18	Fees
13	St. Barbara's Spiritual Shouter Baptist	902,078.76	Fees
14	Palo Seco Government	165,256.25	Fees
15	Arima West Government	529,203.16	Fees
16	Arima New Government	529,203.16	Fees
17	St. Paul's Anglican	3,317,602.82	Fees and construction
18	D'Abadie Government	20,000.00	Acquisition of land
	<b>TOTAL</b>	<b>66,545,553.32</b>	



<b>SECONDARY SCHOOLS</b>			
<b>Schools</b>		<b>Total Expenditure</b>	<b>Remarks</b>
1	Caroni Village SDMS Boys' Secondary	447,800.00	Fees
2	Charlieville ASJA Boys' Secondary	23,301,048.97	Fees and construction
3	Charlieville ASJA Girls' Secondary	22,786,597.41	Fees and construction
4	Holy Name Convent, Point Fortin	8,247,133.63	Fees and construction
5.	Saraswati Girls' Hindu College	524,426.66	Construction costs
6	Barrackpore ASJA Girls' College	24,239,851.04	Fees and construction
7	Sangre Grande SWAHA Hindu College	14,901,484.22	Fees and construction
8	Tunapuna ASJA Girls' College	9,641,849.92	Fees and construction
9	Palo Seco Government Secondary	10,437,556.60	Fees and construction
10	Vishnu Boys' Secondary (formerly Caroni Village SDMS Boys)	20,899,368.74	Construction costs
11	Miracle Ministries High School	16,029,042.83	Fees and construction
	<b>TOTAL</b>	<b>151,456,160.02</b>	

*Construction of Schools*  
[SEN. THE HON. H. MANNING]

*Tuesday, July 10, 2007*

In addition, the Government wishes to advise that expenditure on schools constructed under the Fourth Basic Education Project and expenditure under the SEMP Phase II project were inadvertently omitted in the response.

Accordingly, the Government wishes to amend its response to state that expenditure was also incurred in the construction of the following 12 primary and 11 secondary schools:

<b>PRIMARY SCHOOLS</b>		
	<b>Schools</b>	<b>Cost \$</b>
1	Caratal R.C. Primary	4,341,260
2	Chaguanas North Primary	12,659,820
3	Couva South Primary	6,561,230
4	Cunupia Government Primary	17,009,011
5	Iere Government Primary	7,328,345
6	Nelson Street Boys' Primary	6,214,180
7	Princes Town Methodist	10,607,472
8	San Fernando Girls' Primary	8,612,143
9	Ste. Madeline Primary	12,882,516
10	Buccoo Government Primary	3,940,427
11	Castara Government Primary	4,865,577
12	Scarborough Methodist	13,321,685
	<b>TOTAL</b>	<b>108,343,666</b>

<b>SECONDARY SCHOOLS</b>		
	<b>Schools</b>	<b>Cost \$</b>
1	Guaico Government Secondary	20,327,580
2	Mason Hall Government Secondary	36,925,842
3	Goodwood High School	19,600,000
4	Bon Air High School	27,500,000
5	Guayaguayare High School	21,600,000
6	La Romaine High School	28,700,000
7	Preysal High School	25,500,000
8	Rio Claro High School	21,600,000
9	Speyside High School	19,600,000
10	Vessigny High School	25,500,000
11	Russell Latapy	18,307,987
	<b>TOTAL</b>	<b>265,161,409</b>

Mr. Vice-President, this Government has incurred expenditure on the construction of 70 schools, 23 more than initially stated. I want to repeat, this Government has incurred expenditure on the construction of 70 schools, 23 more than initially stated. Heavy weather has been made on the figures given in the response to question No. 62 and in this context, the Government wishes to make it abundantly clear that what actually occurred was that the total number of schools that the Government spent money on was understated in the previous response, whereby schools constructed under the Fourth Basic Education Project and the SEMP Phase II project were omitted.

Furthermore, the Government wishes to point out that the figures for school maintenance and repairs were not included in the previous response to Question No. 62. Accordingly, in respect of school maintenance, expansion, upgrade and repairs, this Government spent \$269,331,085 on primary schools and \$165,836,152 on secondary schools during the period 2002—2006.

*Construction of Schools*  
[SEN. THE HON. H. MANNING]

*Tuesday, July 10, 2007*

The Ministry of Education is now in the process of instituting a computer maintenance and management system that would track all projects and assets of the Ministry and thereby prevent such omissions associated with a manual system. The revised summary of expenditure on schools is therefore:

<b>Category</b>	<b>No of Schools</b>	<b>Amount \$</b>
Early Childhood Care Education Centres	18	21,700,000.00
Primary Schools	30	174,889,219.32
Secondary Schools	22	416,617,569.02
<b>Total</b>	<b>70</b>	<b>613,206,788.34</b>

Thank you.

#### **MUNICIPAL CORPORATIONS (AMDT.) BILL**

**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.

Mr. Vice-President, this Bill is quite short, and, therefore, the intention is that the term of office of the members of the municipal councils be extended for a period of one year, from the date of expiration of the existing term.

The Bill sets out to ensure that, for the purposes only of the election due in 2007, the term of office of the Mayors, Aldermen and Councillors holding office in the corporation on July 13, 2007 is hereby extended for a period of one year, from the date of expiration of such term.

It goes on to suggest that all powers exercisable by Mayors, Aldermen and Councillors under the Act, shall be exercisable by them during the period referred to in subsection (1F).

The amendment is necessary, given that the normal course of events, the councils would have expired on July 13, 2007, since the term of office of the corporations was extended on July 14 in the last year. This provision is required since section 11 of the Municipal Corporations Act states in paragraph 4 that the term of office of the council shall be three years. That was amended last year to

ensure that the period was extended by virtue of the fact that the term of office of the councils was extended and provisions were made for those Councillors to put in place Mayors, Aldermen and Chairmen.

The context of this extension arises, in that the Government, in seeking to make sure that provisions are made for efficient and effective delivery of public services to the citizenry of the Republic of Trinidad and Tobago, considers it critical that the councils be extended to meet the requirement that a major government programme, in the context of local government reform, be continued without interruptions.

The Government came to the Parliament and put in place a programme and brought to the public's attention its programme on local government reform. This programme was seen as part of the Government's development programme and parallel to its social and economic development programme, that the Government is putting in place as part of Vision 2020.

The programme sought to treat with the modernization of the local government system, as part of the modernization of the nation's constitution and part of the ways in which we manage governance.

It is my responsibility to report that this programme is 90 per cent completed. The requirements are that we complete the legislative review on the drafting of legislation that is required to bring that process to a close. In that context, it is undesirable that the time in which those reviews and the legislation will be ready—we estimate to be a short three-month programme. It is therefore inconvenient and nonproductive, we believe, to have the local government bodies now being faced with an election. In that context, this extension is considered and for which we ask the support of the honourable Senate.

What does this programme seek to do? These measures were placed before the Parliament by the Prime Minister and they identify the question of deepening the democratic process and making better provisions for the delivery of services to the people of the nation; those services being provided by the local government corporations.

What are the proposals of the local government reform? First, the local government proposals in the White Paper propose an arrangement for the sharing of power between central and local government in Trinidad and Tobago. It suggests that decentralization should be the driver of this process. By decentralization, we mean that there are some authorities being exercised by central government, some

responsibilities for which the local government takes responsibility and some areas and functions which we believe are better delivered closer to the recipient of those services.

Secondly, we believe that there is a responsibility and the timing for local government boundaries to be assessed, given the possibility that these boundaries and arrangements for district management could be better aligned. It is our argument that the boundary demarcation should be functional, rational and user-friendly and, therefore, we should look at the desirability of those that we have.

Finally, we are looking again at the extent to which local government corporations could be self-financing. When we take these into context, the legislative review of the law, both at the level of the central law, as well as the bye-laws and regulations; the redefinition of roles of the Ministry of Local Government and the municipal corporations; the redefinition of boundaries, functions and responsibilities and the corporate restructuring of the Ministry of Local Government and Municipal Corporations, these activities are well on the way. We believe that any disruption now, as such, could lead to a disruption of the total system and, therefore, the presence of the present incumbents in the municipal corporations could be continued.

Mr. Vice-President, the responsibility of the Parliament is to make rules for good order, good governance and the comfort of its citizenry. This extension we consider vital.

The provision in the law, allows the Government three options. It allows the Government the option of allowing the time to pass and, therefore, as a result, according to the provisions of the law, the Minister will become the aggregate depository of all the responsibilities, functions and powers of all the corporations. In that context, we believe that the provisions in that law make the Minister a creature of advantage. Since this administration would prefer that the people are represented by those they elected, even in a time as we seek to prolong the life of the corporations, an adjustment to that provision is required. We believe that philosophy that those who were elected by the municipal areas carry out the functions and it is best that continue.

There is another possibility. There is one which allows the corporations to fall and the chairmen become the responsibility and repository of authority and power in the organization. In that context, the rest of the council becomes advisory. That is the preference that another administration exercised in its time.

Again, we believe that the third option that we are putting on the table, of extending the life of the corporations and allowing the people who are elected and who are either primarily or secondarily elected to those positions, carry out the functions, while we get over the short impasse.

The issue of local government reform has been with us over a number of years. Each time, except once, when a shortcut was taken, one person was put to draft the law. We have all come to agree that the law that was drafted was inadequate and did not serve us well, therefore requiring this reform.

We have had the case in which the process fell short of the timing required and each administration had to start over. We have contracted the critical expertise required to ensure that the drafting of the law takes place and the exercise of that contract is on time; consultations have been held with all the major stakeholders, including all the political parties, all the corporations, the workers' organizations; and in fact are continuing with the wider community; notwithstanding the fact that regional consultations were held across the country, that drove the present provisions of the Act.

In the context of validation and of ensuring that what was put in place at the so-called, for want of a better word, higher levels, in which representatives of various stakeholders gave their opinions and that became the body of work, the Government has agreed that consultations in the communities, with the communities, in the widest possible dispersion, is best for validating this law; the proposed laws and provisions and carrying them forward.

The policy that drives that legislative process and the policy that drives the drafting process, has been identified and laid before the public in the form of the *Draft White Paper on Local Government Reform 2006*, which identifies that the thrust is towards regional development and the development and support of sustainable communities, with emphasis on the decentralization of the local government system and promotion of greater participation in the affairs of local government.

There are those who argue that the election in the local government has no echo and no consideration in the context of the general election. We want to argue that the process of forwarding the agenda on local government reform is so critical that there should be no dilution of that process in the midst of the hurly-burly of a general election. That position has been made in public by the Prime Minister. We see no contradiction in the argument that in furtherance of local government reform, the process of election to the new local government bodies that are being formulated by the new legislation, should not lead to the possibility of confusion.

When we analyzed where we were in local government four and one-half years ago, the evidence suggested that the general population did not know their councillors and were not sure and aware of what roles and responsibilities the local government bodies carried and that was identified through the Government poll. Therefore, there is a need to re-establish the groundings with the community, so that the national community and the various communities would re-identify, and re-energize the local government system, that will come to a new familiarity and clarify the expectations in the population in the context of participation, as well as the expectations for performance for those who are elected to local government, that the form and formulation of the local government bodies should be clarified. The corporate structure should be clear, the relationships between the councillors and those who work in the system should be clear, and more than that the expected standards of performance, which the burgesses can expect from the local government bodies, would be clear and, as such, that they can be met by the corporations themselves.

It is in that context that we ask the Senators present to join with us, as suggested, in accepting the law, this change that we propose to consolidate the activity that has taken us four and one-half years to get to this point, over the next short three months, but understanding that the agenda will require fulsome consideration by the Legislature and will require proper administrative procedure. Many times we have had the occasion in the Senate, to have Members of the Senate suggesting that we have law and we do not have the administrative procedures in place to carry out the law. In this context, the Government is suggesting that we are in the process of drafting and bringing the law to the table and putting the administrative requirements in place. When the law is put in place, all three things come in line.

Fourthly, when we in fact have the local government elections, the new men coming with new energy into the new system, will be capable of the community mobilization required to move our local government bodies to be the kind of efficient and effective service deliverers that we will all desire.

Mr. Vice-President, I so move.

*Question proposed.*

**Sen. Wade Mark:** Thank you very much, Mr. Vice-President. I want to indicate to my colleague, the hon. Minister of Local Government, from the very outset, that we in the United National Congress, the alternative government of Trinidad and Tobago, will not join him and the PNM in undermining and subverting the Constitution and the fundamental rights and freedoms, vital for the sustenance for any democratic framework.



The right to choose is a virtual bedrock of any democratic society, and for a government to be using its majority, on a regular basis, to compromise and undermine the rights and freedoms of the people to elect representatives of their choice, is an affront to our democracy and it is an affront to the citizens of our country.

The Municipal Corporations (Amdt.) Bill, represents the second consecutive occasion by this Government, to deny the people the right to choose their councillors. I would demonstrate to you and this honourable Senate where we have been deceived, misled and completely taken for a ride when, in July 2006—I would quote from the *Hansard* in a short while—we were informed by the Government that a postponement of local government election was necessary, in order to enable the government to complete its local government reform agenda. Just as the hon. Minister informed us a short while ago, he informed us then, that the extension that he was seeking was vital to complete this process of local government reform.

Today, he is back with the same beaten tune; outworn music, virtually. We do not trust this regime, as the population. We have absolutely no confidence in this Government. Their words are meaningless.

I want to share with you what the hon. Minister told us on Thursday, July 06, 2006. Not only is the Government undermining and subverting the democratic institutions of our country, we are also witnessing an abuse of power and process, simultaneously.

This Government was aware, since April 2007, and it was enunciated by the hon. Prime Minister, when he indicated—it is reproduced in the *Daily Express* of Monday, July 09, 2009 which headline reads:

“Local government elections postponed once more”

The Patrick Manning administration had postponed last year's local government election saying that it had decided that the entire system was in need of reform and undertook an exercise to achieve that objective.

Last month, Manning told a group of party supporters at Cunupia that the Government did not want to confuse the electorate by having a general election and local government election in the same year. What is the real purpose and objective behind this second consecutive postponement of local government election? Is it, as the hon. Minister told us a short while ago, to continue his reform of local government, which he says is 90 per cent completed and he

requires another three months, or is it what the Prime Minister has told the entire country and the world that he does not want to entertain two elections in the same year, because it will confuse the population? What is the truth?

My colleague on the other hand said that there are no contradictions. Hear what the hon. Minister of Local Government told us last year on Thursday, July 06 in the *Hansard*. He said:

“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.”

I want to quote the statement again. Sen. The Hon. Rennie Dumas, Minister of Local Government told this Senate on Thursday, July 06, 2006:

“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.”

That was last year and the end of June of this year, we were taken for a ride by this Minister of Local Government. He was less than honest with this Parliament when he made that statement at the time.

People are becoming “fedup” with this PNM. Their words, as I said, mean nothing to the people of this country. They say one thing now and as you turn your back, they say something else. They cannot be trusted. This Government cannot be trusted.

Do you know what is deeply worrying about this whole exercise? Here it is that we are told by the Minister, in 2006, that there was a Green Paper which was published in 2004. This Green Paper was the subject of widespread consultation by the hon. Minister and by the Government. They went throughout the country because—let me quote for you from the *Hansard* the hon. Minister's statement:

“This was subjected to widespread public consultations at both national and regional, between August and September of 2004.”

The Green Paper, which begun to focus on the local government reform agenda, went through widespread public consultation. In fact, he told us that more than 1,000 persons from a wide cross-section of the nation 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...”

At that time he was speaking to us.

“and the business sector.”

Who is this Local Government Minister trying to mamaguy and fool? Who is he trying to fool? He had consultation. I have been a Minister before. I know what is a Green Paper and a White Paper. When a White Paper has Cabinet approval, the next stage, I know, is implementation. That is the next stage, after the White Paper is approved by the Cabinet. It so happened that this Government—I want to warn you one time, I repeated it sometime ago and I want to say it again—Indira Gandhi went to jail, “yuh know fuh what?” it was for using public funds; taxpayers’ dollars of India to engage in private, political activities. She went to jail for it. This Government, I will demonstrate for you, is doing the same thing with public funds.

You have read in the newspaper, as I did that the Minister knows that he was coming here today, so he hastily brought his forces together and they held a press conference in order to justify the inexcusable and indefensible decision on his Government's part, to postpone local government election for a second consecutive term. He has put front-page ad in the newspaper of Sunday July 8. His picture is most prominent.

**Sen. Abdul-Hamid:** “Leh meh see.”

**Sen. W. Mark:** It is difficult to see it, it is too small; but it is there. Everybody could see this picture. Even though it is a bit small, it is there. Hear the headline:

“Local Government Reform rolls into your village”

That is a caravan now. That is a PNM caravan, rolling into your village. We are told by the hon. Minister and his public relations officials—I do not want to misquote him because I am positing that this is an election ploy by the PNM Government, using taxpayers’ dollars and money in order to try to “tief” and steal the hearts, souls and minds of the people of Trinidad and Tobago. This is an election ploy.

**2.30 p.m.**

**Sen. Dumas:** Mr. Vice-President—

**Sen. W. Mark:** Is it on a point of order?

**Sen. Dumas:** The Senator is imputing improper motives.

**Sen. W. Mark:** Mr. Vice-President, it is my view. I am not imputing any improper motive.

**Mr. Vice-President:** Please. You have made the point of order. Sen. Mark, could you refrain from saying “this is so”? That is imputing improper motives. Do not say “this is an attempt by the Government to do that.” Okay.

**Sen. W. Mark:** It is my opinion that this is an attempt to use public funds for private political purposes. This is my view; my personal view. *[Interruption]* This is the Bill. The hon. Minister has come to this Parliament and stated what his intentions are. I am simply telling you and this honourable Parliament what he did last year when he sought the same postponement. I am bringing it to your attention that he has misled you and he has deceived you.

Mr. Vice-President, let me go on to explain to you another statement. This is in the *Newsday* dated Monday, July 09, 2007 headline: “Public to discuss local government”. I would like this hon. Minister—*[Interruption]* I think this was a story, but it is a little advertisement for him as well. I am looking at his picture very carefully. I think Eudine Job-Davis would be very interested in these pictures. Mr. Vice-President, we are told, and I quote:

“The Ministry of Local Government plans to send out consultants to discuss revamping the administration of regional corporations and city corporations and governance at the community level. The initiative has been called the ‘community roll-out’ which Minister of Local Government Rennie Dumas launched at his ministry in Maraval last Friday.

Community consultant Elton Wickham said an estimated 250 community meetings have been scheduled for the next two months after which there will be further consultations with agencies before a final draft is finalized and taken to Parliament.”

I am not too sure. In a particular newspaper, I read that there will be 250 meetings. I do not know which figure is right, but whichever figure is right, I want to let you know that this Government recently held seven crime consultations and it cost us, the taxpayers, over \$3 million. Several consultations on crime cost us \$3 million. I would like the hon. Minister to tell us when he is summing up—I have estimated that these consultations will cost, at least, a minimum of \$300,000 per seminar. I would like to know whether the taxpayers are going to be called upon to spend and sponsor these PNM inspired consultations at a value of over \$100 million. I would like the Minister to tell me if my figures are correct or if my figures are wrong.

I would like the hon. Minister to tell this country today what it would cost us, the taxpayers, to go in 350 communities throughout Trinidad and, I believe, Tobago. I would like to know, and the people would like to know—the people who are dying and cannot get a bed to sleep on. They are on cold concrete floors. In the hospitals people cannot get food, but they are going to spend—how much money, Sir? My calculation is that they could spend about \$100 million here. Tell us what the facts are.

Mr. Vice-President, this must be condemned! We condemn the misuse of public resources in this cavalier fashion by a regime which is on its way out. This regime only has a few more weeks to go—lame duck, hapless, moribund, dead and dying regime. Why are you spending taxpayers' money in this kind of slipshod way and trying to prolong the life of the corporations?

Mr. Vice-President, the hon Minister is really trying to fool the people by virtually pulling a fig leaf in here today—telling us to give him support for another postponement—give him support to, once again, undermine the democracy of our country. This Bill represents an affront and an assault on our democracy. The United National Congress will never be associated with any pieces of legislation that are designed to undermine, compromise subvert the democratic processes, the democratic institutions and the rights of our people to choose representatives of their choice.

If in your first consultation you had meetings with over 1,000 persons and you met with 35 different groups; having gone through that whole process; why do you choose now to go and have between 250 to 350 meetings? Why? What is the objective? It is clear! You do not have to wear glasses to see. The PNM is going to use these activities in order to campaign. That is what they are going to do.

**Sen. Montano:** What clause are you on? Do you know?

**Sen. W. Mark:** There is only one clause here. I am on clause 1. Mr. Vice-President, may I address you? We do not believe that this Government has the moral authority, at this stage, to spend this kind of money and, more so, a regime that is on its way out. I understand they want to present a next budget. Who gave them the moral authority to present another budget here? This Government is using this Parliament as a rubber stamp. They believe that they have an inbuilt majority, but anything could happen.

Imagine, a short while ago, we were told by the hon. Minister that one of the reasons they are going to postpone the election is that they want the EBC to reconfigure—he said that boundaries along local government lines are to be reconfigured and they want to be very careful in going about it, because they want to rationalize and have integration.

So, in other words, what you are seeing here is a Government that is attempting to undermine the rights of the people. This Elections and Boundaries Commission that is responsible for reconfiguring the boundaries, I want to indicate—

**Sen. Dumas:** Mr. Vice-President, just a correction. Mr. Vice-President, I said no such thing. The boundaries of the local government corporations are set by the Parliament and not by the EBC.

**Sen. W. Mark:** Mr. Vice-President, I was informed, and I need to get clarification from the hon. Minister. Many citizens have approached me and told me that in the 2002 general election, hundreds of citizens were given free water tanks by this regime. Mr. Vice-President, I understand as the Government seeks to further undermine our democracy, they are on a new scheme, and I need clarification from the Minister of Local Government or the Minister of Community Development, Culture and Gender Affairs. I have been informed that the Government is busy providing free toilet sets for all citizens who are in need of it. *[Interruption]* All that I am asking is whether the Government is bribing the population. *[Interruption]*

**Sen. Montano:** Mr. Vice-President, on a point of order. He is clearly out of order. He cannot name one, much less two, and then he says that the Government is bribing. That is highly improper. He is imputing improper motives. He has to withdraw that.

**Mr. Vice-President:** Apart from the fact that you are really bordering on imputing improper motives, that is totally irrelevant. It has nothing to do with the extension of the life of the local government bodies. Please, stick with the Bill that you have.

**Sen. W. Mark:** I want to tell you, Sir, based on the information that we have received, the United National Congress intends to approach the EBC on this matter. *[Interruption]* We understand the PNM wants to steal the next general election, and we intend to raise these matters.

This Government is undermining local government. On the one hand, we are told by the hon. Minister of Local Government that they want to bring about reform of the system, and on the other hand, you are saying that you want to reform local government, and you are undermining local government.

I do not have to tell you, but you know the minuscule budgets that are allocated to these 14 regional corporations in our country are unacceptable. When you realize the kind of services that they have to provide to their burgesses, you would realize that it is impossible.

As an example, in the Borough of Chaguanas, over 100,000 persons reside there. I am in support of Tobago. I am saying to give Tobago what they want. If they want independence, I am supporting that too. Do you know what I have a problem with? We will grant Tobago full autonomy if they wish. Mr. Vice-President, we will grant you full autonomy if you wish.

**Mr. Vice-President:** Sen. Mark, you are really straying far out. This has nothing to do with extending the life of local government bodies. As you know, the Tobago House of Assembly is a totally different body with a total different configuration, and with totally different rules.

**Sen. W. Mark:** Mr. Vice-President, I was just indicating to you that you have the Chaguanas Borough Corporation, and I am saying that the Government is underfunding local government, and I am using the Chaguanas Borough Corporation as an example. This is a Bill to extend the life of local government bodies. Inherent in that, the hon. Minister spoke about the objectives of the legislation and its reform.

We also have to deal with the inequities in the system, for instance, the functions, duties and responsibilities of these 14 regional corporations. When we look at the Chaguanas Borough Corporation, there are over 600 employees in that corporation, and that borough is responsible for the maintenance and the development of some 36 recreation grounds in that area. Do you know what the budget is? The budget is \$54 million.

Mr. Vice-President, hear what they have to do. They have to maintain and develop cemeteries; they have to deal with cremation sites and facilities; they have to ensure the efficient and effective use of a fleet of over 30 vehicles; they have to manage three markets; they are also responsible for collecting rates and taxes and for ensuring the orderly development by land and building developers. As I am on this matter, I want to bring to your attention that the Estate Management Business Company has never submitted any plans, as I understand, to the Chaguanas Borough Corporation for approval. So, they are in violation and in breach of the law.

As a borough, they are also responsible for ensuring that there are safe eating places. They are responsible for protecting the environment and ensuring healthy communities; working with traffic authorities to ensure there is a free flow of traffic; beautifying the borough; promoting healthy lifestyles by developing parks and sporting facilities; promoting partnership with schools and youth organizations; building roads, drains and pavements; collecting garbage; maintaining roads and drains; and erecting street signs.

Mr. Vice-President, I give you these examples to show you the kinds of responsibilities that these organizations have and they must execute. You know, they are hosting dignitaries and groups from July 14, 2007 to July 18, 2007. There would be 3,000 scouts converging in that borough during that period. So, they have a lot of responsibilities to execute. With respect to disaster preparedness they also play a very critical role in that particular area.

The Chaguanas Borough Corporation obtained the recurrent sums for the last three years: In 2005, \$44.5 million; in 2006, \$52 million; and in 2007, \$54 million, and there is a population of over 100,000 persons. Mr. Vice-President, the Prime Minister's palace, his new home, when you take the residential and diplomatic centre, it is costing over \$148 million.

**Sen. Montano:** Mr. Vice-President, he is misleading the Senate. The Prime Minister's house is a modest home in San Fernando—

**Sen. W. Mark:** The Prime Minister's residence down at La Fantasie Gardens—

**Mr. Vice-President:** Sen. Mark, I would prefer if you refer to that premises that you are talking about as “the official residence of the Prime Minister of Trinidad and Tobago”. To say “his house” is being pointed and I think it is out of order.

**Sen. W. Mark:** Mr. Vice-President, I would withdraw, and I would really say his “official residence” is costing you and me and the taxpayers over \$148 million. The house is \$36 million, and we are told that the diplomatic centre with all the landscaping involved will cost the taxpayers \$148 million, and he has not begun to put furniture and fittings into that place as yet.

**Mr. Vice-President:** Sen. Mark, let us get back to the Bill that we are discussing. You went off and talked about the responsibilities of the local government bodies, and it is as though you are saying, do not extend the life because they have so much work to do. When you come and talk about the official residence of the Prime Minister that has nothing to do with extending the life of local government bodies.

**Sen. W. Mark:** Do not allow them to mislead you.

**Mr. Vice-President:** Sen. Mark, you should know that I am not easily bought.

**Sen. W. Mark:** Mr. Vice-President, we are very clear, in terms of what we are saying. I have made it abundantly clear to you and to this honourable Senate that the UNC cannot support this measure. We said so. I am bringing to your attention examples of this Government's undermining of local government. I have brought to your attention the issue of the Chaguanas Borough Corporation.



Do you know that this Government has established a number of special state vehicles companies: the Community Improvement Company Limited, the Rural Development Company Limited? Mr. Vice-President, do you know what the purpose of that is? The purpose of that is to undermine local government. Why do you not put that money that you are giving to CEPEP, the Rural Development Company and to the Community Improvement Company—why are you engaging in duplication? Why are you engaging in waste?

The money that is being given to these special purposes state companies could be given to local government, if you are serious about developing local government. If you are saying that you want to enhance and empower local government; why are you not giving these organizations the money to do the job? What this Government has been doing since it came into power is undermining local government; underfunding local government. This is what has been happening, and there is no justification for it. None!

There is one reason and that is they want to perpetuate themselves in power, so they are undermining local government, and the Minister wants to roll into 350 villages for so-called consultations. He knows that those consultations are meaningless; they are a sham; they are bogus consultations. They have already made up their minds what they want to do, but they have to find a justification why they must come here today to try to convince you and me and the rest here, but they already know what their objective is. I want to warn the Government that it is playing with fire. Using taxpayers' money for private and political purposes is a criminal act. It is a crime! I want to warn this Government that it is threading on very dangerous grounds.

Mr. Vice-President, local government means a lot to the ordinary person. Local government needs to be enhanced and more resources deployed. We do not want cosmetic changes; we want real devolution of power to local government. Local Government should have powers like the Tobago House of Assembly. Their role should be complementary.

Central and local governments are supposed to be working in collaboration with each other; not undermining one so that you would take complete control of the other. That is what central government has been doing. The central Government has been deliberately undermining local government. [*Interruption*] You will know and you will see.

The Minister seems to be caught up in structures. He has not told us the strategy in this whole developmental thrust—this whole local government reform agenda. He is caught up in a cycle. I thought that when you are talking about

reform and meaningful reform, you have to give people a vision of where you want to go. Once you have your strategy outline, then you will deal with the structures. It seems that this Government is caught up with structures and then they are coming to get ideas on strategy. So, they are going into the villages; to get what? Ideas for structures that they have already decided! They have told us already that the local government bodies would be organized in such a way that mayors and other persons would be able to come in here in the new Senate. I want to tell them that this year is the last opportunity that we will have to deal with these people. It is only a matter of time.

**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:** I want to deal briefly with the conditions under which councillors work. I also want to look at the conditions of employees under these bodies. It is clear that councillors receive a very paltry payment for their services; most of which are given back by way of donations. Mr. Vice-President, you know that everyone goes to their councillor like they would go to an MP in the area; and councillors, like us in the Opposition, are not covered for medical treatment. They receive no benefit; no pension; no tax free cars; and they are treated with little respect. We cannot talk about local government reform unless we talk about remuneration and support services to be given to these councillors in order for them to carry out their functions.

Mr. Vice-President, the Government must face the people sooner rather than later. When we look at the crisis affecting workers in the Penal/Debe Regional Corporation, you would realize that there is lack of proper working conditions for employees; a lot of dissatisfaction.

We have been hearing from the hon. Minister for years now that they are going to build special administrative centres to house these corporations, and to genuinely decentralize Government operations so that people would not have to leave the country and go into the town in order to obtain basic things like birth certificates, passports and other services. People have high expectations when it comes to local government.

Mr. Vice-President, as I said, there is an absence of management at these corporations. There is a difference between administration and management. I am told that you have people who are operating at very senior levels at these

corporations traipsing in around 10 o'clock in the morning and leaving 2 o'clock in the evening. What kind of examples are they setting for the workers—the monthly-rated workers and even the daily-rated workers? I believe that behavioural changes and attitudinal changes are areas that the Minister needs to focus on rather than dealing with structures.

Mr. Vice-President, you will know that structure follows strategy and not the other way around. What we are getting from this Government is a lot of structures. You cannot concentrate only on structures, because you are going to end up reinforcing the bureaucracy that is going to stifle those local government bodies and, therefore, we want to free-up local government to perform.

We want to empower local Government and provide them with the mechanisms for reporting to the people. I think the time has come where a clear formula for determining funding for these corporations needs to be established. It cannot be dependent on the whims and fancies of a Government, a local government Minister or a Minister of Finance. A formula should be established.

Mr. Vice-President, we need to establish an immediate improvement in the packages for councillors. We need to end the discrimination with respect to the provision of a full cadre of municipal police officers in these corporations. We are talking about crime, safety and security and yet, the Government has failed miserably to empower these local government bodies to provide them with access to the resources to employ their own local police officers.

I think a Bill is coming very shortly to deal with a request from the Tobago House of Assembly where Tobago is also seeking to have its own internal security attached to the THA. I support that. I am saying that the same service should be extended to the local government corporations so that they can help the local police in fighting crime in those areas of the country.

We need to appoint civil engineers to these corporations. In many of those areas they are not appointed; they do not exist. Could we get from the hon. Minister an agreement to construct administrative centres for all these bodies and all these corporations? Mr. Vice-President, if you see where some of these corporations are located. You would not believe that in the year 2007, people could be housed in such primitive surroundings. If you go to the Penal/Debe Regional Corporation, they are in a house. A house was converted into an office for so many years, and not to mention at the central government level, if you go to the licensing office, it is a nightmare for you.

Mr. Vice-President, we need to expand the cadre of persons employed in line with the expanding population and the needs of the specific corporations. Mr. Vice-President, could you believe that they are giving a corporation like Couva/Tabaquite/Talparo with a population bigger than Barbados—they have a population bigger than Barbados—a mere \$60 million? There is nothing wrong with Tobago getting \$3 billion. I support Tobago getting \$3 billion, but why a population, as large as Barbados, is getting only \$60 million to \$65 million a year to deal with some crucial services? When I talk about inequities, underfunding and under-resourcing of these corporations, it is against this background that I am speaking. We cannot talk about real development in our country when you are seriously underfunding and under-resourcing these corporations.

Mr. Vice-President, we are very concerned. We believe that this Government had sufficient time. They were given 12 months. The hon. Minister, Mr. Rennie Dumas, should be ashamed to come here today seeking another extension. This Minister should have tendered his resignation for his utter failure in terms of under-performance. He was given enough time by this Parliament to deal with this matter and he has failed. This undermining of the rights of the people cannot continue any longer.

I was shocked when I read in the newspapers today that 22 or 21 charges were dismissed by the court of this country. I was shocked! I think the time has come—I am going to write to the new Police Service Commission, under Mr. Christopher Thomas, to investigate this gentleman called Mr. Maurice Piggott to find out, for instance, what kind of incompetence exists in that area that allows a situation where you charge people 22 charges and all are dismissed. *[Interruption]* I am talking about the undermining of the rights of the people. That is undermining the rights of the people. In the first instance, we know that those charges were politically motivated,

Mr. Vice-President, I want to tell you that under no circumstances will the UNC give support to any measure that is aimed at undermining the rights and freedoms of the democracy of our country. This Government is attempting to hijack this democracy and this country. These are signs of the times, and they are dangerous signs. We are not in favour of any extension.

Mr. Vice-President, we are saying to call the election; we are saying to face the people. If you are afraid to call the election, tell the country so, but you must face the country; face the music. They could do what they want. As Mr. Kenneth Valley said: “They could run, but they could never continue to hide.” They have

to call the date. They must have an election this year. The masses of people are waiting to exhale; both at the local and general level, because they want to see the backs of this vicious, callous, cruel and dangerous administration.

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

**Sen. Prof. Ramesh Deosaran:** Mr. Vice-President, whenever a country speaks about election, we are speaking about an election being the most electrifying element in a democracy. Everybody gets attention because, naturally and obviously, fair and free elections are really the basis of a democracy such as what we have. In this instance, it is more than that.

If I remember rightly, section 75 of the Constitution enables the Cabinet to manage the country and to control the Government. After that, section 53 allows Parliament to make laws for the peace and good order of the country. So, with that connection, the Minister is really doing what his duty predisposes him to do; to bring the legislation for debate and that is a point that we should not miss. As irritating as the discourse might be, and as unsettling as the exchanges might be—having heard the Minister say that it is a rather simple Bill—I think that we should understand that it is not so much the decision made by the Cabinet, but the process that we must abide by such as the debate, at present, is also equally and, perhaps, more important if we are to continue to be boastful about the kind and the quality of democracy that we still enjoy in this country.

Some councillors, aldermen and even mayors might be very happy to have this extension. From what I know, some of them might very well lose their seats if an election is called today, the major reason being the services undertaken and delivered by some of these corporations are very poor and, obviously, negligent.

When you postpone an election, on the face of it and without knowing the reason, it quickly and sometimes unfortunately brings up shades of dictatorship and military regimes and so forth. Certainly, this is not the case. I think the Minister, himself, as I have followed the development of his Green Paper and so forth, has put in a lot of work in shaping up that product to be centralized and to reform local government.

He has given a reasonable presentation. He did speak about modernizing local government—having the report 90 per cent completed—to improve the delivery of services and to continue the process of reform without interruption. I find that is quite a reasonable presentation. The little difficulty however—the little fly in the ointment—is that we heard all of that before. That is the little disturbing element in this, because it does affect the whole credibility of the exercise. He has a job to do and I think inevitably and, perhaps, even uncomfortably, he has done it to the best of his ability.

Mr. Vice-President, to put it in a nutshell, the country is extremely dissatisfied with the services delivered by these regional corporations. I am not going to use the opportunity here to cite the evidence, but it is really a dismal situation from street garbage to the blockage on the streets to the uninhabited houses. I am going to come to that in a short while, because that is one of the major reasons I feel compelled to speak on this occasion.

The Minister spoke about modernizing the legislation governing local government, taxation and self-financing. What I have gleaned so far—I wish to caution the Government that it must not be a form of double taxation through the backdoor. That is, you are taxing people at the local government level, and you are also taxing them at the central government level for services that seem, to me, could be delivered in one way or the other. I think it is a matter that could be pursued later on, but it is beginning to appear that this self-financing mission might very well imply a system of double taxation; one being through local government taxes and, secondly, through the central government requirements.

If I should review one or two of his points, the Minister said that he found over the years that we have been making laws over and over again to reform local government, but with no positive consequence. I have always seen governments and, ironically, democratic governments, turning out to be the best example of bad management. They keep doing the same thing over and over.

If one government builds something, a new one would come and break it down and change the name and form a new entity. There are a myriad of circumstances that incur waste, duplicity of effort and waste of time, while the taxpayers wait for the services that he or she expects. It is not really, as I have said, on the last occasion last week, so much the Minister's fault, but it is the whole structure of the system in terms of the mode of accountability. Accountability is so distant from the delinquent act performed that you cannot even get an immediate consequence one way or the other.

I believe that local government has turned out to be a dismal failure in this country. Some of the reasons have been enunciated by the Minister, and those reasons have been part of his modernizing package. One of the reasons that we have been speaking about decentralization towards local government—we have even coined a new word in our local politics with respect to local government, the devolution of power— but, in the end, all these local government personnel—the councillors, the aldermen and the mayors, all they really have are crowns of power.

When one examines the Act, the powers remain so centralized and bureaucratized that being a councillor is like a national “pappy-show”; people expect a lot from you, but the instruments of delivery have been so impoverished over the years. If the new piece of legislation that the Minister has in mind can change that, I think it will be a happy occasion for this country.

The second reason is the poor financing; not only in terms of the allocation itself, but the process used to obtain the money to pay for the services. So, I hope that this extension that is being given here for one year, I would like to see some improvements in one or two areas and that is the time of one year should be used quite profitably in trying to heal, if only temporarily, some of these serious defects.

The third reason for local government being such a dismal failure is the poor accountability by the councillors themselves. It is anarchy in a sense. There is no accountability in the local government system. Even though there is legislation at different levels to derive that accountability but, in practice, there is none. Where there is no accountability, services and performance must naturally deteriorate as they have deteriorated.

The last reason is one that Sen. Mark touched upon, and that is the poor working conditions of councillors. The best thing they have is what the mayor wears. The heavy chain, perhaps gold tinted. That is the best thing perhaps that they have. A gold-plated chain and they seem to wear that with such great embellishment and pomp that sometimes they forget all the other hardships the regional corporations have. I am sure the Government knows about the working conditions. I am sure that the previous government knew that; I am sure that the government previous to the previous one also knew that, but nothing has been done. I think the question of decentralization is not an easy one to derive from those who are in power.

This is not the first time that local government elections have been postponed neither the second time. Previous regimes have done this. So this is nothing new. That is why I would really like to see for both general election and for local government election that there be fixed statutory dates for each one. I think that discretion, even if it has its advantages in one regard or another, the system must have certainty.

Simple management science will tell you that the system must be able to have a certain element of predictability; that is connection between cause and consequence and when something will happen. It should not be like lightning

*Municipal Corporations (Amdt.) Bill*  
[SEN. PROF. DEOSARAN]

*Tuesday, July 10, 2007*

and thunder coming on like a bolt from the sky, or somebody telling me that he has it in his back pocket. [*Laughter*] Every time they are talking and they do so— [*Hand behind back*—everybody starts to shake, and the news media gather with relish to hear something dramatic coming out. [*Laughter*] That is good for excitement. We all enjoy that, but in a matter as serious as election, I think we should do like some countries, especially if we are moving towards modernizing the system—if that is one thing that this Government can do, it would be a proud legacy left behind—to set statutory dates for general election; not just within so and so weeks or within so and so months but, for example, November 07 or November 14, so you will know. As soon as you win this one, the next one is so and so years, unless you are putting certain conditionalities like disasters and other forms of sudden hardships which might befall a country. So, it is not an absolute route.

Mr. Vice-President, the Bill in one of its clauses speaks about the power excisable by mayors, aldermen and councillors during this year. I want to invite the Minister, especially since this is a general election year but, more than that, to enhance the value of local government, I would like to suggest to him, when he meets with this mayors and chairmen of these corporations that he impresses upon them the need to clean up the streets from this litter of derelict vehicles, garages, gravel, sand and even rooms are on the pavements. People are selling and sleeping in the same place, and you know the consequence for sanitation and what that would be. We see this all over the country.

Mr. Vice-President, you cannot modernize a country with such ugliness and such littering persistently so, but it is more than that. When you are driving in the night and you see these big trucks parked up with three wheels—one wheel is jacked-up; there is a car with no wheels lying idly by the roadside—it is dangerous for driving. It is not only alcoholism that creates accidents; it is all these things. I am merely pointing this out as one urgent matter that needs serious attention by these regional corporations. They have the power to remove these derelict vehicles.

People are building their houses now and mixing cement and gravel in the middle of the road. We are only missing Wyatt Earp and Jesse James before we can call this place the Wild West. We have to stop this nonsense. I have made that point several times. I think this is a matter of enhancing the civility of the country by making it a civilized place so that our appearance would justify the prosperity that we have, but there continues to be a gross ugly mismatch between the money that we have and the manner in which we live as citizens. That is one indicator where I think the regional corporations have fallen down sadly and miserably so.



I think the Minister, in his capacity in charge of local government, should impress upon these corporations to make a list—each corporation should make a list to show him the extent to which the work is required to clean up the place as I indicated and let him respond by giving them some assistance within a three-month period. It should be a national programme of sanitizing our streets and roadways in this respect. That is how this year's extension could be used; not just to have meetings and continue in the same way knowing that your end is near and you are ready to give up the ghost. Let us pound some life in this year in regional corporations.

Similarly, we can call them drug dens, but you have these dilapidated houses; broken down buildings surrounded by thick bushes and trees and inside there in the darkness of night and sometimes in broad daylight, you have these small gangs conducting all kinds of illicit activities, some of which I would not properly mention. I see them and we know some of them.

At one of our public meetings, we had asked a particular regional corporation to send the joint select committee a list of all these dilapidated houses which are infested with drug trafficking and the range of illicit activities that I have enumerated. Let us get the system working. Let us do something positive, at least, in this year's extension to help justify the existence of these local government bodies, otherwise somebody would come and say just now to remove them from the scene and use something else if things continue this way.

In fact, I think Mr. Chin Lee used to tell us and then the present Minister of National Security continued talking about broken-window theories. That is if you see a small damage here, or a small crime committed, deal with it otherwise it will grow bigger and become more harmful to the community. Well, these things are classic examples of ignoring the principle of treating small things before they get larger and more harmful. What are we waiting for?

In the same way, I think that these regional corporations must send a list of requirements to find the owners of these broken-down buildings and property. The public notices should be put up as the law requires them to do, and work with the ministry in the same sense of sanitizing the community, after you have sanitized the streets in the way I mentioned just now. That will build confidence in local government. That will show visibly what these regional corporations are supposed to be. After all the talk and debate, that visibility and those indicators will impress upon the public well, yes, we really have government that is local.

The last point is the municipal police force. For this year, I think that we should put more life into these municipal police officers to get them on the roads to assist the central police with traffic and to remove the congestion. We speak about not seeing our central police officers and it is even worst so because you do not even see these municipal police officers at all. You might spot one or two of them at the market. There was a time when we used to call them the market police, but times have changed. They have new responsibilities; they have new regulations; and now they have new demands. I am sure if they are responding to these new demands at all, I think that they should be more visible and help to create a more peaceful and sanitary environment in these respective regional corporations.

In fact, the Minister should seize the opportunity, as he did to some extent in his White Paper, to decentralize the police service by strengthening the municipal police officer core and by changing the regulations if necessary. I think that is one of the key elements in reforming the police service; not just the management structure at the top; but decentralize the operations by having an expanded municipal corporation police force. Let them also be accountable; not so much to the Statutory Authorities Service Commission as they are now, but to the regional corporations.

One of the problems that we are having in getting service delivery in this country and performance by public servants, generally, is not only the lack of accountability, but the range of accountability is so distant that by the time the act happens and the accountability is required, the distance both in terms of time and process is very long. I think we need some short-ranged accountability by having the regional corporations oversee and hold these police officers to some accountability.

With that, if I should stretch the point, within this year, perhaps, you could think about having traffic courts in these different corporations and even enter into the realm of having lay magistrates to expedite matters on the road and traffic offences.

So, Mr. Vice-President, I have really seized the opportunity to speak in terms of having a cleaner community. I believe that this year's extension could really serve to fulfil that civic expectation.

Thank you very much. [*Desk thumping*]

**3.30 p.m.**

**Sen. Dr. Tim Gopeesingh:** Thank you, Mr. Vice-President. Thank you for the opportunity for facilitating some discussion on this Bill, the Municipal Corporations (Amdt.) Bill, 2007. Just almost one year ago, we were posed with a

similar consideration and the Parliament was being asked on the verge of the expiration of the Bill, for the legality of the Municipal Corporations Act, to give our blessings and support to the extension of this by another year.

Here it is, one year again later, we are being asked to give an extension of the Municipal Corporations for another year. So, in five years, we have in this country today, Mayors, Aldermen and Councillors; particularly Councillors who have been elected and who under the Constitution should have been elected for a three-year period, are now sitting for four years. And we are being asked to pass this legislation to facilitate them sitting for another year; which is five years.

You think the framers of this Constitution would have envisaged that when we ask for local government election to be held every three years, they would not have expected that local government practitioners, Councillors would be sitting the same time as Members of Parliament, who are elected for five years by the people. There was a rationale for someone sitting for three years, elected by the people and someone sitting for five years, elected by the people, and this would have been thought out very delicately over a period of time. So, it is unpardonable for this Government to be exercising their powers in such an irresponsible manner, so that people who have been elected for three years are being allowed to continue for another two years, whether they are doing well or whether they are not doing well. [*Desk thumping*] That is not the question. It is morally wrong; it is reprehensible and it is unacceptable.

I believe that this Government and this administration is asking us to do something which they know to themselves is fundamentally wrong, and they know in their own heart it should not be accepted. If they were on our side, they would not have accepted it and we in our own minds cannot accept it.

What is essentially different as well, from last time to this time, is that in 2004 to 2006—[*Interruption*] We did, but not as long as five years; not as long as two years. One year ago, this administration asked us for an amendment and that set the stage for the removal of some Mayors, Chairmen and Aldermen. At the end of year three, this administration sought to change some of their Mayors and Aldermen, and that is what they did. I do not know what was the reason for wanting to change the Mayors and Aldermen. They probably were not happy with the performance of some of the Mayors, and politically they must have felt that they could not get along with some of their Mayors and Aldermen and they changed them.

So, in 2006, we were asked to pass this legislation so that fundamentally they will be able to change their Mayors and Aldermen, while the Councillors continued. But in 2007, there is no such thing as changing the Mayors and Aldermen, just

allow the Councillors to continue. So it is puzzling to determine what is the rationale in 2006, for they wanting to change the Mayors and Aldermen and in 2007, they do not want to do so. It seems as though they might be satisfied with the performance of their Mayors and Aldermen. Why were they not satisfied in 2006?

When citizens see that Government and administration behave in such a whimsical fashion, inconsistent to suit their whims and fancies at times, they lose respect for the credibility of that administration and any administration whatsoever, when they engage in that type of behavioral pattern.

This is why people are losing respect for parliamentarians to some extent and politicians or administrations, because here it is in one year you are asking Mayors and Aldermen to be removed and in another year you want them to stay. We ask what is the thinking behind all of this. But there are agendas behind the thinking and they know the agendas and the agendas are not in keeping with what a developed society ought to maintain.

Mr. Vice-President, if we look at the history of local government, local government has evolved in some of the developed countries over a 400-year period and it is stated in that administration White Paper on Local Government. But in Trinidad and Tobago, local government began to take shape in a way that it will involve the communities as early as 1925.

You had the first set of elected members admitted to the Legislative Council in 1925; that is 82 years ago. Candidates at that time had to satisfy the property requirements and qualifications to participate in elections. That is the nature of the strength of what was required in Trinidad and Tobago almost 82 years ago. It was not until 1946, almost 61 years ago, where universal adult suffrage was introduced, that every citizen could exercise some influence in choosing their representatives to the Legislative Council. People began to elect their own people into the Legislature and this is how local government came into being.

We had distinguished citizens in Trinidad and Tobago who came through the local government bodies and who evolved to be distinguished citizens in their own right, moving through the local government situation. So the local government has a significant role to play in the development of improving the quality of life and well-being of all citizens and in the development of individuals as well. You will know, Mr. Vice-President, the names Andrew Cipriani, Raymond Quevado, Albert Gomes, Ranjit Kumar, and Adrian Cola Rienzi known as Krishna Deonarine; all these people passed through from local government

scenarios; Gerald Montano, the father of the Minister of Labour; Errol Mahabir, Kamaluddin Mohammed; they all passed through local government. So local government has a significant role in facilitating people who want to work towards developing and improving the quality of lives of citizens. So citizens of Trinidad and Tobago did not have that ability to elect people in until adult suffrage came in. How did the local government evolve?

In 1947, Trinidad and Tobago was divided into two divisions. Each was further divided into eight counties, and each county was split into two districts, so you had 16 districts and each district into wards. In each ward there was a warden appointed by the Governor. The Governor appointed the wardens in those days. He exercised his extensive powers on behalf of and the wardens were answerable to the governor, not the people. Now we have the local government practitioners, the councillors elected by the people, have to get their funding from a Minister. A Minister basically makes the decisions after the Cabinet and a budget issues take place. Cabinet then makes a decision of how they are going to allocate the funds for the year based on the financial appropriation.

Mr. Vice-President, by 1952, 55 years ago, the seven popularly elected county councils were allowed to choose their own Chairmen, Aldermen and Councillors and to deal with policies, and policies which deal with functions. That was the system of local government, which was obtained in the postcolonial era, post World War II, when there was the decolonization process that was sweeping colonies across the world from the European empire.

So, today we are being—as my colleagues have indicated—asked to debate or to give sanction to a piece of legislation, which in itself is fundamentally wrong. But we are giving effect to a piece of legislation where the powers and the responsibility of local government practitioners has weakened considerably, because they do not have the human resources, the financial resources, and the capacity for implementation of the things that are necessary for improving the quality of life and well being of all the citizens. Imagine 82 years ago, people thought that this was important, and the framers of the independence and the Constitution in 1976 envisaged that this must continue and this is why we are still continuing with the local government today.

When the hon. Minister says that he is asking for a postponement of the election and for the running of the local government by another year, he said that is to facilitate local government reform. I want to indicate to hon. Minister that in 2003, four years ago, the hon. Prime Minister, in his budget presentation, spoke

*Municipal Corporations (Amdt.) Bill*  
[SEN. DR. GOPEESINGH]

*Tuesday, July 10, 2007*

about local government reform. So is it taking them four years for this local government reform? Why is it taking so long? And he now says that 90 per cent of it is finished.

You see I cannot help, but every time I come to Parliament to indicate that this administration makes promises upon promises, upon promises, that they have been unable to fulfil and unable to implement year after year. [*Desk thumping*] We have a document, it is 67 pages thick—I am sorry I did bring it today or I probably have it in my briefcase—of unfulfilled promises by this administration. I have cut out one of these pages; page 46 of 67 pages of unfulfilled promises by this administration. Just one part of it deals with local government reform. You could imagine the magnitude of unfulfilled promises by this administration. I would like to pass it on to my colleagues on the other side for them to see openly and clearly, where you have failed this country in terms of inability to implement the promises that you have made to the population. [*Desk thumping*] It is abysmal. I will give this to you, hon. Minister.

Mr. Vice-President, here is what the hon. Prime Minister said in his 2004 budget speech. I quote:

"During the course of the year, we will undertake a comprehensive review of the system of local government to advance the process of decentralization, to improve management capability in the sector and to make more effective the delivery of goods and services to our communities."

That is the hon. Prime Minister in his 2004 budget speech. He repeated the same thing again in 2005, but he went into more detail in the repeat. I quote:

"Local Government Reform

The reform initiative would be intensified in 2005 with the production of the White Paper on Local Government Reform; identification of functions to be decentralized to local government bodies;..."

It is taking them so long to identify the functions that have to be decentralized. I will indicate to our colleagues what are the functions that have been enunciated for years now. I continue:

"review of the existing legislation, by-laws and regulations;..."

That is in 2005. What by-laws and regulations have been reviewed? He went on to say:

"review of local government boundaries;"

Well the EBC does that work; that is not for the local government to do, except if that administration is in cohorts with the EBC and I doubt that the EBC will allow that to happen. He went on:

"restructuring of the Ministry of Local Government and municipal corporations;..."

What restructuring has taken place over the last two years? I continue:

"and establishment of tax collecting units in regional corporations."

What new tax collection system that has evolved? He said:

"We believe the reform of the local government administration can facilitate the more efficient delivery of services to the public and the deepening of the democratic process in Trinidad and Tobago."

Well that is pure old talk and glib talk. Year after year, promises after promises. And in Local Government Reform 2006 again, and here today, the hon. Minister is saying, let us postpone the local government election, because we want local government reform. In 2003, they were speaking about it; 2004 it was repeated; 2005, repeated; 2006, repeated. How can the citizens of Trinidad and Tobago accept this type of thing year in, year out? It is sickening. It is morally distressing to our citizens of Trinidad and Tobago, right thinking individuals, to have to accept this type of thing year in, year out.

The postponement of this election affects the Constitution in two ways. It affects section 71 of the Constitution, which is the Elections and Boundaries Commission (EBC). But by postponing this, the Elections and Boundaries Commission has to do new things again. It affects section 4, subsection (1) of EBC, which is the Local Government Act, because in that Act they have to define and review boundaries of the electoral districts. It also affects paragraph (a) of subsection (1) of section 4 of the Act, and that defines the schedule of orders and gives you the new electoral boundaries.

Mr. Vice-President, here it is by a simple thing, this administration is asking us to postpone the election for a second time; allowing Councillors to be in for five years when they should have been in for three years; affecting significant parts of our Constitution. So it seems as though they have lost respect for the constitutional guarantees and the fundamental issues under the Constitution. They are interfering with the Constitution on a day-to-day basis, on so many areas of the Constitution.

The last report of the EBC was done on November 30, 2001. The EBC had a report on the local government, where there were 814,251 electors. So boundaries for electoral districts were defined according to that number of electors. The second EBC report—which another one will have to come on—was the Elections and Boundaries Commission Local Government Report Draft Order of 2006 that was laid in the House here. In that report, we had 895,409 electors, and that was the EBC commission records as at April 29, 2005.

So, this was supposed to facilitate a local government election in 2006, which never occurred. Now they are asking for a local government election probably to be in 2008, and we are not sure whether that is going to occur. But look at what has happened.

**Sen. Mark:** They would not be there.

**Sen. Dr. T. Gopeesingh:** My colleague said they would not be on that side in 2008. In 2001, there were 814,000 electors, so the electoral districts and the boundaries were made up to facilitate the divisions into that amount. In 2005, there were 805,000 electors. You know in 2007 now, there are over 940,000 electors.

The EBC now has to go back, when they had changed a number of regional corporations and increase them by one. Like Couva/Tabaquite/Talparo, increased it from 12 to 13; Penal/Debe from seven to eight; Sangre Grande from eight to nine; Siparia, eight to nine and Tunapuna/Piarco 13 to 14. There were 53 electoral districts with altered boundaries in the 2006 report of the EBC; 78 were not affected. So, there were 131 electoral districts, which had increased from 116 in the 2001 report, 2003 report and in the 2005 report, there were 131 electoral districts.

Mr. Vice-President, 940,000 voters now, the EBC has to go back again and change these electoral districts from 116 to 131; it might go to 150. So every two years we have to come to Parliament to accept what the EBC is saying; well these boundaries are now changing and no election has taken place. So what is the use of changing these electoral boundaries and districts? No election has taken place. So five years, two changes are going to be made by the EBC on electoral districts and no election has taken place. This is a “mamaguy”; this is farcical. What is this country about? Where is the democracy? Election is supposed to take place every three years for local government. I am sure the EBC must be swearing in their own minds, and here it is, we produced an Order Paper; we broke up the country into 31 electoral districts, with almost 1,300 plus polling divisions, and we have to make changes again.



Another issue that is fundamentally wrong, as far as breaking the country down into 14 regional corporations, including the cities and the boroughs; I just want to give to this honourable Senate some information regarding the ratio of Councillors to be appointed to the amount in the population in the regional corporation. According to the Municipal Corporations Act, No. 21 of 1990, the city's number of Councillors cannot be changed; it is fixed. So the number of Councillors for the cities of Port of Spain and San Fernando, the boroughs of Arima, Point Fortin and Chaguanas cannot be changed. But you know what has happened? There has been an exodus of people within the cities themselves. Then what has happened? There has been an increase in the population in certain regional corporations and there has not been a significant or commensurate increase in the number of Councillors working for these people in various areas. I will give you a little comparison.

In 2005, the city of Port of Spain had approximately 35,000 citizens and the number of electoral districts there was 12. So one electoral district to approximately every 3,000 citizens. In San Fernando, there were about 46,000, with nine electoral districts; that was in 2005. So there was about one in 5,000. In Arima, 23,000 citizens or burgesses, seven electoral districts, approximately one in 3,000. In Point Fortin, 15,000, six electoral districts; approximately one to 2,500 citizens. In Chaguanas, 52,000 with eight electoral districts, approximately one to 6,000. But contrast that with the Couva/Tabaquite/Talparo corporation, 122,000 citizens, with 13 electoral districts, so one to 9,500 citizens.

There is definitely an imbalance in representation where in the cities you have X number of Councillors representing approximately 3,500 citizens and in regional corporations, you have a Councillor representing almost 10,000 citizens. How can that Councillor be looked at in comparison with performance? How is one asked to serve 3,500 or 2,500 citizens and another Councillor asked to service 10,000? In Diego Martin, it is one to 8,000; San Juan/Laventille, one to 10,000; Siparia, one to 7,000 and Tunapuna/Piarco, one to 10,000.

I gave this information to indicate that it is time now that we look at some degree of equity in terms of the number of electoral districts in a particular corporation and the number of Councillors per 1,000 members, per 1,000 citizens, per 1,000 population. So if you are looking at local government reform—through you, to the hon. Minister—if you are really thinking about reform; reform should take place in that area as well. There must be equity in representation throughout Trinidad and Tobago and not because in the rural areas you have a large percentage of population where the people are poorer than in the cities; you have an under-representation by Councillors.

So this thing is skewed, it is upside down. Where there is more poverty and where there are many more people who are poorer, you have fewer Councillors, and where there are cities and wealth, you have more Councillors. So, if you are talking about local government reform, that is a significant consideration that the hon. Minister has to take cognizance of.

**Sen. Dumas:** Wade made a different argument.

**4.00 p.m.**

**Sen. Dr. T. Gopeesingh:** Mr. Vice-President, the size of the population determines the formula to be used in ensuring that a region receives its fair share of the resources required to undertake local government functions. Many people have asked, what are the functions of local government? The Minister spoke about, that he is allowing this reform to take place to facilitate documentation of the functions that are necessary for the conduct of corporations.

Everybody knows what these functions are for regional corporations, how substantial are you going to change that, in terms of what you are saying is going to be the local government reform? The existing functions as they are, Mr. Vice-President, and I am sure you head one of the joint select committees to look into regional corporations and we have 14, and I think, in Parliament we have done about two or three recently with Sen. Prof. Deosaran, yourself, and a number of our colleagues. And we have found some real terrible things have been happening, we have reports from the San Fernando City Corporation and we have reports from the Tunapuna/Piarco Regional Corporation. I do not think that I will go into that this afternoon because some of those things Sen. Prof. Deosaran was alluding to, and they need to be enquired into and looked at very carefully.

The existing functions for these regional corporations, hear the magnitude of the work that has to be undertaken at these regional corporations. They have to look at the development and maintenance of secondary roads, drains, watercourses, markets, abattoirs, beach facilities, public conveniences, local government buildings, selected tourist sites, cemeteries, national parks, recreation grounds, play parks—  
[*Interruption*]

Mr. Vice-President, these are the functions that are being looked at now. And then local health functions, scavenging, enforcement of the Litter Act, cleaning of drains, sweeping of built-up areas, rodent control—

**Mr. Vice-President:** Sen. Mark went through all of that already.

**Sen. Dr. T. Gopeesingh:** The Senator went through that, oh, I apologize then, because—*[Interruption]* No, I had this here. I stepped out for a while when he was speaking, so, I missed that then. I apologize to bring this back onto the Senate. *[Interruption]*

Mr. Vice-President, I do not know if he made the point that you have at least about 30 functions to do, and when a local government is given 4 per cent—the hon. Minister knows that the local government is underfunded. It is 4 per cent of the national budget that goes to local government; when the meat of the quality of life of people in communities really depends upon local government. If you take 14 regional corporations and divide it by 4 per cent of \$40 billion, is one-twenty-fifth of \$40 billion, which is about \$1.4 billion. If you divide \$1.4 billion by 14 it is \$100 million, but some are getting more and some are getting less. If you take that \$100 million and you pay the salaries, and the salaries is equal to 60 per cent which is recurrent expenditure, and you have some other little things to do; and for development expenditure you get less than \$10 million or \$20 million, what can you do for the people in a corporation with \$10 million or \$20 million?

This thing is radically wrong and I would not go into it, my colleague indicated that the Government has made a number of multi-purpose companies, at least 15 of them, where there is lack of transparency and accountability because a Government procurement paper should have come forward and Government should have been exercising transparent and accountable procurement process for these multi-purpose companies; it is not going on at the moment and billions of dollars are being spent through these multi-purpose companies. A prime example of a state company is CEPEP, where \$1.2 billion is spent.

If you think that the work that is being done by CEPEP and URP cannot be incorporated into the work of local government, and the work that is being done by a number of these multi-purpose companies cannot be done by local government, so therefore, expand the amount of money that local government should be getting, not to the measly \$1.4 billion. Give them more, make them more accountable, have more councillors working, give them better conditions for work, provide the good offices for them, improve their whole self-esteem and therefore, people will respect these councillors and they will be able to do the things that they are supposed to do.

Mr. Vice-President, I just ventured for a little while into looking at the whole question of representative politics, and representative politics is a very hard thing for Members of Parliament and for councillors, because people demand such so. I made a little tour of Aranguez recently and the people were complaining of filthy

drains in front of their homes with mosquitoes breeding right there and they are asking, when it is going to be cleaned. They have no water in the crossroads of Aranguez, they are asking when are they going to get water, so that they can utilize in their homes. You have potholes; you have manholes that are open on the Aranguez Main Road and people are falling into them.

These are things that local government can take care of, and if they do not have the funding, they do not have the human resources and the financial resources to do it, how can they work with a corporation getting only \$10 million or \$20 million, and no development project? So the whole area and the environment remains filthy from time to time.

We want to also mention that the United National Congress' approach to developing quality communities should be based on a number of approaches. I would like the hon. Minister to take cognizance of some of our recommendations. We believe that each regional corporation, consistent with the objectives of creating an environment for quality living and filled with opportunities for economic and social empowerment will pay attention to the following: Recreational facilities, people in communities need recreational facilities, they do not have it; cultural centres, missing; sport complexes, we have four stadia throughout Trinidad and Tobago and you feel that is enough, that is not enough, you must have sport complexes within the communities; parks and gardens, that is a thing of the past. There are no parks for people to go into and there are no gardens for people to get a sense of relief from the day-to-day stresses where they could sit—well, the crime is so bad they will not even venture to sit outside.

Health centres, Mr. Vice-President, we have 105 health centres throughout Trinidad and Tobago, these health centres should be taken care of in the regional corporations, municipal police has been dealt with already. Industrial estates, we should partner with private sector to build some industrial estates so that we can get employment. Market malls, so that people not only sell vegetables, ground provision and market produce, but they must be able to sell clothing, leather products and so on, and there must be places for people to eat, so we should construct market malls in each of the regional corporations. We should have environmental beautification and cleanliness, we should ensure that there is no pollution; small business should be encouraged in it. Libraries, you should make sure that you have libraries in each one of the regional corporations, and the area of flood control.

Mr. Vice-President, so the concept of self-sustaining communities means that we must build administrative complexes in the 14 regional corporations, so people do not have to travel from Penal and Cedros to come to Port of Spain. We have

said that time and time again, and I think the country has heard us and it is one of our pledges that when we take power in November 2007 or December 2007, or whenever the election is called, we are going to ensure that there are administrative complexes constructed throughout Trinidad and Tobago in the 14 regional corporations. And what are these administrative complexes going to do? We are going to make sure that the issue of town and country planning regulations and so on, are housed. The facility to get town and country planning would be right there next to them.

Immigration: Sen. Mark made some statements recently on the problems with passports, so they must be able to get their passports right at their community. Legal aid, births and deaths certificates, registration of deeds for the regional areas, lands and building taxes could be paid right there. We need dispute resolution centres in the regional corporations, information centres. So any self-sustaining community and a regional corporation, particularly, the cities and boroughs must have proper town halls so that the respect can be given to this type of administration.

A town hall has the effect of locating the community, physically, culturally and otherwise, and a town hall becomes a part of the landscape in each region, so we see the rationale for having—well, you have one in San Fernando and one in Port of Spain, have one in Arima, have one in Chaguanas, have one in Point Fortin and have one in all the boroughs. And, so, self-sustenance also means that the financing of local government must now be re-evaluated, a methodology and a formula be derived that ensures that fairness and equity would prevail. Do not give one regional corporation more than you are giving another regional corporation, in terms of when that particular regional corporation which is getting less has more people to look after.

So the United National Congress, Mr. Vice-President, will ensure that we will allocate funding properly to local government bodies; this funding will be sufficient to meet the demands of citizens. We will ensure that—at the moment there is a deficiency of staff at the local government bodies—the staff and the human resource capacity and component is up to scratch in the regional corporations. Because you have regional corporations like the Chaguanas Regional Corporation—regional corporations and the boroughs do not have the necessary skilled staff and support staff, they do not have the skilled professionals and the support staff to help run these regional corporations as opposed to the city corporations and the borough corporations. So there is a disparity, you have more professionals running the corporations in the cities and the boroughs and in the rural areas where you need more work to be done you have a scarcity and paucity of professional staff.

There is the absence of modern management practices at the moment in the regional corporations and this is something that you have to look at. The Minister is a person who went through management school and he has to put that into effect. Make sure that these regional corporations have the type of management structure to facilitate easy implementation, but if they do not have money and they do not have the people, the management structure, however strong will not be able to work very well.

Existing structures need to be reviewed, Mr. Vice-President. You know there are a number committees in the regional corporations, the committee system, the regional coordinating committee, these are not functioning very well, because the committee system is supposed to have people from WASA, T&TEC and so on, and people do not go to these meetings. So when the mayors and chairmen of corporations have problems with WASA, T&TEC and so on which affect the citizens daily lives, these people do not come to committee meetings, so the committee system is not working well. The regional coordinating committees are not working well and we need more community participation. I heard that you all have spoken about that, but not only to speak about it, and it is not the participation that you all are looking for to have 300 so-called consultations in just 131 districts. I do not know where you are having these consultations, two consultations per district and my colleague spoke about the cost that will be involved in it.

That is not the way you do your consultations now, you have done your consultation already, people know what needs to be done. But in the formulation of a vision and a mission statement for a particular corporation, you must have community participation, people must come to these meetings and tell you what they want for their communities, and therefore that should be part and process of the visioning and the mission statement of your objectives, your goals and your strategies that you would use for implementation.

We need to have some review of the administrative structure, the administrative structure is weak and you will see that there is dichotomy in thinking between the CEOs of the regional corporations and the chairmen, and you see fights emanating, Mr. Vice-President. You were there when you witnessed that there was a marked problem in the Tunapuna/Piarco Regional Corporation where the thinking of the Chief Executive Officer was not in sync with the thinking of the council of that Tunapuna/Piarco Regional Corporation, and there were verbal fights and so on taking place on a daily basis. So when you have that disparity in thinking and non-confluence of the thinking you must have a poorly functioning regional corporation, so that was quite evident.

Absence of infrastructure in the communities for liquid and solid waste disposal, we do not know what SWMCOL is doing. How is SWMCOL integrated into the communities? Why is SWMCOL not more a part of the communities? There is the absence of any type of environmental protection, people clear lands for houses and so on, and the silt causes a lot of flooding in the areas. These are things that practitioners in corporations can look at, and it is not happening because they are not being given the impetus to do that.

**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. W. Mark*]

*Question put and agreed to.*

**Sen. Dr. T. Gopeesingh:** Thank you, Mr. Vice-President and Members for allowing me a few more minutes to complete my contribution. So communities are faced with environmental degradation and that is not being alleviated at the moment because of the present structure of the corporations.

Mr. Vice-President, we need to therefore make fundamental changes to the Municipal Corporations Act, No. 21 of 1990 to ensure that the necessary administrative machinery to facilitate effective implementation is present. It is not there at the moment and therefore the necessary administrative machinery should be incorporated into a change of that Municipal Corporations Act, No. 21 of 1990. There should be a uniformed set of boundaries for local and central government in keeping with—let me just make a small point on that, there are 131 electoral districts for the local government and there are 41 constituencies. In a constituency, Mr. Vice-President, that is under the Members of Parliament constituencies, one constituency will have three councillors from one corporation, three from another corporation and two councillors from another corporation, because the electoral districts are split all over, and there is no sort of symmetry between the electoral districts for the local government and the electoral districts that belong to a particular constituency.

So you will have a constituency "x" with a certain number of electoral districts belonging to about three different regional corporations. That is chaos! So, when a Member of Parliament wants to meet with his councillors, he has to get councillors from three different regional corporations. It happens! We see it with our colleagues in south, and that is mass confusion. I hope the hon. Minister is listening, through you, Mr. Vice-President.

*Municipal Corporations (Amdt.) Bill*  
[SEN. DR. GOPEESINGH]

*Tuesday, July 10, 2007*

Mr. Vice-President, one important point I want to make again, is that local bodies should be given the constitutional guarantee, and the question of accountability and responsibility must be at the local government level.

Legislative reform: Mr. Vice-President, do you know, or are you aware, or are the citizens of Trinidad and Tobago aware, that by one Act of Parliament, one fell swoop requiring just a majority vote—the same way that you are asking for postponement of the local government election in 2006 to 2007 and 2007 to 2008, by one Act of Parliament they can come and dissolve local government all together? So local government is not enshrined in the Constitution; it is not constitutionally enshrined. This administration can come in one fell swoop next week and say we dissolve local government altogether. It just requires a simple majority, and that is untenable at the present time. We want to see that this local government issue be enshrined in the Constitution, so that it requires a constitutional majority in Parliament. [*Desk thumping*] Not by a simple majority, because if you can come and postpone the election on two occasions, you can come and say that we [*Interruption*] abolish the local government elections altogether.

So, Mr. Vice-President, I hope the government—

**Hon. Narine:** Would you give way?

**Sen. Dr. T. Gopeesingh:** Give me a few minutes again and then you will respond at your time pretty shortly.

We will ensure that when we come across there in a few months, we will ensure that it is one of the first acts, we will call a local government election to show that we can beat them convincingly in the local government election. [*Desk thumping*] Because I believe this is what they are afraid of. [*Interruption*] They are afraid of a local government election. I think some of my colleagues mentioned that. They are afraid of being beaten in this local government election, it will affect the general election. [*Interruption*]

Look at how my colleague is smiling there, they know it is within their hearts; they know that is one of the reasons for the postponement of this local government election on two occasions.

**Sen. Mark:** They “fraid” to call election, Joan. They “fraid” to call it.

**Sen. Dumas:** You do not know if everybody wants an election.

**Sen. Mark:** Licks! Licks!

**Hon. Senator:** Never happen!



**Sen. Dr. T. Gopeesingh:** Mr. Vice-President, the existence of such a system—[*Interruption*] should be given constitutional protection in our system of an appropriate provision and protection from arbitrary government action which this Government is guilty of on so many occasions. Arbitrary government action! Today is an example of arbitrary government action for postponement of an election which is constitutionally due as early as two years ago.

**Sen. Mark:** Capricious! Whimsical!

**Sen. Dr. T. Gopeesingh:** So, Mr. Vice-President, in closing there are a few things that I want to proffer to the Minister and to the national community, and what the United National Congress would look for, in terms of what we will do, as far as local government is concerned. I have given one issue already, to make it a constitutional guarantee, that you must have local government and it will be enshrined in the Constitution.

What are we going to do? We have a philosophy and vision for local government, and that includes participation, consensus, a holistic development of communities, a holistic development where everybody will participate, a decentralization of the services.

**Hon. Senator:** Lie. [*Laughter*]

**Sen. Dr. T. Gopeesingh:** We will address critical local government concerns; safer communities which are absent at the moment, cleaner environment, recreation and leisure, healthy lifestyles. We will ensure that we educate the population; we will ensure that their physical infrastructure comes up to scratch and there are utilities that will afford a better quality of life to all citizens; water, electricity, sewer system, garbage collection and so on are done better. We are going to ensure as far as local government reform issues are concerned, that there is constitutional guarantee for local government. We want wider involvement of the NGOs and the private sector, we want a better budget for financing of local government, and we are thinking, we have not come on a full decision of that, full-time mayors as executive mayors or full-time chairmen as executive chairmen. That is an important issue for consideration.

According to the new Constitution that is being discussed, there is the Tajmool Hosein constitutional reform, they talked about representation in Parliament and so on, and that has come up, that is another issue which we have not concluded our thinking on as a party. The other issue on staffing.

So, Mr. Vice-President, as far as the functions of local government is concerned we should agree on what should be the functions of local government, and that is not difficult for us to agree. Sen. Mark gave you the 30-plus functions, I think I want to just give you—

**Sen. Dr. Saith:** We are only extending the life here.

**Sen. Dr. T. Gopeesingh:** Yes, I know, but it is something that you all have to think about all the time. *[Interruption]* We want to give you the vision for us. *[Interruption]* We must determine the fundamental principles and values which should inform the allocations of such functions and by extension the allocation of financial and human resource.

Local government and central government should not compete, but should co-operate, and it is happening at the moment. *[Interruption]* They are competing with each other. *[Interruption]* We do not want a subversion of the Constitution by not calling an election. It is a way of disenfranchising the people. At the moment, Government can select which projects they want and which corporations that they give it to; which ground plan and master plan do they have, and which is important for an election year. That is untenable at this moment. As an example of that, the Minister of Works and Transport indicated that he is going to spend \$600 million for road works. Where is that going? Which corporation is it going to? And I asked a question: What roads does he want to pave? He called today and said that question just reached him and therefore he wants two weeks to answer it, but I look forward to his answers. And I am sure the road paving and so on is going to some of these corporations.

So, is it a means of—you know the whole electioneering process, coming close to the election you want to pave \$600 million in roads? So, it is a clear cut effort at the moment of electioneering by this present administration to take away the corporations' autonomy.

Mr. Vice-President, local government should give expression to many rights and freedoms enshrined in the Constitution. There should be equitable distribution of resources, access to culture, clean environment, et cetera, and the functions of existing local government at this time, what is happening is mere tokenism. Nothing is really happening as far as local—Sen. Prof. Deosaran said it is abysmal and people are looking at it because it is a mere tokenism at this time. You give \$100 million to a corporation and 90 per cent of that is for recurrent expenditure. You have workers on a daily basis waiting for materials to do work and no materials at the site, and you see them standing there. *[Interruption]* It is a real thing and you know that, the Minister knows that.

Mr. Vice-President, we understand that a delegation of local government practitioners which was headed by the Minister of Local Government went to a conference in Paris, entitled “The founding congress of United Cities and Local Government, May 2004”. And you realize that a gap exists—[*Interruption*] the hon. Minister, sorry—between a local government authority, that is efficiently managing “a city like Paris” according, which has a vision, a mission and strategic plans, supported by adequate resources. So the gap exists between that and a regional corporation here, which is still struggling with issues of authority, resource, mobilization and the relationship between the central government and local government; all confusing, Mr. Vice-President. So we want to see that there is more capacity in terms of the question of capacity at regional corporations and so on. Act No. 21 of 1990 provides for appointments of engineers, medical officers, treasurers, corporate secretaries, and none of these positions are filled in a number of these regional corporations at the moment, so where is the capacity for implementation of anything?

So, Mr. Vice-President, in the whole process of local government we must be thinking globally and acting locally. We must have big minds and act locally.

So in concluding I want to summarize by saying what the United National Congress will do. [*Interruption*] Our United National Congress Alliance. [*Laughter*] We must summarize our philosophy, principles and values as follows:

Local government practitioners must think globally but act locally;

The diversity of cultures must be encouraged and supported while we strive for unity and local government must continue to be an effective mechanism for development;

Local government and central government must co-operate rather than compete;

The democratic principles must be strengthened and deepened and any totalitarian tendencies as being demonstrated by this government must be vigorously resisted;

Executive mayors and chairmen to be thought of being appointed to ensure accountability;

We want to ensure that there is no conflict between regional government and local government; and

The revision of remuneration and benefits in line with responsibilities and commitment which is required.

*Municipal Corporations (Amdt.) Bill*  
[SEN. DR. GOPEESINGH]

*Tuesday, July 10, 2007*

So, Mr. Vice-President, in concluding, I want to indicate that governance must empower communities, and the belief that people have the right to be masters of their own destinies, we abide by that. And to organize the affairs of their communities, so as to experience the best quality of life, and where the heart of the United National Congress philosophy for local government resides.

I thank you very much, Mr. Vice-President.

**Mr. Vice-President:** Hon. Senators, it is time that we take the tea break. The Senate will now be suspended and we shall return at 5 o'clock.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Sen. Basharat Ali:** Thank you, Mr. Vice-President. I rise to make a contribution to the debate on the Municipal Corporations (Amdt.) Bill, 2007 which seeks to extend the term of current members of municipal councils for a period of one year from the date of the expiry, which is July 13, 2007.

Mr. Vice-President, various reasons have been advanced for this extension. One reason advanced is to permit completion of the proposed Local Government Reform Plan based on the Draft White Paper on Local Government Reform, 2006 which is presently undergoing roll-out, whatever that may be. I know of roll-out of red carpet for VIPs; roll-up of carpet for dancing, et cetera and—[*Inaudible*]

**Hon. Senator:** [*Inaudible*] VIP passage of the Bill.

**Sen. B. Ali:** VIP passage of the Bill too. Okay, thank you. Of course, we all know about roll-on/roll-off for ship cargoes locally associated with foreign used cars. I understand that the process is really consultation with the public on the White Paper to get widest input from the citizenry. It appears to me from a television clip that I saw that it is a high-powered public relations exercise. I did not understand the hype from the lead speaker, so I wonder what inputs we can expect from the attendees of these public consultations which are taking place. I am reminded that the local government reform was the reason given for the extension of one year ago, as stated by the presenter of the Bill in the other place, that there have been administration delays in the process of reform.

So, Mr. Vice-President, if there are further delays, would those who are still here be asked to give another year extension. The other reason proffered for the proposed extension is to avoid two elections this year. According to reports, the Prime Minister believes that the electorate would be confused by the issues.

Probably, just as we are not sophisticated enough for an Executive President at this stage, I leave Members to assess this reason. I believe that the EBC is ready, willing and able and I believe that the electorate will have no difficulty from distinguishing the ballot for a potential Prime Minister from that for an aspiring councillor.

Mr. Vice-President, I have been a Member of the Public Accounts Committee for the past three years and I have interfaced with officials of the municipal corporations at the three levels. For example, the Port of Spain City Corporation, the Point Fortin and Chaguanas Borough Corporations and a number of regional corporations, both large and small. I have great empathy for the people who have to run these corporations. With perhaps the exception of the two city corporations, there seems to be a common thread in these organizations, and that is, a deficiency in performance due to under-establishment of human resources. That is, they are required to perform with an under-strength organization.

Let me give some examples. The first one we very often encounter is weakness in internal audit functions where it appears there is a dependence on the Ministry to provide personnel for such a function. Secondly, there is a chronic understaffing of accounting departments, and in one case, there is a vacancy for the position of Municipal Accountant. So, a very low level person is acting or standing in that position. Thirdly, there is a serious short staffing of public health inspectors. The Diego Martin Regional Corporation is the case in point; there is only one assigned officer and when he went on leave overseas sometime last year, there was no replacement provided by the Ministry.

So, who vetted building plans? Who visited sites as required? Who ensured that health issues were addressed, from garbage collection—and the Diego Martin Regional Corporation has an annual budget of \$15 million for garbage collection—to checks on food places? I presume, no one. The fourth thing I want to say is that Regional Corporations are entitled by statute to have on board a number of positions, and if I may go back to the parent Act:

"36(1) The Chief Officers of a Corporation shall be—

- (a) the Chief Executive Officer;
- (b) the Corporation Secretary;
- (c) the Treasurer;
- (d) the Engineer;
- (e) the Medical Officer of Health."

There is a caveat whereby they can incorporate one or more of these positions into one person, but that is a caveat according to this, by notice in the *Gazette*, under the hand of the President. But, these positions that I have outlined here, very few of them are filled. I believe that outside of the two city corporations, many of these have unfilled positions; many have only a CEO and a Municipal Accountant. How the corporations carry out their development programme which covers drainage and irrigation, buildings, roads and bridges, recreational facilities, cemeteries, markets, abattoirs, remains a mystery to me. Allocation—  
[*Interruption*]

**Sen. Dumas:** Mr. Vice-President, I would just like to advise the Senator that maybe the information he has is a little dated in terms of the filling of those positions. Those positions have, in the main, been now filled.

**Sen. B. Ali:** Thank you, Sen. Dumas. But I would be surprised because only quite recently, for example, we met with one corporation, the Chaguanas Borough Corporation and they said they did not have any of these positions filled. They are in the establishment, but are they filled and are they functional, that is the point I want to make.

**Sen. Dumas:** [*Inaudible*] argue with you, I am only giving you some advice.

**Sen. B. Ali:** Well, okay. So, as I said there are many deficiencies in local government bodies and they are related to the shortfall in the human resource establishment or allocation. In fact, under Findings, section 3.3 of the Draft White Paper—and I would like to read what they say under Findings:

"During the period June-July 2003, the Market and Opinion Research International (MORI) conducted an opinion survey on the performance of Local Government. The findings of the inaugural Opinion Leaders Panel Survey, 2002 suggested that citizens are clearly unhappy with key services provided by the Regional Corporations. Among the services noted as areas needing improvement, environmental issues were at the top of respondents' list. Actually, one in four and one in five mentioned poor drainage/flooding ... as their primary concern; (21%) stated poor road conditions and 24% said street lighting, respectively"

That may be corrected by now.

“Further, 22% of respondents identified lack of recreational facilities for young people/children as another negative of their community.

The survey findings also suggested that the local environment was one of the main areas needing improvement. Specifically, 36% of respondents cited

'better maintenance of the area'; 25% 'facilities for young people'; 17% 'cleaner streets'; and 11% 'parks and open spaces'. Each of these services is the responsibility of the Municipal Bodies.

This MORI data can in no way be considered a definitive assessment of Local Government, but it clearly indicates a (very) high level of dissatisfaction with key services provided by regional/municipal corporations."

My question and it would be to the hon. Minister. Since this survey in 2003, have we seen any improvement? Maybe in some areas, of course, we have one street lighting now for example, but are there still a lot of problems associated with the performance of the regional corporations?

Mr. Vice-President, it is my view that while decentralization and devolution are desirable objectives, in the short-term we need to address these urgent local issues to bring more comfort and a greater sense of well-being to the burgesses of the local government bodies. If one were to ask me what my position is on this extension, I would say that we are depriving the burgesses of their franchise for one year already, and I cannot in all conscience, vote for this extension today.

Thank you. [*Desk thumping*]

**Sen. Dr. Glenn Ramadhar-Singh:** Thank you, Mr. Vice-President, for the opportunity to contribute to this Bill. This is an extremely important Bill for the citizens of this country. Local government is an area of life that affects every single person in the country and it has a special significance for those who live in the rural communities. It is, in some instances, the only interaction that they have with the resources of the State. Those who live in the far-flung communities, the regional councillor or the alderman if he lives nearby in the area, is a symbol of government for them. It is the person to whom they complain, to whom they go in areas such as Icaos or Toco and far-out places where the services of Government are not readily available.

It is nothing new to us. We have had a system of local government as far back as 1768 in this country from the Royal Cabildo which was located in St. Joseph by the Spanish colonialists. This Cabildo exercised wide powers and it is indeed ironic that after being stripped of those powers, today, research is telling us that we must go back to a system where the local government authority is empowered.

In those days, the Cabildo appointed judges, supervised markets, scavenged and repaired streets, controlled the police. They admitted physicians and surgeons and imposed duties on taxes on shops. It was only with Don José Marie Chacón with

*Municipal Corporations (Amdt.) Bill*  
[SEN. DR. RAMADHAR-SINGH]

*Tuesday, July 10, 2007*

British rule that they started to delimit these Cabildos and converted them into councils and the first council of course was in Port of Spain. By 1906, the British Governor set up district boards and later on, Tobago, by Act No. 37 of 1980, the House of Assembly was revived. Later on, of course, we had Act No. 21 of 1990, which is the Municipal Corporations Act, and today, we have come to this Senate, this august House to seek postponement of the election for yet another year.

It is indeed a very sad day for upholding the democracy, the tenets of one man, one vote for the free expression of people, and not only that, but the necessary checks and balances in offices and power given to individuals. When a regional councillor is admitted into a corporation or a borough, they take an oath to serve all manner of people for a particular period of time. And the people in the communities, they organize themselves and listen to candidates at an election time, in full knowledge that they are going to vote someone in office for a particular period of time.

When we have this situation where the particular community would have given a regional representative an opportunity to serve, and they would have put their trust and hope in this individual, and we would have the unfortunate situation in some instances where the councillors did not work with the people, did not perform, did not deliver goods and services at the local level, it is indeed a sad situation, maybe not for us, but for the people out there in the communities. It is a sad situation where they have had to endure one year's postponement, but it is even sadder for our democracy, for the principles and tenets upon which we build our democracy and the checks and balances that are in place to police our democracy. It is extremely sad for the election to be postponed for yet another year, very sad indeed.

In fact, effectively, you have given a councillor a parliamentary term in office because the councillor by law is supposed to serve three years, when in fact, some of these councillors are going for a full parliamentary term. It is very sad for our democracy because since last year July, section 11, subsection (4), we were supposed to go to the polls. The Minister said and I quote from the *Trinidad Express*, Monday, April 09, 2007:

"Local Government Minister Rennie Dumas said that he was convinced the reform process, which is the reason behind the 12-month delay in the local Government election, will be completed by July 31."

That is 2007.

"'We are doing all things possible to ensure that this will be in place for the holding of the election', Dumas said.

'The deadline is the 31st of July. We would try to get it by the 1st of July.'"



2007, he is saying that they would complete the exercise.

"In an interview, Dumas said the Ministry had already completed the regional consultations as it prepares to enter the community and institutional consultation stage."

But we have to hold this article against another article in the *Trinidad Express*, Monday, March 12, 2007, which is one month before, basically:

"Prime Minister Patrick Manning has hinted at a further postponement of local government elections which are constitutionally due in July.

In his address to (the) constituents of Tabaquite, Manning said: 'If the UNC loses the general election they will still have a say in the local government since they have control over a significant number of councils.'

A political analyst told the *Express* yesterday that if Manning is serious about local government reform the proposals could hardly materialize in four months. There is still a lot to be done before local government elections could be held so it is clear that a further postponement is in the offing', said the analyst."

In March 2007, but the Minister in April was saying that he would be finished by July 01.

So, there is clearly a contradiction in ideas, in time lines and we really have to put these statements one against the other. Is it true that the consultations could not have been held on time? Is it true that it was logically impossible? Is this not a Government that could have moved things around and performed effectively? Could they not have been more effective in moving around the country as they hurriedly did with the crime symposiums that were so well organized with food, drinks and a caravan of supporters all over the country? Could they not have put an effective mobilization exercise in place?

But certainly, it seems as if this is a skilful act of political gimmickry. And therefore, we delay the election and prepare for general election. Use the local government machinery to reach out to the community [*Desk thumping*] with public funds because it has tentacles and branches throughout the country and so that you are going to find out which drain you need cleared now, after six years; [*Desk thumping*] which road has broken down after six years; which agricultural access road needs opening after six years. After six years, we, the People's National Movement has come to your community because we have 300 and something exercises to reach everybody because we are preparing for the general election campaign.

Mr. Vice-President, this is sad for the democracy, and when we look at the Draft White Paper on Local Government, we wonder if this is just a compilation of authors; if it is a series of papers put together; if it is the application of technology, Microsoft, cut and paste, or is it the work of someone piloting this document, because it says here that this document is consistent with the framework for Vision 2020.

When you look at the Vision 2020 document, the Vision 2020 document is articulating the empowerment of local government. It is talking about the need for devolution of power for the Government to reach the people, for the Government to be accessible to every single community, but when you look at the Draft White Paper and you begin to look at the contents, you become very worried. In fact, this Draft White Paper tends to show where consultations have taken place: two-day national consultation, four regional consultations were held in 2004. It boasts about how far they have reached in consulting with the population and as we go down, we see functions that can be decentralized.

Mr. Vice-President, from the Caribbean Conference on Decentralization and Local Government in the Commonwealth Caribbean, in an article by Mr. Keith Miller, he describes that the Caribbean nations need to decentralize the government to the local communities. In fact, he says that rigorous pursuits of a sustainable development agenda and the establishment of a framework for good governance are recognized globally as key pillars which we need to build the edifice of a strong and viable Caribbean society.

Further, he says that the enhancement of local government and meaningful decentralization of state power are increasingly recognized as constituting prerequisites for facilitating sustainable development. He then spoke about local government and decentralization, describing local government as a sub-national level of Government which has jurisdiction over a particular geographic area. He also indicated that local government is similar to a decentralized administration, democratically controlled by the local communities.

Really, the point I wish to make, is that the local government refers to the institutions of structures which exercise authority or carry out government functions at the local level. But local governance refers to the exercise of political, economic and administrative authority over local affairs, and there is a difference if you picked it up. One is simply institutions and structures in a particular area, and the other is the exercise and authority of government functions in politics, economics and administration, in that, it is real power. And are we serious about giving real power to these corporations?

The Municipal Corporations Act, No. 21 of 1990, changed these organizations from being county councils to corporations. It changed the municipalities into corporations and the spirit of this document was that these organizations become a corporation, become a business, basically like a business entity fully empowered to do what is legally right.

When we look at what the Vision 2020 document articulates and what this White Paper says, they have identified functions that can be decentralized and they say there was a consensus that some of the functions and services that are carried out by central government can be effectively carried out by the municipal bodies. This change will represent a broadened mandate for the municipal corporations and make them service delivery arms of the Government.

### **5.30 p.m.**

With regard to infrastructure, they want to take power from the Ministry of Works and Transport, Ministry of Education, Ministry of Health, Ministry of Community Development and they have all the ministries. It is really repetitious to call all of them. So in other words they say that we would take from every ministry and give to the regional corporations, but when you look at the reality of what we are doing, we see that the Government had established 14 special purpose state enterprises, six impact directly on the functions of local government.

The establishment of these bodies was done in the budget of 2006 in which the Prime Minister articulated that they would be formed to get over the challenges in implementation of the Public Sector Investment Programme and he went on to say that these organizations would be governed by the White Paper on procurement and so forth.

However, when we look at what these bodies are doing, they are really chipping away by doing maintenance and infrastructure work which is the responsibility of the corporations that the people elect councillors to look after their communities. They elect a councillor to see about their roads, they elect a regional councillor to ensure that their drains are not impeded, that there are no mosquitoes and filth in the drains.

They go to the polls and vote for a councillor to represent their views. Whether there are 7,000 or 12,000 in the electorate, they elect someone to go to that council and that councillor drives around his community, he goes to the various cricket clubs, the village councils, the religious organizations, he sits in meetings for long hours, he takes notes. He has to go to the rural communities

travelling or walking for miles—I know of councillors in Central who walk and when he goes to the corporation where he is advancing the needs of his people there is no money because it has been wired to the special purpose state enterprises.

Mr. Vice-President, local government narrows the gap between the central authority and the people, it provides a frontal interface with the people and no public special purpose state enterprise can do that. Therefore, this is taking away from the spirit of the Municipal Corporation's Act. The local government councillor is in contact with the sensitivities in a particular area, he is aware of the environmental balances, the delicate environmental balance, he is aware of the culture of a particular community, the festivals, observances, traditions, some of the things that have meaning in his community and, therefore, he or the corporation is best placed to advance the needs of their people.

So although this is a point I have made and I have gone through great detail to put in a different perspective, it is not a point that can be made enough times; that we are stripping away authority from the local government bodies, we are disempowering the local government bodies, and the corporations are beginning to complain about it. Many of the councillors with whom we interact tell us that most of the work is being shifted away to the community improvement services limited which reports to the Ministry of Planning and Development: The Palo Seco Agricultural Enterprises Limited which reports to the Ministry of Energy and Energy Industries, Rural Development, Ministry of Planning and Development, sports company and so forth.

So where before a local government councillor could have made representation for sports, now the Ministry of Sport and Youth Affairs can go into a corporation and their tentacles can reach and grab and procure resources so the councillor becomes non-existent and we are talking about empowerment in local government, and Vision 2020. We cannot achieve Vision 2020 if we shoot ourselves in the foot with local government.

I am advancing the case because, as you know, I am really dealing with the issue of people who are waiting to remove their representatives who were not performing and who have had to endure lack of representation. There are many good and hardworking people in these corporations and as had been advanced before, when you look at some of these corporations that are trying their best where there are hard workers and where people have given up their time.

They were supposed to have five more years to continue in their profession whether they were a principal or in the public service and wanted to serve their community in their youthful years and said they will retire early and serve the

people through the local government. When you take a simple example such as Princes Town for example, which is not as rural as Rio Claro, which is an even more drastic example and you look through all the documents that have been given to us and filter the information—because we have just been given a report by the Princes Town Corporation—which all Senators have and you see that they have 137 bridges in that corporation, 556 kilometres of roads and the sum given to them to purchase material and maintain that infrastructure is \$400,000 to maintain all of that.

When you look at recreation facilities where there are 32 recreation grounds and four play parks, they have to do maintenance with this allocation of \$400,000. We have heard so much talk about the conditions of how we bury our dead and the condition of the cemeteries. To maintain 23 cemeteries where our loved ones are, a place that should be beautiful, the figure is \$200,000.

This is just maintenance figures, but when one looks at development: roads, bridges and landslips, the sum of \$1.8 million is allocated and it has to take care of 26 bridges, 13 landslips and most of the roads need paving. In fact, it is now the experience that road paving is being removed from the regional corporations and the Ministry of Works and Transport is controlling the entire budget for road paving, therefore, the councillors cannot even identify the roads that need paving.

There are 60 agricultural access roads in that area and no funding is put aside for that. So the picture is a very sad one, not only for the people who want to remove the representatives in those areas where they are not performing and were waiting for the opportunity to do so, but also in the areas where we have hardworking representatives who keep applying to the ministry.

The development budget in the Rio Claro Corporation for example is in the area of \$3.5 to \$4 million. That is a community that needs the injection of capital of about \$30 to \$50 million to bring the infrastructure to mark. There are 120-plus wooden bridges in that community. Are we talking about equanimity? Are we talking about really developing Trinidad and Tobago as a whole, or are we just looking at urban development and ignoring the plight of our rural communities? I do not even have to speak about the Penal/Debe Regional Corporation and the attitude meted out to them, the services they get; it is almost as if the Ministry does not recognize that the corporation exists. I do not have to plead that case for them; all I have to do is look at the *Sunday Newsday* Editorial of April 29, 2007 under the heading “Disgraceful.” It says:

“Given that water is a basic necessity, we would have thought the Government would have made its provision a matter of urgency. Not so. It was over a week ago that Public Utilities Minister Penelope Beckles announced that Government

funding would be increased to the Penal/Debe Corporation so it could pay for truck-borne water for their constituents. Ms. Beckles gave this assurance after people in the area had already been without water for a week. And now, more than 14 days later, the citizens are still not getting a water supply, either by tap or by truck.

Why is this? Local Government Minister Rennie Dumas on Thursday revealed that, in making a promise, Minister Beckles was apparently just blowing air. After meeting with members of the Corporation, Minister Dumas said that he hadn't met with them with the intention of actually doing anything at that point. 'We met with the intention of determining the needs of the Corporation and not to deliver a cheque,' said Mr. Dumas, with the tranquility of a man who knows his dishes would be washed, his toilets flushed, and a working shower awaiting him at the end of what is apparently not a very hard day's work.

The sum required by the Corporation, and agreed to by the Ministers, is \$995,659. And, while hundreds of millions of dollars are expended without adequate oversight on tall buildings, Mr. Dumas has the unmitigated brass to say that it is "unreasonable" for the Corporation to expect reimbursement for its expenditure because 'the process is a lengthy one'. Yet when Government Ministers and their constituents are directly affected by any matter, especially in an election year, bureaucratic hurdles are magically jumped or, indeed, by-passed altogether."

Mr. Vice-President, that is an article from an editorial in the *Sunday Newsday* newspaper.

**Hon. Senator:** Who wrote that article?

**Sen. Mark:** Chin Lee wrote that article.

**Sen. Dr. G. Ramadhar-Singh:** Mr. Vice-President, although the Minister indicated that the Bill is a short one; it only has clause 2 new subsections (1F) and (1G), it is indeed a very significant one for the people of the Penal/Debe Regional Corporation, Princes Town Regional Corporation, and all the corporations, but indeed I am making a case for the rural communities where local government really has a significant impact and as I said in my opening remarks, that is where Government actually touches those people.

Government does not touch you with all these big buildings in Port of Spain in a very significant way but when you live in a dirt track, when you have children at primary school having to walk with two pairs of shoes; a pair of boots and a pair

of shoes in San Francique which is in the Penal/Debe Regional Corporation and they have to do so because there is mud on the road and they have to change their clothes because the boot kicks up mud to their back in this day and age, in this time when they are boasting about a GDP of US \$13,000 per person in Trinidad and Tobago, that is what local Government does. It fixes those roads, it cleans those drains and it is very significant. And if there are councillors who are not working in those communities or other communities who are not seeing about the business, they should have been removed two years ago and we should have had election in local government. [*Desk thumping*] If we continue, we could find arguments for postponing inevitably.

In fact, why have election if there are more consultations to come? For example, if the crime consultations were not enough and we pass some bills so we want to see the impact on those bills, then we can have another series of consultations. Why can we not as a Government have consultations, prepare for election, hold the election and tell them what you have done already and what you expect to get? If 90 per cent of the consultations are finished, is that not a significant amount? I agree that 10 per cent is very important, but why is there a keep back after you had admitted that 90 per cent of the work is done? Are you such a stickler for perfection? The media reports do not say so, the people do not say so, and the surveys do not say so.

People are afraid to live in this country who can afford to leave have left and if they have not, they have carried their stuff with them and are just vacationing here or seeing about their business. There has been an exodus in this country because of the crime waves and people fear for their lives. So 90 per cent of the local government consultations are finished and you are not satisfied with that, you are going for perfection but only with local government reform, not with anything else.

You must think about the people when you make your decisions, you must think about the cleaning of streets and drains, you must think about the maintenance and management of our markets, the fact that the regional corporation polices the public health officials and ensures that they are there, the fact that the rubbish trucks which take up garbage are really in the business of disease prevention; these are important services, so an extension in the life of these services is of critical importance to the people of Trinidad and Tobago.

Mr. Vice-President, clearly they are evading a local government election that is constitutionally due for two years. They had consultations and boast about a 90 per cent exercise and outreach. I am winding up, Mr. Vice-President.

**Sen. Mark:** Winding up? You have time. Is the Vice-President stopping you?

**Sen. Dr. G. Ramadhar-Singh:** No.

**Sen. Mark:** You have plenty time, you have time.

**Sen. Dr. G. Ramadhar-Singh:** So Mr. Vice-President, they seem not to care about the people who have been saddled with poor representation and what I really want to come to is what we have envisaged as local government. There is enough in this Act for the Minister to implement and for us to have successful local government in this country. If you look in part 12 of the miscellaneous functions you will see many of the functions of local government that have been outlined by Members before, but you will also see the co-ordination of local and regional trade fairs, athletic events, cultural displays and entertainment.

This Act gives the power to those local government bodies to hold local and regional trade fairs, they have assets and places like Skinner Park, they have Irvin Park in Siparia, and many facilities in Point Fortin where they do not have to pay rent or electricity, they already paid all those fees. They have the institutional capacity. For example, what happens in Point Fortin on Borough Day should be mirrored in all the corporations. The Minister should lead in that exercise so that the corporations become truly an income-generating organization that can create funds for development projects.

What do these consultations have to do with a road that does not have street signs? There are many roads in Trinidad and Tobago and that is what local government is about. I remember in our community where there were streets without road signs, we got together with the people who were involved in industry and approached Trinmar for pipes, the corporation for paint and approached the painter at the URP office who was paid to be a painter to paint the signs. Why can the leadership of the local government at the executive level not approach organizations in the petrochemical sector on behalf of all people of Trinidad and Tobago? Why can they not approach the corporate community on behalf of all the people, all the burgesses and give leadership and so deal with a simple issue where people do not have a street sign? There are many houses in this country that do not have a number in this country. Those are exercises that should be spearheaded by local government.

**Mr. Vice-President:** Sen. Dr. Ramadhar-Singh, I have allowed you enough time for you to tell yourself that you should come back to the Bill. I do not want it to be seen as if I want to stop you, but you have really gone too far off. You



might have been doing better if you had not listened, could you please return to the Bill? You were doing pretty well you know, so come back to the Bill.

**Sen. Dr. G. Ramadhar-Singh:** Mr. Vice-President, the point I was making—  
[*Interruption*]

**Mr. Vice-President:** Sen. Mark, please do not—I am not getting in the politics when I say if he did not listen because when he said he was winding up, it was not at any spurring from this Chair and, therefore, when he was told that he had much more time, he should not have listened. This is why he has gone so far off. Please do not say that the Vice-President is getting involved in the politics, it is not so.

**Sen. Dumas:** “Yuh leading de boy astray.”

**Sen. Dr. G. Ramadhar-Singh:** Thank you very much, Mr. Vice-President. I made the point that it is not only that they want to focus on preparing for a general election for which they are very jittery and they are becoming very afraid to face the people, but if we look at the Minister's statement when he addressed the Caribbean Development Bank and the Inter-American Development Bank in January, 2006 which said he has taken cognizance of the remarks of Mr. Desmond Brunton Vice-President of Operations of the CDB at the last CDB/IDB Civil Society Organization's dialogue held in Barbados, January 25—27, 2000 that the current Government processes seem to have failed to fully involve the citizens and this has led to increased demands from consumers and the Caribbean citizens generally. Therefore Government's processes and structures now need to be inclusive rather than exclusive and controlling. It seems, Mr. Vice-President, that they are recognizing that the policies they have gone about with are beginning to fail. In fact, the polls are telling them that. In this very speech he gave, he indicated that in the latest MORI poll of September 2005, 50 per cent of the respondents perceived the services delivered by the public service of Trinidad and Tobago to be of a poor quality and 33 per cent regarded the service as slow.

If low productivity seems to be the norm, this is just the symptom and I daresay the real cause is the prevailing mindset and the orientation which places a low premium on service to the public, words from the Minister of Local Government to the IDB. Hence we see why we need more time. They went about six years thinking that they would never have to face the people, that there was money to solve all the problems and we ran this country on US \$8 a barrel for oil and they thought that money could have wiped away all the problems that they had.

**Sen. Dr. Saith:** Mr. Vice-President, I am searching through the Bill and there are obviously some clauses of this Bill that are not printed in mine because when I look at it, I am not seeing the relevant contribution.

**Mr. Vice-President:** Sen. Dr. Ramadhar-Singh, are you about to wind up? You have two minutes of your first 45 minutes. Are you about to wind up?

**Sen. Mark:** You have 17 more minutes you can speak.

**Sen. Dr. G. Ramadhar-Singh:** Mr. Vice-President, I do not want to go back to the point I was making because I think the point has been made; 50 per cent of the people are dissatisfied with the public service, that is a significant figure and that tells a tale and the UNC, as I was saying, believes in empowerment of local government, in decentralization that will ease the plight of the citizens who live in far-flung communities and would bring Government services closer to them. [*Desk thumping*] We intend to do that by following a philosophy that the purpose of life is to be happy, and the purpose of Government is to lend and give services of the State to facilitate that citizens are happy insofar as you do not trample on the rights of another person in their pursuit of happiness.

**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. W. Mark*]

*Question put and agreed to.*

**Sen. Dr. G. Ramadhar-Singh:** Thank you very much. Mr. Vice-President, once your guiding philosophy is that the purpose of life is to be happy and the role of Government is to ensure the happiness of the citizen, then you will understand why devolution of power and decentralization is important.

The UNC has been on record and has shown consistently that we believe in an even distribution of power and resources to the citizens of this country and when you talk about equality, you cannot give \$50 million to every corporation, that is not equality. Equality is if you have a good road in Port of Spain, I must have a good road in Brasso Seco; if you have a clear drain in San Juan, I must have a clear drain in Couva; if you have a good recreation ground in Penal, I must have a good recreation ground in Curepe. That is equality. Therefore, I appeal to the good Minister.

In many regards I wonder if he is a victim of his own Government's policy because definitely, the Government's philosophy does not seem to be the empowerment of local government and we have provided the thorough documents, we have

unearthed concrete evidence to demonstrate, we have shown where Government policy as articulated directly in the budget statement contravenes what he speaks about in the White Paper.

**6.00 p.m.**

I really hope that I am giving him support because I, too, want to see the empowerment of local government. Because you could be providing services; you could be boasting in public relations campaigns about all the services that you have, but local government is the key to reach the masses, the grassroots, the ground, the people who need it the most. Local government is their access to government resources. [*Desk thumping*]

We believe in a win-win relationship with the NGOs in forging constructive relationships with the business sector, including businessmen on the corporations so that they can bring to bear management expertise to the corporations; so that they could bring to bear their needs, their fears and their insecurities, so that a businessman will contribute to his community because he is part of it, and not go and contribute to a more high profile community because more businessmen are there. So you would keep your businessmen actively involved in your community; building social capital. We believe in using these organizations to reach out to the people in building a knowledge-based society because all the experts tell you that you solve crime, not in the Jean Pierre Complex; you do not solve crime at the university; you do not solve crime at the Ministry, you solve crime in the community.

**Sen. Dr. Saith:** Mr. Vice-President, on a point of order. What clause is he on? We are hearing about crime—

**Sen. Mark:** What is your point of order?

**Sen. Dr. Saith:** Relevance. [*Crosstalk*]

**Mr. Vice-President:** Senators, please. [*Crosstalk*] [*Mr. Vice-President pounds gavel*] The point of order is relevance and it is upheld. Sen. Dr. Ramadhar-Singh, I asked you if you were about to wind up because you had two minutes and about 10 minutes before that you said you were winding up and it was only so that I could decide whether to give you the extension. Okay? You had the extension and you have gone off again. Please come back.

**Sen. Dr. G. Ramadhar-Singh:** Thank you very much again, Mr. Vice-President. At the community level we could educate the young people. That is the point, and we could use the local government representatives to pinpoint. This is relevant. When they were running the LNG lines in our community, they involved the local government people and they did not get any protest like they did in Mayaro when they ran the line there, because they spoke to other people and the councillors know the poor people who need the jobs; they know the youths who are going astray. That is the point.

The real crux of this legislation is that they are running from the people—*le vox de populi*—the voice of the people. They do not want to hear the voice of the people demonstrated in the ballot papers across the land. But eventually they will not be able to run anymore; they will have to face the people who are fed up with crime; fed up with murders. Six persons were shot yesterday. They are completely fed-up. They are waiting to exhale and bring back good governance to this country. [*Desk thumping*]

**Sen. Mary King:** Mr. Vice-President, it is a pity we could not bring a Bill to reduce the length of time that people speak—[*Desk thumping*] because I think sometimes it is really very, very necessary that we have more controls than we have at the moment.

Mr. Vice-President, I just want to shift, perhaps, the focus a little bit—shift the thought processes. After listening to several of the ills of our local government system, I would like to make a suggestion which could bring another view, perhaps, but for future discussion, not for today; and I am on clause 2 of the Bill.

The hon. Minister, in his presentation, gave us the rationale for extending the life of the local government bodies. His rationale was that we have 90 per cent of ongoing discussions completed and we really want to complete those discussions before we bring about the reforms of local government systems, and it may be non-productive to have the electorate face an election without the reforms being completed. He also talked to us about the programme that he intends to bring about with the reform. The deepening of the democratic process was one that he mentioned; an improvement of the services being provided by local government, and he told us that decentralization should be the driver of this process. So that led me to think along another line; another thought process, if you wish.

I thought, given our very small population of 1.25 million people, what are we really doing with 14 municipal corporations and city boroughs? Perhaps what we could be doing is repealing the Municipal Corporations Act, and if we did so, we would have a lot of the things that the Minister expects to come out of his

reforms; we would be self-financing because all our taxes already go to the Consolidated Fund. He has asked for rules for good order. Well, I think we already have certain conditions and rules for good governance within our system. Sometimes they break down, but we do have them, and we do have already, systems of reporting to Parliament at select committees. So whether we decentralize or not, we do have rules for good order.

When one examines the conditions that exist today in the local government structure, we know that the skill sets required for delivery of service are certainly not now within the local government structure. So I am of the view that a decentralized government structure with highly skilled public servants, outsourcing those services—and yes, if we outsource them through the multi-purpose facilities companies that have been established, we may actually have more effective governance; we may have, certainly, better economic management and efficiency.

So I would suggest that perhaps we need to think more about it, but tonight we could be repealing the Municipal Corporations Act. It has been said here today that local government has been a dismal failure—said by my colleague on my right—and also that this Parliament, under the Constitution, allows us to amend and make new laws. So as we go forward into the next election—and, of course, we do have the possibility of changing the Constitution after election—perhaps we should consider other systems of incorporating the communities that we are concerned about, bringing the local government people, bringing the communities into the system.

Of course, that can come around by increasing the number of seats in the House and perhaps the mixed system of representation where you will have your elected members through the normal first past the post system and the list which comprises the mixed system could be your local leaders from the different constituencies. So, therefore, you are incorporating them into the actual governance structure of the country. So I think we need to think it out. It is not something that is beyond us. We have plenty of time. But I would suggest that in the short to medium term, repealing the Municipal Corporations Act altogether and restructuring more effectively will bring about a better delivery system of the services that our people are demanding.

Sen. Prof. Deosaran also mentioned the important aspect of governance which is accountability, and that is an absolute necessity. I think that there must be restructuring of some substantial kind if we are going to bring about proper accountability. I maintain that a decentralized central government is more

*Municipal Corporations (Amdt.) Bill*  
[SEN. KING]

*Tuesday, July 10, 2007*

likely—or let us say, will have a higher probability of bringing about better accountability with a centralized policy formulation, but decentralization of the service delivery by way of smaller batches of delivery systems. With that, I think we would certainly get what the Minister of Local Government is looking for: better delivery; more cost-effective delivery. I do not think we should be afraid to expand our minds and to think about it and to give a different system of representation a chance to, at least, be discussed.

Thank you.

**Sen. Ronald Phillip:** Mr. Vice-President, I rise to make a contribution to this Bill. It is a small Bill but its purpose, as stated, is “to extend the term of the members of Municipal Councils for a period of one year from the date of expiration of the existing term”, which is Friday, July 13, 2007.

The word “term” is further used in clause 2, new subsection (1F) and it states:

“...for the purposes only of the elections due in the year 2007, the term of officer of the Mayor, Aldermen and Councillors holding office...is hereby extended...”

So in the second case, we use the word “term” to talk about the conditions of work, and all conditions—*ceteris paribus*—being equal and the same, we extend the same control, the same powers of the aldermen, mayors and councillors. When we talk about the condition being the same, what immediately goes to the minds of the public is that, we know that even from the White Paper they are saying they are dissatisfied with the service from local government, and when we hear that we are still continuing in the same way, people are saying “the same old; same old; same old.” So there is disenchantment with the system.

When we look at the Bill again, it is curious to note that in clause 2, new subsection (1G), what is added is an attempt to qualify the powers of the mayors, aldermen and councillors. So when we talk about the powers now, we are talking about terms and conditions and the powers. That is the real issue about the Bill; the powers of the mayors, aldermen and councillors. If we look at this Bill in terms of the spirit of the Bill and we talk about the powers, there are really three stakeholders here. The first stakeholder is the power of the people; the second is the power of the elected representatives, which are the councillors, and the third one is the power vested in the Ministry of Local Government.

What we see in terms of this Bill, in clause 2, new subsection (1G) it states that:

“All powers exercisable by Mayors, Aldermen and Councillors under the Act shall be exercisable by them...”

Why the need, really, to say that they will continue to have the power when we know that the stakeholders here are the people? We are removing that power because their power is in the fingers, in terms of the right to vote, and we are postponing the election.

Then we are stating that we are giving the power to the elected representatives for a further year—we are leaving them in place. So what it does is really give the Minister of Local Government the control over them. So this Bill really seeks to extend his power in terms of his control over the local government system. This is the point. When we talk of local government, we think about the Ministry of Local Government. It is not a ministry; it is a local government system. And listening to the debates from my colleagues, they have taken the pain to show you the involvement of people in this system.

This is why it is so important that we get this right, because when we talk about the powers of the aldermen and the councillors, we say their powers may change and whatever powers they end up with, so it shall be, and we know that at the same time a reform process is taking place. So if there are reformed systems and the Minister is now coming to implement change, then their powers would not stay the same, because he may be able to erode certain powers; he may be able to extend certain powers.

So when you look at the Bill, you tend to try to find out, simply, what they are trying to do here. Simply put, whatever powers they have, they shall have, but with the implementing of changes in local government reform, we are sure to see the administrative changes taking place, because the Minister of Local Government said that he is 90 per cent through his changes and he is bringing this reform process. So what is really happening is that there is an effort here to undermine the local government system under the guise of this reform by forming other agencies, such as the special purposes companies. I mention this even though my colleagues have mentioned it already, just to make the point and to pose a question to the Minister of Local Government.

You see, we have developed a special purposes company that is called the Sports Development Company and by the end of this year we would have given this Sports Development Company \$65 million. So my question, really, is: What is the relationship between the recreational facilities that the local municipal corporations help to maintain and provide and this Sports Company if the money is given to the Sports Company and they have the responsibility to provide leisure facilities; recreational facilities, and the money is not given to them?

So when we look at what the Minister is doing—and he was actually congratulated for a job well done in terms of bringing legislation, and truly so. If section 53 of the Constitution gives them the power to come and pass legislation, we say, well done, but we know this entire process is a sham, because one year ago, I am sure the hon. Prime Minister would have given the Minister of Local Government a mandate to mobilize the PNM and what has happened was that the bus has run away with him. In terms of trying to reform and mobilize he has missed the bus. So what has happened now is that even though we pat him on his back and tell him he has done a good job, he is under fire to make sure that he gets the party mobilized.

The reason I brought up the politics, really, is not so much to talk about the Bill in relation to that, but they are seasoned politicians. You start to fight an election the day after the election is called. So they have been fighting an election since the day after the local government election three years ago. What is quite clear in asking for this extension, it shows that the PNM is not ready for an election so they cannot call an election, because you only call an election when you are ready. When you are sure you will win the election, then you call the election and then you set a date. So the whole idea about having a date in your back pocket is just to mamaguy people. We know for a fact that they did not call this election—they asked for this extension—really to ensure that they control this power and the power that resides with them and continues to reside with them. But let us take this in good spirit.

#### 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

**Sen. R. Phillip:** Thank you again, Mr. Vice-President. If we take it in the spirit in which the Minister had asked when he said he is undergoing a reform process in terms of local government reform, the history of local government reform has been as long as the local government system in the first place. I just want to highlight some of the key elements and core areas of which this White Paper speaks which will allow this reformed process to be materialized. I would



just like to quote, so just bear with me because I want to use this as a springboard to show you that the whole White Paper in terms of what they intend to do, contradicts itself. The first objective the draft White Paper speaks of is:

1. Legislative reviews and reviews of bye-laws and regulations.
2. Re-definition of the roles of the Ministry of Local Government and Municipal Corporations.
3. Re-definition of boundaries, functions and responsibilities.
4. Corporate restructuring of the Ministry of Local Government and Municipal Corporations.
5. Institutional strengthening and capacity building.
6. Determination of human resources/technical and key funding requirements.
7. Delegation of operational activities from the Ministry of Local Government to the local corporation.
8. De-linking of the regional corporation activities from the administrative structure of the Ministry of Local Government.
9. Transfers of resources from ministries and departments to local government bodies.
10. The establishment of Executive Councils at the local government; and
11. Determination of an agency, which will be responsible for local government bodies.

So when we talk about an agency within the Ministry of Local Government, that whole concept of an agency is linked to a de-concentration of authority; it does not deal with the devolution of power.

**Mr. Vice-President:** Senator, you are definitely not discussing the Bill before the House and I would like you to confine the rest of your contribution to that, please.

**Sen. R. Phillip:** Thank you, Mr. Vice-President, but I quoted from the White Paper which the—

**Sen. Mark:** He is referring to the Minister's presentation!

**Sen. R. Phillip:** The Minister came and referred to the White Paper, which is really the reform process. [*Crosstalk*]

**Mr. Vice-President:** Sen. Phillip—

**Sen. Mark:** He is responding to Dumas!

**Mr. Vice-President:** Sen. Mark, I am on my feet. Sen. Phillip, I ask you to confine your contribution to the Bill before the Senate. Going into a detailed interpretation of the White Paper is not what this Bill is about. Continue, please.

**Sen. R. Phillip:** Thank you, Mr. Vice-President. The Minister, in his presentation in talking about the Bill, spoke about the reform process which speaks to the economic and social parallels of Vision 2020 and the reform process really addresses the roll-out strategies enunciated in the White Paper. In that respect, I was referring to the White Paper. The Minister talked about the modernization of the local government system and I am responding in terms of that. In fact, I said that these are laudable objectives of a paper plan. This is a paper plan, and this is what the PNM administration is famous for—a paper plan, paying consultants hefty sums in the various ministries. It is not unique to this Ministry.

My understanding is that this roll-out is going to cost \$100 million. The problem in talking about this reform process that the Minister referred to that is 90 per cent completed is that it is difficult to sell. You see, it is difficult to sell a plan. People will accept traffic plans that they are not so intimate with, but it is difficult to sell local government since the people are more intimate with the issues of local government.

Therefore, I want to refer to this modernization of the local government system by making reference to one of the corporations. I want to take, for example—and share with the honourable Senate, some information pertaining to a corporation. I live in Chaguanas and I would like to talk about Chaguanas in terms of what has been done. If you would just indulge me, I would like to show the relationship with the people of the district and Chaguanas itself; I would like to talk a little about Chaguanas in terms of a town; Chaguanas coming of age as a bazaar town.

Chaguanas actually got its name from the Chaguanese Amerindian tribe. They were the indigenous people of the island. What happened was that this tribe that settled there at the time of the British in 1797, sided with the British and went and attacked the people of St. Joseph, the Spaniards. Then when the British left, they had no protection and the Spanish people came and wiped out—[*Crosstalk*]

**Sen. Mark:** Mr. Vice-President, I seek your protection. That side continues to interrupt this side. I seek your protection. Let us have some order. [*Crosstalk*]

**Mr. Vice-President:** Sen. Mark, too wrongs will never make a right and if you felt that something was wrong, your attitude was also wrong. Two wrongs do not make a right and do not go slamming down things on the desk, please.

**Sen. Mark:** Why?

**Mr. Vice-President:** Because it is not the kind of behaviour that should take place in this Senate. [*Crosstalk*] I would like all Senators to just calm down and let me do the interruptions. I would hope that I would not have to. But I think that if we allow the debates to go on in this way, we shall all be out of here in due course. Please continue, Sen. Phillip.

**Sen. R. Phillip:** Thank you, Mr. Vice-President. I was just giving some history, really, to show that the people of an area are very intimate with the development of the area. This Chaguanas town actually originated from what was the H.E. Robinson's sugar estate at Woodford Lodge and then you had the De Verteuil coconut and cocoa estate in the north that eventually became Charlieville and on the east which is Endeavour.

**6.30 p.m.**

What happened in the 20<sup>th</sup> Century as we talk about the development of Chaguanas, it grew into several urban type developments with residential areas in Lange Park, Orchard Gardens, Edinburgh Gardens and Edinburgh 500. These developments have all the infrastructure and the roads are built. They are done by private developers who hand them over so the Chaguanas Borough Corporation inherits a—

**Mr. Vice-President:** Sen. Phillip, I must ask you to curtail that approach. You have gone into the historical background of the area and you have told us about the conflict. Please confine your contribution to the Bill before the Senate. I am sure that you are aware of what you are doing. Please desist.

**Sen. Mark:** What, Mr. Vice-President, you are imputing improper motives.

**Sen. R. Phillips:** The problem which I am highlighting is that this urban expansion puts an additional pressure on the local government system to deliver the goods and services. When people expect the services and they do not get them they blame the corporation and say that the ministry is not doing anything. The infrastructural development of the city has not kept up the pace with the demands of goods and services. When you have that type of development by private developers you get a private decentralization system. In Chaguanas, the insurance giants as Clico and Guardian Life have set up offices and decentralized

the system to provide services for the people. With this additional business Chaguanas has become a place to live; a place of leisure and a place to study. The burgesses of Chaguanas expect recreational facilities; street lighting; roads and all the services that are provided by local government at a very high standard. When the local government system fails to address these concerns of the people, they would become very disenchanted. People are asking: What is the Government and the Ministry of Local Government doing?

The Minister spoke about the economic and social parallels of Vision 2020. When he rolls out this policy, we note in the White Paper on page 8 that the system exists to satisfy three principal categories of need, namely, the political, social and economic. This political system is seen as a platform to create sustainable communities where people could participate in the affairs of the area. It allows the citizens to elect officials to preside over the communities. When we decide to extend the life of the local government election and we take away that right, the reform process attempts to give the people the rights.

Now we come to ask for the extension we take away the right. The entire request contradicts the whole local government reform system. When you talk about the economics of it, local government plays a role in developing the physical infrastructure. This is in regard to business expansion and the growing local economy to ensure that business opportunities are there for employment. Income generation and employment creation are two major spin-offs of this economic reform process.

Sen. Basharat Ali made a reference to two surveys, the Market and Opinion Research International and the Opinion Leaders Panel Survey. When you go to the people they have reported that they are dissatisfied. They want service. People want to have alleviation of flooding; clean drains; street lighting and all the services that were mentioned by Sen. Dr. Gopeesingh. The EMBD and NHA are reclaiming some of the canefields in Caroni and they plan to build 6,000 homes in the borough of Chaguanas. The ministry said that they had planned to build about 10,000 houses a year. It means that many of these would be in Chaguanas. When you do this development; build roads and box drains there is an additional amount of run-off and water, and in the rainy season the low-lying areas suffer from flooding. An additional amount of pressure is being put on the Chaguanas Borough Corporation to alleviate this type of problem without proper funding and consultation with them. The reform process talks about enabling these communities. There is a direct relation between funding from the Ministry of Local Government—

**Sen. Kangaloo:** Mr. Vice-President, on a point of order, Standing Order No. 35(1), irrelevance of what the Senator is saying to the Bill before the Senate.

**Mr. Vice-President:** Sen. Phillip, once again I have to ask you to return to the Bill before the Senate. A short while ago, I said that you knew what you were doing and an objection was raised by Sen. Mark. I am wondering if you really do not know what you are doing. Please confine your contribution.

If you look at the Standing Order that Sen. Kangaloo stood under, it says:

“Subject to the provisions of these Standing Orders, debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, and a Senator shall confine his observations to the subject under discussion.”

Could you please observe the Standing Order.

**Sen. R. Phillip:** Thank you, Mr. Vice-President.

In piloting this Bill the Minister mentioned the local government system. When we talk about his reform process—I was spending some time showing how the reform process is related to the debate. Now, I would take the opportunity to speak about the local government system that he is reforming.

**Mr. Vice-President:** Sen. Phillip, that is not what we are discussing. We are not talking about the implications of the reform. The Bill in question is dealing with the extension of the life of local government bodies.

**Sen. Mark:** Mr. Vice-President, I want to get your guidance. If the hon. Minister of Local Government made extensive reference to the White Paper and the system of local government, would we not have the right to respond? I would like to know how this debate is being guided. I know that in the cut and thrust of debates we respond to the mover of the Bill. That is what Sen. Ronald Phillip is doing. [*Crosstalk*]

**Mr. Vice-President:** Sen. Mark has asked for my guidance. To say that the Minister made extensive reference is not accurate because the Minister had a pretty short presentation for the whole Bill. He did make reference to it because he said that one of the reasons for the extension of the Bill is to facilitate the completion of the local government reform process. I do not consider that as extensive reference. To go into the detail of what the White Paper says or anything like that is going overboard. Could we please let good sense prevail and deal with the Bill before the Senate.

**Sen. R. Phillips:** Thank you, Mr. Vice-President. The question is: How should the local government system operate in harmony with the central government system? The Minister mentioned Vision 2020 when he talked about the change of the local

government systems in the Vision 2020 strategic plan. He said that it would contribute to national development by focusing on regional development and the creation of sustainable communities. This is about the control of political power and the resources of the country. We know that political powers vie for control and working within the framework of the law, they must justify their actions to the masses. Systematic development and the growth process must take place at the community level.

I was taking the pains to show that the people are intimately connected with the development of their communities. When they do not get these services they clamour at the central government. The consequence of failure of the Government would result in the people not getting basic services. When they do not get basic services it affects the daily operation of their lives. When we look at the argument of extending the life of Parliament and the Minister said that Parliament makes for good order and governance of our citizens, I am responding to that.

I will relate to an article by His Worship Stevenson Sergeant, former mayor of Port of Spain and a PNM member. He was commenting on the role of the President, Minister and Cabinet. He rationalized that the minister is a member of Cabinet and asked for and on behalf of that body in matters of local government. [Crosstalk]

**Sen. Dr. Saith:** Mr. Vice-President, on a point of order. The reason we are asking about the quote is that he cannot be attributing words to Mr. Sergeant without telling us from where it is coming.

**Mr. Vice-President:** Sen. Phillip, that is right. You should always refer to the document from which you are quoting.

**Sen. R. Phillip:** Mr. Vice-President, I am referring to a *Compilation of Conference Papers March—May 1990, Perspectives On Local Government Reform in Trinidad and Tobago* edited by Victor King. [Crosstalk] You asked me. In 1990, when the Bill was launched there was a debate and people were asked to contribute to the reform process. We are relating to the parent Act. If the Members on the other side would like to get a copy, I would be more than willing. Sen. the hon. Martin Joseph, it is here; I did not make it up.

The mayor was making the point that if the minister informs Cabinet and the President acts on the advice of Cabinet, it is clear that the Minister of Local Government has the power to direct the running of the Ministry of Local Government. I mentioned earlier that the three stakeholders are the people from

whom we have removed the right to vote. We have extended the right and powers of the elected members at the local government level and preserved the power for the minister who was rationalized in this article as a power unto himself.

I will share the contribution of the hon. Patrick Manning in 2006, in his address to the House on local government reform. He had highlighted five areas such as: an arrangement to share power between the central and local government; the enlarged Senate to include all members and chairmen of municipal corporations; introduction of an executive council; review of local government boundaries and a degree of self-financing to local government bodies.

This self-financing system that we know exists in a very ad hoc way. When you talk about financing and being able to raise and keep the money, we know that all money has to go back to the Consolidated Fund. We are looking for constitution reform to enshrine powers and responsibilities in the Ministry of Local Government. When the Bill talks about extending the life of the corporation and the Minister says that it is for the reform process and the Prime Minister says that we would do a degree of self-financing and we know that that cannot happen with this Bill, the whole thing is a sham. That is what they do not want to hear. They do not want to hear that they have come to hoodwink the people in terms of talking about an extension.

I want to wind up. When we talk about reform, we know that allocation for local government is grossly inadequate. For the next year, the whole system would not decrease the inefficiency and people would be suffering. There would be problems in staffing; the management system; productivity of the labour force and people would not be empowered in their jobs.

There is the idea about the environment. With insufficient funding and work and the large amount of development in the urban areas, you would have extra run-off, flooding and clearing of the land. These problems would affect people at the local government level. This whole reform process that the Minister spoke about is to hoodwink the people. It does not give power and autonomy to the communities when it rolls out. It does not decentralize and it does not talk about devolution of power. The Minister agreed that the process is 90 per cent completed and he would draft new legislation. While Sen. Mark was kind, the ad says come on out you can make the inputs. The Minister of Local Government should have looked at the ad in full colour that the Minister of Labour and Small and Micro Enterprise Development had on Labour Day. His public relations people need to look at that.

This entire debate is not about local government reform and the extension, but the PNM hiding from the polls until they could give the people sweetheart budget and continue to hoodwink the people of Trinidad and Tobago for us to think that it is a fool's paradise and money is no problem. If you want to debate this at the level where you are talking seriously about reform, we say to retract the Bill; call the local or general elections before budget and face your evaluation.

Thank you.

**Sen. Dana Seetahal SC:** Mr. Vice-President. I promise that I would stay strictly on the question of election, in particular local government election. All of us ought to know by now that in 2003, by Act No. 13 effectively, the election that was due in 2002 was not held because of the 18/18 tie. That date was extended such that election in that year was held one year after which was or around July 12, 2003. The local government officials got a one-year extension for that period. In 2006, when election of the councillors was due—after three years because their term is for three years—they got an extension of one year and now we are being asked to give them an extension of another year.

As other Senators have said, the local government officials would have five-year terms. The purpose of the law in section 11 and section 273 of the Municipal Corporations Act is not to allow the Government or Parliament to extend by amendment of section 273 or section 11, the life of the local government.

I say that because if one looks clearly at section 11(4) which specifies—all of us ought to know that by now; it has been referred to many times—the term of office of councillors shall be three years. Those councillors who are elected by the general populace elect aldermen and the aldermen vote from among them and you would have a mayor and a deputy mayor.

According to section 11(4)A which was created in 1992, by Act No. 8, the “elections shall be held within three months of the expiry of the term of office of the mayor, councillors and aldermen.” The mayor, councillors and aldermen by section 15(1) have the same term of three years. You have three years for everyone who is elected. They were elected in July 2003 and three years would have been in 2006. Elections would have been due—people like to say constitutionally but it is statutorily because it is under the Municipal Corporations Act—in October.

In the past there have been inroads to this by amendments to section 273 of the Act. This section originally permitted the term of office of the members of local authority to be extended for a period of one year. That was when the Act first came into effect. It says:



“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 on the 13<sup>th</sup> September, 1990, (shall be extended to one year).”

Clearly, section 273 was a transitional provision. A transitional provision is one which is put in place or has effect when you are getting accustomed to the new law; you are enforcing new law. The Municipal Corporations Act, 1990 was assented to on September 13 that year, but it was proclaimed then. In that section it was permitted for all the local government bodies to continue in office for one year. What was done subsequently was a corruption of that provision. There was a subsection (1A) amendment to 273 which it appears permitted an extension in office. This was sometime during the UNC administration. The library has not been able to find it for me. I have not found it. I know that it exists. They allowed that at that time, the same year as the general election in 1995, there was that extension.

In 2003, there was another amendment creating subsections 273 (1B) and (1C). This is the amendment that was passed the year after the deadlock in this Parliament. It said in short:

“(4C) 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...”

### **7.00 p.m.**

It went on to say in section 273 they included at (1B) a new subsection which says that the terms of office which expired on July 12 shall be extended. So, there is a corruption, in my view, of subsection 273 which created a section allowing an extension of one year to the terms of the offices of all these persons. They were called an advisory committee because we were making the legislation retroactive. I think most of us would have voted then, because you could not have local government really being illegal, merely because there was this deadlock.

In 2003, in my view, that was something even though it was not consistent with the transitional nature of the section, it had to happen. It was the doctrine of necessity. Then, in 2006, for some reason I think it was then said to permit reform. We therefore extended the offices of all of the councillors for 12 months again.

The term of office each councillor shall continue for 12 months, and then there is a provision that is provided that it would not be so for aldermen and mayors, because they would be elected by the council. So you were allowed to change your councillors and mayors because councilors elect these people.

The point is, Mr. Vice-President, section 273 has been utilized in that way to breach the clear terms of the Act at section 11, which says mandatory, a three-year period would be all that you get and that elections were due and shall be held within three months.

Mr. Vice-President, if we continue like that it means that we would then breach or amend. All we had to do for this election, say for some reason outside of a national emergency which is provided for in the Constitution is to amend section 68 which permits and talks of the dissolution of Parliament and the due election date.

The dissolution of this Parliament and general election is constitutionally due on October 17<sup>th</sup>. Just as the end of term of the local government bodies would be at the end of this week, and according to the Constitution, three months after October 17<sup>th</sup> this year, we would have national general election due.

What is to prevent us from seeking an amendment to that provision, because, there are varying degrees of entrenchment in the Constitution. Not all of them would need the same majority. I am not sure what number you need for that but, the point is, the principle is the same if we could continue—this is the fourth time we are seeking to change the due date and extend the terms. In this case it would be from a three-year term to a five-year term without going back to the electorate. Mr. Vice-President, what is to prevent this happening some day with the general election? That might seem a rhetorical question that in light of the fact we are tampering with the dates due, and we have tampered the date that the local election is due. I think it has to stop somewhere. I think that to show that this cannot be happening, Members ought not to permit this amendment to go through.

Mr. Vice-President, the terms of officers expire at the end of this week and election must be held within three months of that date which mean August, September and October, the local government election should be held.

I have heard the Minister's explanation and in my view, reform is a continuing process. In 1999 there was local government reform. Since then, we have had talk of it forever and I do not see that it will ever end. I do not see that as a valid excuse at all, any reasonable excuse for the continuation of the existence of the local government officials continuing to hold office which should have ended in

2006. They should have gone back to the electorate. Never mind that only about 25 per cent of the electorate votes. That is another issue and should be taken into account when you are talking about local government reform. The point is, it is the electorate that puts the councillors in and they who put the aldermen and mayors there and it is the electorate who should speak. In my view, it is not Parliament which it would willy-nilly, and it is willy-nilly if it is done for a consecutive year, amend the law and extend any term of office. Elections are due and they should be held

Mr. Vice-President, that is my contribution.

**Sen. Prof. Kenneth Ramchand:** Mr. Vice-President, the Bill is sinking. Please tell me what to do.

If I support it, I am doing a bad thing. If I do not support it, the municipal councils will cease to function, the central government will take over until the election is held and all members of the municipal councils will join the ranks of the unemployed. Mr. Vice-President, we will see what will happen when the vote comes.

Mr. Vice-President, it was with pleasure that I heard the hon. Minister referring to the concepts of regional development, decentralization and participation, by people in communities. He referred to these concepts in his argument that the extension being asked for today would be used to continue the Government's efforts to bring about local government reform.

It is not the first time that I have listened to this Minister and formed the impression that he really understands what local government means. I am convinced that if he had the power he would have gained the glory of creating a system of local government that would show that local government is potentially the most satisfactory form of self-government. Local government is potentially much more central to human and economic development, much more instrumental in creating equity and equality in our country than what we, by a misnomer, refer to as central government. I believe that the Minister knows, without knowing that he knows, that central government is not central at all. And that situation, central government not being central at all, is at the heart of all our social and economic problems.

Mr. Vice-President, every single criticism of local government that we have heard is at bottom a complaint about the immobilization of local government mainly by central government. Immobilization, because of uncertainty or pretended uncertainty about who should do what and when. Immobilization, by not providing funds in a

timely or sufficient manner; immobilization, by not providing staff to make local council operations more autonomous and effective; immobilization by central government not working hand in hand with local government; and immobilization by party politics.

Mr. Vice-President, I cannot take criticisms of local government seriously. I do not believe that the question is a question about the delivery of services. The question is a question about self-government and about people taking an active part in the running of their country, and people having a sense that: "I belong to a community and I am contributing to the making of this community."

When Sen. Prof. Deosaran in his contribution was referring to duplication of efforts", he used the phrase "duplicity of efforts." He was describing a situation where there was a duplication of failing efforts, a duplication of ineffectiveness, and I wanted to write a note to tell him he meant duplication. But, when I thought about it, I realized that "duplicity of effort" was good. It was duplicity. The dual system we have of central and local—not knowing who is doing what, and central is making sure local does not do it, is inefficient because the lines between what local government can do and what central government ought to be limited to doing, these lines have been repeatedly breached. So, there is this duplication and people know it is duplication and that it is not only duplication, it is duplicity. Taxpayers' money is wasted by this duplicity in the system that now exists.

Sen. Mary King said let us repeal the Municipal Corporations Act. I say, let us put an end to central government. We are really talking about the same thing. We are talking about how do we get rid of the duplicity of effort, and I will sing my usual song, Mr. Vice-President. It is part of constitutional reform but I am sticking to the Bill.

We should really create a network of local assemblies. Each of these assemblies would have the kind of responsibility, funding and regional power that the Tobago House of Assembly has. That is how the country should be run, by a system of local assemblies. Of course, we would have to replace government by something, and we would replace central government by a general assembly which would include the chief secretary plus one from each local assembly which would include the Executive chosen by the Executive President. It would also include members chosen by the local assemblies and by the Executive President to operate as members who are not beholden to political parties; that general assembly would meet three or four times a year. At their first meeting they would settle the budget, the allocation of funds to the different local assemblies, and they

would meet after this big general assembly where everybody has a say and may come to a consensus, they will meet subsequently to ensure that the plans of action have been carried out and to see whether adjustments would need to be made.

Mr. Vice-President, the Minister has said they are thinking about the reform of local government and I have, therefore, taken the opportunity to make a contribution to that reform process and to encourage, as I have done before, a radical reform of local government which would put people at the centre of governance and give people the sense of belonging that this country so badly needs.

Mr. Vice-President, this is all I wish to say. Thank you.

**Sen. Brother Noble S.A. Khan:** Mr. Vice-President, thank you for allowing me to share on the Municipal Corporations (Amdt.) Bill 2007, and which is to be taken through all its stages today.

As I see it, the amendment extends the term of the members who are on the municipal councils for an added year. We are dealing with a fundamental piece of legislation where the rights of the people are being deferred. That is, a choice to select our representatives.

It seems to me this is a sort of technique or practice by past administrations over the years. In my research I have picked up 2003, 2006, and now we are in 2007. It may have happened that in these extensions of the life of the representatives of our local bodies, it may be the outcome that is taking place, as the Minister has indicated particularly with this type of legislation, occurred before.

One gets the impression that extension for a year at the end of the standard life of the municipal councils continue to persist to today. One wonders what are the implications and the seriousness of local government? What has been termed the devolution of power where there is movement away from the centre to the area? Where the power resides and for whom it was meant to serve? That is, to be part of the decision making process in matters that affect them. Where, the rights of some within the municipal councils are recognized by others, and where the state, which includes the municipal bodies, that is, by each and the maintenance of their rights clearly is assured.

Some may say an individual belonging to a municipal council is not separate or independent of the state, but the responsibility of the state to obey is clearly a function of its recognition of their rights. If we fail, that is the State, it would seem that there is a void in the moral quality and authority in its relationship, vis-

*Municipal Corporations (Amdt.) Bill*  
[SEN. BRO. KHAN]

*Tuesday, July 10, 2007*

à-vis, the citizens of the State who are also members of these municipal bodies. That is where we try to extend the life of some who may say for dubious reasons that is within these councils.

These extensions raise serious questions to me. Of course, one could say the extension of the time is in the interest of those whose tenure we extend but, what about the contract they have with the people who did not elect them, their moral and ethical authority? Is there room for this? Or, are they behooved to those who engineer this extension?

As you know, Mr. Vice-President, the legal authority can easily be erased from people's mind. Towards this, our country is full of examples starting from early times; in the time of the Cabildo with respect to our indigenous people, our first nation; revolts and protests from our common slave ancestors; even from a cultural, social and religious event or our recently arrived indentured labour force some time in the 1800s. There have been water riots coming down to 1903, trade union protests, and even post-independence; the memories are still with us, 1970 and beyond.

I am linking this to the highhandedness of the authority which is the purse in a state and the misuse of it, or the perceived misuse of it. It is easy to think that any group that has the cohesive power backing it, may consider law and order and be guided by what they consider as bringing the maximum benefit and satisfaction to those whom the truth—often this is coloured by special processes. One wonders if this is today.

Remember it was posited that the slave owner thought that slavery was good for the slave and they were practicing law at the time, and they enforced a system that the slave system necessitated. There appears to be a conflict in putting aside this election year when it conflicts with the general election, and this is one of the arguments I thought was adduced why it is being put off.

If we are to transcend this, we should explore or have we preferred a fixed date for elections. I think that was stated by some of our previous speakers. The control of the purse, money—is one of the chief means of control, what is desirable and those who control the purse, that is what will dictate. We come to the terms of justice, equity and participation. These form part of the aims of local government as well as central government, and I think what is before us as I mentioned before is very fundamental and it must impact by putting aside or pushing back this date for the election.

We have heard talks of raising funds by local authorities which question in my own mind how practical this is. We know, despite this very heavy inflow that is coming into our country, oil, gas, there are still areas of mass shortage as far as that share is concerned. I would like to consider there are certain areas within the regional corporations/municipal councils that are supposedly richer by the very nature of the economy that extends in this area. One wonders to what extent raising local funds in those areas would go to really financing. In other words, within a poor area you could only raise minimal funds as against a rich area. Is this a prescription for keeping it that way? These are some of the thoughts. How will it be financed still remains baffling to me.

The hon. Minister mentioned cases like this hence I make reference to that. I guess we cannot be content with static theory or even practices, where we so often continue to extend the life of our municipal representatives by a year. Dynamic experience must play in fulfilment in bringing it to the people as was envisaged in the law that we seek to amend. What we are doing is pushing back where we had hoped maybe, if there was election, it could have given people an opportunity and chance to make changes which the law envisages and which we seek to change now.

We must call and engender the growth of a social conscience—this is important, which must be preceded by changing ideas in how we direct ourselves especially where the high expectation and particularly among our young, which is being brought about by certain areas in our society; increase in the vaunted wealth, the oil product of our Minister of Education. People are becoming more elevated in that extension in which attempts are being made. Also, to countervailing the increasing material I mentioned in things material. This is happening with our young people.

It is well known and we know that here, that any increase in economic expansion will, no doubt extend the boundaries of consciousness in the areas of social and economics. There, however, must be flexibility. How this static approach we are moving into here to bring that flexibility in our thoughts and action, one wonders whether the repeat extension by one year could achieve this and what input it has for the democratic process and is that relevant. Concepts such as equality, equity, universality must not only be given lip service, they should become the norm and should be the practice in our applications so that the hopes and aspirations of a lively nation, of a very dynamic nation will not be cramped. Obviously the ability to undertake the necessary changes cannot be enhanced by deferment of the democratic process as we are supposed to do by this

action before us. One wonders again, on the wider scope if our model is not top down, dictating down, when it should be upward movement and this seems to be a problem that is bogging our society where we cannot identify with.

The change obviously must be in our thought processes and we should have systems that encourage this. This thought processes where we have seem to perpetrate and it is expressed outside, where exclusive elites see themselves as the ultimate and very often manipulate by devious means what remains of the status quo and themselves.

I think this is a continuous struggle within us. One wonders if this is a risk we can afford. Should we seek to change this which is our legal rights, and which we now seek to defer by one year? Is this Bill that is before us a travesty of what is our citizenship's right? Is this an obvious reality? Very often to appreciate a value is what one may take to be obvious is a value. Very often what we may take obvious is a value maybe, a way to inform and to appreciate it more if attempts are being made to curtail these values and rights that we may have. Very often too, this may be catastrophic. Do not take our people for granted.

I have always said before that the accumulated knowledge of our people outside is by far, far superior to the vaunted knowledge and wisdom they may appear to prefer inside of here and express on people's behalf. There are obligations. In this case, in the law. We have failed to honour them; a serious charge. We cannot glory in this deferment by one year. What is the outlook, promise of more decentralization?

Let us take, for example, the melee that we find ourselves in. If we look at a project in certain areas, a drain or road, CEPEP, regional body, this same municipal council we are looking at, Ministry of Works, URP, one wonders.

### **7.30 p.m.**

A place where we will all meet we hope some day within the earth—the cemetery—by our policies. I live at Laventille, when a death occurs we have to take it outside. We reach as far as Tunapuna, especially our young who are shot. One wonders what provisions we are making for them. I am not speaking about when they are dead. It has been said that the dead will bury the dead. Very metaphoric words, but I am speaking while we live.

I know our lady here, the Minister of Education, is making great strides; also, our Minister of Community Development, Culture and Gender Affairs. I pay tribute to them. Again, we think in terms of more mundane things like street cleaning.



What is this time in the State? What do we have to form through the democratic process? We defer it for a year. Is it a case as masters of the political process arising through, hasten to use the power of the State through particular groups? Is this a mechanism for that? These are thoughts that come to people's mind—this deferment. Someone may claim that a state may not be able to go beyond its economic postulates. It is a serious thing when we have reduced people to that and all we can think in terms of is dollars and cents.

I would like to mention that each new day a new order is formed. The talents you meet, the high hopes and aspirations, be it at the central or the municipal level is before us. We need to overcome and develop in a sustained way. This is pressing; we cannot wait. I think we can cooperate, partner and in community weld together into the great nation that we are capable of being. May we be successful in our striving to realize this.

I must say, Mr. Vice-President, that it is difficult to support the matter before us. Thank you and may God bless! [*Desk thumping*]

**Sen. Dr. Eastlyn Mc Kenzie:** Mr. Vice-President, I am really, really at a loss. I am extremely uncomfortable with the amendments we are debating for the extension of the life of the local government bodies. I go back to my contribution last year, on July 06 when, in my concluding statement, I said to the Senate—and I quote myself:

“I am saying that from today we hope that there will be a lot of public education so that there will be absolutely no reason for a further extension of time because all the matters would have been dealt with...”

I enumerated them:

“—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 to be done within this one-year period.”

Now, very suddenly I must say, we have been asked to debate this Bill today.

I am upset about two things: one is that there was the notion that there would have been an amendment for an extension of time because as you heard from others and from what we have read, months before today we had the explanation expressed openly that both elections would have been held this year and that preference would have been given to the general election and so we knew there would be a request for an extension of the local government bodies.

*Municipal Corporations (Amdt.) Bill*  
[SEN. DR. MC KENZIE]

*Tuesday, July 10, 2007*

Why did we have—and I am very pained, hurt and uncomfortable—to wait until just a few days before the end of the life of the bodies to bring an amendment? Why could we not bring it in March or April? We knew and you could have forecast it from the way you were progressing then that our local reform measures would not have been completed in time. We knew long ago that there would be general election some time this year, the latest being January of next year. We knew all that, yet you put us under pressure. I do not know about the others on my Bench, but for me, it is giving me a headache.

Here you have an amendment to extend the life of the local government bodies for another year. We did this last year. We warned you to come ready to have the election, so that you would not come to people asking this. We have the uncomfortable situation that the Bill is passed in the other place and you are bringing it here and the life of the corporations goes until Friday and you are seeking an extension. On the other hand, we are thinking of the people affected; the councillors whom you probably would have told that you are going to ask for another year soon and they are pinning their hopes on that and saying that they would get another year's salary.

It is painful; it makes me wonder how do I, in all conscience, vote on an amendment like this, when you take into consideration the matter I am talking about and you listen to others talking about the legal implications; how we are bending the law to suit us and these types of things.

Mr. Vice-President, I never intended to speak, as you know, but as I sat here, I am pained, I am troubled and my conscience is beating me as to how I should vote. This is being honest. I appeal to the Government, whichever government. Sen. Mark and his team boast that they would be in government at some time and I appeal to them: please do not put parliamentarians under this type of pressure. It is really a difficult situation. You are between a rock and a hard place as the people say. When you vote and you come out of here, you still have to ask yourself whether you said and did the right thing; whether you voted in the right direction. I appeal to the Government and to the Senators now in opposition, who will be in government, for heaven's sake—*[Desk thumping]* I am just going with what I am hearing; I am not taking any sides—please do not put any Parliament under this type of pressure. Please do not!

The last time you did it, you said it would be for nine months and that it was a transition period. You did it in 1995 when I had just come here. I remember this, so we have had it on both sides, but I do not think we had it as—*[Interruption]* Yes. Three strikes and out. So, Mr. Vice-President, I am just saying this to let some pressure off myself and so on.

I say to the Government, please, for heaven's sake, do not do this again to anybody else. To you, Sen. Mark, as you say, if, when and how your party comes into power, do not do this to anybody. You do not like it now.

Mr. Vice-President, I still cannot say what I will do, but thank you for allowing me to let off the steam and the pain in my heart and to go contrary to the debate.

Thank you.

**The Minister of Local Government (Sen. The Hon. Rennie Dumas):** Thank you, Mr. Vice-President. I start by saying thanks to all the Senators who contributed and I quickly move into responding to Sen. Dr. Mc Kenzie, who suggested that there is stress in this situation and that this stress should not be repeated. The last time I am quoted as saying that, I am sure hasten to suggest—and that was the word used—that we would have finished this activity within the year and therefore there would be no repeat of this. I make a bold leap to say that this will not be repeated; that the matter will be concluded in the period, if we are given the support of the Senators present. I was sure it was not the intention of the Government to put anybody under pressure.

The question that seems to arise is why the distance between the knowing and the bringing of the legislation before the Senate. I think Sen. Dr. E. Mc Kenzie would have stumbled upon the reason without notice. The fact that consideration of and consultation with some local government practitioners would have occurred and there would have been some time for that consultation between coming to the realization that this is a necessary and desirable act and bringing the legislation to the Senate.

We assure you, as we have been indicating, that in local government matters and in matters having to do with government, we are quite careful to consult the relevant bodies, individuals and members of the public concerned.

The second issue that should be answered because it has been raised—I do not want to say this, but I think I must in the interest of full disclosure and to be level with the Parliament—is that we went out for technical capacity. We sought that capacity within the nation. We invited publicly consultants to deal with the technical work and legal drafting, et cetera and the returns were inadequate.

As I shared quietly with some legislators yesterday, there was no way we could put that task in the hands of the people from the local community who made a bid against the invitation. In that situation, therefore, we had to seek an

international process of procurement, which we did through the UNDP. That took some six months of the time available to us. That did not stop us from doing some of the things we thought we could do in getting the technical processes, drafting and other processes correct. There was no way we could come with sub-standard work and, therefore, we had to find people with that capacity.

When one considers that the ongoing discussion was at three levels, I found myself being beaten up for being consistent that the consultation was to occur at three levels: one at the national level, in which there was the national consultation; one at the regional level and one at the community level. That was our consistent position in which we quite clearly enunciated that our programme of consultation with the nation would go on at these three levels.

I stand with the Government having selected the choice of suggesting that the extension of the reform process should continue and determining that the election should be deferred. It had the option of allowing the time to run out and aggregating unto itself the power and authority that would have allowed it to exercise, through the Cabinet, an advisory to the President. The Government decided otherwise to act in the fullest consideration of this democratic development of which we speak and to abase itself to the Parliament and suggest that we ask that the councillors be allowed to stay in place and to act according to the responsibilities and functions for which they were elected rather than take unto central government the powers, authorities and responsibilities of local governance.

In that context, as a second parallel level, that we would have an extended community consultation so that the people at all levels of the community, in all the communities across the country, would have the opportunity to comment on what has been put in place as the policy paper by the people who stand as representatives.

Mr. Vice-President, contrary to the position taken by many speakers, I suggest that the Government chose the most democratic choice. The Government chose the condition which would allow the widest participation and which would allow the re-assertion of the rights of the people and the population in the continuance of the councils.

I heard a quotation that said that when the MORI poll was done, four or five years ago, certain things were said. I ask the question—it is a rhetorical question but it occurred to me and I thought I should share it—I wonder whether there was any heat and passion for local government in some of the contributions. I wonder whether some of us know our representative councillors in our own local

government area or which corporation we are in; whether we had any real feelings about the continuance of the local government bodies and what it means as against discarding it.

I note that some Senators suggested that they would not support this. I must say that at least the debate allowed the necessary research across communities and perspectives. In the other House yesterday, we learned that the whole thesis of one Member of Parliament for a master's programme was on local government reform, that person being a leader of one of the parties in the House. Today, we learned that a number of individuals know the history of their communities very well or at least learned it and was able to put it into the debate.

There are three things we need to answer. Is the extension desirable? I suggest that that is the most desirable of the three options that face us this evening. It is more desirable to put the authority in place behind the councillors who had been last elected by their various communities. It is more desirable to do that than to allow the time to lapse and the aggregation of the authority and responsibilities of the councils into the hands of central government.

All the speakers have spoken about the desirability of the local leaders exercising local authority for local development and local management and governance, and we heard all about the difference between government and governance. It is certainly more desirable than to allow the Cabinet to advise the President to put in some commissioners who may not have any nexus to an election at all. Therefore, if we have to look at options, I suggest that the option that the Government has proffered is the most desirable of the three options before us.

I suggest that if this Senate represents the inventiveness of the national community—I have heard no superior invention—in fact, the one other advice we had was to repeal the Bill. I am not sure that is any more desirable, if in any way desirable, as against the option that the Government has faced the Senate with. I suggest that we have come to bring a law which seeks to bring benefit to the population—

**Sen. Seetahal SC:** [*Inaudible*]

**Sen. The Hon. R. Dumas:**—and since we can invoke a reaction from the Senator, maybe we can get her to change her position by the end of the discussion.

Mr. Vice-President, we are facing an aspiration of what is best for the system. We understand that local government is central to our social and economic development and we are treating with the possibility of using the time for which

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

*Tuesday, July 10, 2007*

we have asked for mobilization, not in the context of what the Opposition is advising—if we take the advice of the Opposition, we would use the mobilization as a mobilization for the election; we would use it as a political tool for partisan interest; we would use it to spread our information across the country. That is not the way this Government thinks. This Government sees it as an opportunity to create mobilization behind the local Government movement; mobilization to comment on where we should be going and how.

Community mobilization speaks to deep participation, to engendering the sense of belonging; to treat with the real sacrifice that people who offer themselves to serve must give and certainly for the long-run development of the people. That is the mobilization for which we are asking you to allow us the opportunity to use the time.

There was a question asked that bears answer and, in the normal style of the Opposition, there was speculation about the budget. If the budget that the Opposition wants to give us is \$100 million for the mobilization process, we would gladly accept it, but as usual the Opposition changes its mind.

**Sen. Mark:** What is your budget?

**Sen. The Hon. R. Dumas:** We expect the budget to be \$20 million overall for the local government reform process.

Mr. Vice-President, some people remember their days when a consultation also included pink champagne in local government. In local government and the mobilization that we proceed with, we know how to drink mauby and “O-be-joyful” in syrup. We do not indulge in the pink champagne that you had when you had your consultations and your mobilization across the country.

**Sen. Mark:** How much will it cost?

**Sen. The Hon. R. Dumas:** I suggested it to you, approximately \$20 million, and that is all for the local government reform process.

**Sen. Mark:** [*Inaudible*]

**Sen. The Hon. R. Dumas:** We estimate that would not cost you all of that money.

We are talking about the confirmation of our democracy. We use the words. I do not like to argue with people senior to me, but sometimes it is unavoidable. When Sen. Bro. Noble Khan suggested that we treat with moral authority as against legal authority, I suggest that the Government comes to this issue with

clean hands. The moral authority we exercise is that the Government expects no benefit from this; that the Government is giving away all the things that you claim it should want to hold on to—power, authority, influence and all those nice words. I suggest that the Government is handing that up when it comes to this proposal; that the Government is acting in the public interest. Whatever coercive power the Government is seen as having is being used to ensure completion of a process of local democratization that this country has never seen.

When we are taken through the journey of the historical development of the local government system, we come from the *cabildo* and we talk about those institutions, we are talking about institutions of myth. The people who were in the *cabildo* were in fact the colonial people who had you in trial. When we begin to talk about refuting slavery and the ways in which we are managed, and we talk about coming into real communities that exist today, of which the people who constitute the grassroots of this country are being asked to say how they shall be governed and how the system of governance should act, we have people here who are saying: I aggregate unto myself the authority to say they shall not be consulted. We know we shall act on their behalf to ensure that the process of consulting them does not happen.

We have heard Senators say: What do you expect from these consultations? In other words, there is no wisdom in the grassroots. There is no wisdom in the communities. [*Interruption*] I heard it from three Senators. I would not call the names because I think you would be embarrassed if I do call the names. What do I expect from these consultations? That came from there. I suggest to you that we must reconcile what we say with the belief system we attempt to impose on people.

Sen. Bro. Noble Khan said that sometimes the common folk have more wisdom than some of us. Remember that Sen Bro. Khan. That is why we can reconcile the approach we are taking with the responsibility we are bringing to the Senate, with the demonstrated capacity to go out and talk to the people and to ensure they give us guidance. [*Interruption*]

Mr. Vice-President, you know somehow the traditional cry of the Opposition, discrimination, emerges again. Somehow in this debate Chaguanas is held up as the place we have discriminated against. Penal/Debe is held up as a place that is discriminated against. The irony is that when we compare—somebody quoted the price of the official residence of the Prime Minister of Trinidad and Tobago and gave that price as \$48 million. Mr. Vice-President, the irony is that \$48 million is exactly the price of the municipal corporation building which we are seeking to give the Borough of Chaguanas, which has started by the way.

**8.00 p.m.**

I want, through you, to let Sen. Dr. Gopeesingh know that we do not have to wait and the country does not have to wait on a UNC government to start the building of the 14 municipal corporations, three of which have already been started in the context of the development of comfortable quarters for councillors and workers.

Mr. Vice-President, the listing of the things that Chaguanas has to do is no different to the things that Port of Spain, Arima or any of the other municipal corporations had to do. It is mighty important that we hear the cry of equity and the promise of equality of treatment coming from this wannabe administration. I think if we look at the history of the behaviour of that administration, when they were in charge of local government, the inequity is evident to everybody. The knowledge of how they treated the special funding and special contracts is there for everyone. We do not need to recount it this evening. I think we have spent enough time on this matter.

I think there is one matter that bears response from Sen. Dr. Gopeesingh; it is the question of the condition of councillors. The conditions of remuneration for councillors are set by the SRC. The SRC guards fiercely its independence. The Government cannot determine what the remuneration of the SRC is, without recommendations from the SRC. Maybe if representation is made and if public representation is made for changing the conditions of service for councillors, maybe the SRC would respond. I assure you that the Government has no influence in the SRC.

There is an analysis given to us that 4 per cent of the budget comes to local government. I want to suggest to the people who use that analysis, that portion of the national budget that comes to local government does include the major capital expenditure of the country, foreign debt payments, the cost of national security, the cost of education, the cost of health, the cost of works and infrastructure within that municipality, the cost of housing, savings, social security expenditure and pensions. In other words, you must add to this 4 per cent all the other expenses when we are treating with the benefit to each country and when you subdivide it between the corporations, we also have to subdivide expenditure on all these things according to the number of people and the extent of geography that is within the corporation.

I do not want to be anywhere rude, but I listened to the proposals coming from the various speakers in the Opposition. I want to point out that between pages 22—34, I heard nothing new from the Opposition and nothing different from what



is in the paper. The suggestions about a formula for financing, human resource management, et cetera, are all here. I suggest that changing the cover and putting the picture of the political leader of another party on the proposals that come from consultations across the country does not make it a UNC proposal. We are creating a national proposal, taking up all the contributions of all the people in the country and that includes the UNC councillors, chairmen and mayors; all of that. That is what national means.

Mr. Vice-President, it is my pleasure to put the reasonable proposal to the Senate, that the interest of the country is best served by the extension of the term of office of the present and existing local government councillors by one year.

I so move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to 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. Seetahal SC:** I have a suggestion. In the light of the concerns expressed by Senators, my suggestion is that this amendment be amended in the fifth line; instead of a period of one year, for a period of six months. I say this in light of the fact that the Minister, I heard, said 90 per cent of what he needed had been achieved. The term of office, having already extended to one year, I do not think it should be for another full year. That is why I suggested a period of six months, which, to me, is a reasonable compromise in the circumstances.

**Sen. Dumas:** Mr. Chairman, I suggest that we hold on to the year. One is that the three months that I suggested would complete the drafting, et cetera. I think I also mentioned that the issue of administrative support for the Bill also arises and maybe that would take us another three months. To make doubly sure, having given, in the debate, the commitment that we would not be coming back here, we can ensure that we do not fail in that, by ensuring that we use the year for both issues: the legislative as well as the administrative matters.

**Sen. Seetahal SC:** Can I respond to that as well, before we continue, if you are finished? I understand what you are saying, through you, but you have to admit that on the last occasion there was an assurance, I would not say an undertaking, which was not kept.

Secondly, under section 11(4)A of the law, an election is due three months after the end of term, which means if the term of office is extended for six months, then three months after that, the election would be due. That is my understanding of subsection (4A), which I have here which states:

“elections shall be held within three months of the expiry of the terms of office of the Mayor, Councillor and Aldermen comprising the Council.”

That was an amendment by Act No. 8 of 1992. If the term of office is extended for a period of six months from July 13, 2007, then elections shall be held within three months of that, which means that elections would be due three months from July 13, 2008, which means that you would have almost nine months.

**Sen. Dumas:** Mr. Chairman, I want to advise that this Senate does not create an unnecessary pressure. If you are trying to constrain the time on these close time lines the likelihood is that we would have some extenuating circumstances again. If Government gives an assurance that as soon as the matters are ready the election shall be held within the year, I do not see the reason we should be arguing strongly for the extension to be constrained within the six months.

**Sen. Seetahal SC:** The reason I am arguing strongly is because my first inclination—I am speaking for myself and I do not know if others share it—is that having extended the period for one year, which is really the prerogative of the electorate and not Parliament, as it ought to be, then I do not see a further one year, giving two years extra to councillors, without having to face the electorate is right. Compromising for six months, which means that you are extending them to one and one-half years is not really dealing with niggling issues. It is something that is serious and the compromise is only something I suggest because of the fact that the Minister said what he said. But really, I find it difficult to vote for one year, having regard to my concerns about the abuse of section 273 of the Act.

**Sen. Dumas:** Mr. Chairman, we do not see the possibility of changing the provision, because there may be other circumstances that would not allow this matter to go back to the House.

**Sen. Dr. Saith:** Mr. Chairman, I understand Sen. Seetahal’s personal dilemma, in whether she supports this or not, but on the other hand, I do not think there is a rationale for three months, six months or nine months. If you are going to extend

it—we seem to be coming to that point—in my view where we are, the 12 months does what everybody would like to do, which is first of all, agree that it be done and secondly, it gives a time that does not allow the possibility of our to coming back to ask for an extension.

The fact that it is one year, in my view, does not necessarily mean that it will be 15 months, because I think you would have had enough time to deal with the issue.

**Sen. Dr. Gopeesingh:** You do not need to call the election, we would call them. They will be called by the UNC.

**Sen. Dr. Saith:** Sen. Dr. Gopeesingh made the point; that election would be called by the UNC.

**Sen. Seetahal SC:** I do not believe that it is quite true to say that any extension is an extension, which is bottom line what the Minister is saying; not in such crass terms but it comes down to that. It is not. The point I am making is that really, I do not believe there should be an extension. It is not necessarily my personal view, I have exchanged it with others. In the light of the fact that I disagree with it, but I think that there are some valid considerations in extending it at this stage, that is why it is a compromise.

As for going back to the House, I do not know if they are coming on Friday, why can they not come on Thursday? What is the difficulty for one day for one issue? Anyway that is the position I have maintained.

It is not likely that the Government would discard it, having regard to the fact that they have first come very late with this and it appears that it must be taken for granted that everybody would vote for it.

Thirdly, it is not the right of any councillor to have any extension for two-thirds of an additional term for which the electorate did not vote. That is an extremely important thing. People seem to think that this is—forget that, we could vote and give the thing. It is wrong.

**Sen. Dr. Saith:** Mr. Chairman—*[Interruption]*

**Mr. Chairman:** I want to take Sen. Prof. Deosaran's point and we would come back to you.

**Sen. Prof. Deosaran:** We have just had a debate where, in my view, the issues were ventilated on many sides. The Government has given its explanation for bringing the Bill. They have admitted that it is late and they gave reasons for it.

There have been responses to the position. We are now at the point where we are asked to vote for the 12 months. I do not see the difference between nine months and 12 months, for practical reasons. My view is that we should leave it at 12 months because in that light, it is now a political issue; not just a legal issue. It is for the electorate to decide and this is one issue on which whatever we say here becomes a political issue for the electorate to decide, subsequent to whatever we do here.

I can say no more, I am ready to vote, having regard to the explanations given and I share Sen. Dr. Mc Kenzie's dilemma, but I am prepared to vote for practical reasons. I wish we could come to that point as quickly as possible.

**Sen. Dr. Saith:** Mr. Chairman, I want to apologize once more for the fact that the Bill came late. It has put pressure on all of us, even on this side.

Secondly, there is no way that when we come to this Senate, we take anybody for granted; we do not. If we did, we would not take the time to explain our position.

Like Sen. Prof. Deosaran, I think when we start picking numbers, then six is as good as 12 and is as good as nine and if Sen. Seetahal SC really feels that it makes a difference whether it is six or nine to decide whether she supports it or not, then so be it.

**Sen. Mark:** I want to disagree with Sen. Dr. Saith when he says that the Government does not take the Senate for granted. The Prime Minister, in April of this year, made it very clear that there will be a postponement of local government elections. The Government had adequate time to bring this matter to this Senate, months or weeks ago or at least two or three weeks ago, so that everyone would have gotten adequate time to ventilate, debate the matter, dialogue and find some way out. The Government has simply disrespected the Parliament and they have taken us for granted.

**Sen. Dumas:** Mr. Chairman, he is opening a debate.

**Sen. Mark:** I disagree with Sen. Dr. Lenny Saith when he said that they are not taking us for granted.

**Mr. Chairman:** Senators, I shall now put the question on the amendment.

“(1F) Notwithstanding subsection (1D), for the purposes only of the elections due in the year 2007, the term of office of the Mayor, Aldermen and

Councillors holding office in a Corporation on the 13<sup>th</sup> July, 2007, is hereby extended for a period of one year...”

“one year” to be substituted by “six months”

“from the date of expiration of such term.”

*Question, on amendment, put and negatived.*

*Question put.*

**Sen. Mark:** Division.

*The Committee divided:*                      Ayes 18                      Noes 9

AYES

Dumas, Hon. R.

Yuille-Williams, Hon. J.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Piggott, Hon. A.

Manning, Hon. H.

Chin Lee, Hon. H.

Abdul-Hamid, Hon. M.

Saith, Dr. Hon. L.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Ramroop, Hon. S.

Padmore, O.

Williams-Smith, Mrs. M.

Deosaran, Prof. R.

King, Mrs. M.

Anmolsingh-Mahabir, Mrs. P

NOES

Mark, W.

Gopeesingh, Dr. T.

Kernahan, Dr. J.

Ramadhar-Singh, Dr. G.

Phillip, R.

Munroe, W.

Seetahal, Miss D.

Ali, B.

Cropper, Mrs. A.

*The following Senators abstained:* Dr. E. Mc Kenzie, Prof. K. Ramchand, Bro. N. S. A. Khan.

*Question agreed to.*

*Clause 2 ordered to stand part of the Bill.*

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

*Senate resumed.*

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

#### 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 17, 2007 at 1.30 p.m., at which time we will debate the Bill to amend the Medical Board Act, Chap. 29:50.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 8.25 p.m.*