

**SENATE***Tuesday, May 31, 2022*

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 advise that the President of the Senate, Sen. The Hon. Christine Kangaloo is currently out of the country. Hon. Senators, leave of absence has been granted to Sen. The Hon. Randall Mitchell who is out of the country.

**SENATORS' APPOINTMENT**

**Mr. Vice President:** Hon. Senators, I have received the following correspondence from Her Excellency the President Paula-Mae Weekes O.R.T.T.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,  
O.R.T.T., President of the Republic of Trinidad  
and Tobago and Commander-in-Chief of the  
Armed Forces.

/s/Paula-Mae Weekes

President.

TO: MR. NDALE YOUNG

WHEREAS Senator the Honourable Christine Kangaloo is incapable of performing her duties as the President of the Senate by reason of her absence from Trinidad and Tobago and the Vice-President of the Senate is required to perform the duties of the President of the Senate. As a result, a vacancy has arisen in the Senate:

**UNREVISED**

NOW, THEREFORE, I, PAULA-MAE WEEKES, 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, NDALE YOUNG, to be a member of the Senate temporarily, with effect from the 31<sup>st</sup> May, 2022 and continuing during the absence from Trinidad and Tobago of Senator the Honourable Christine Kangaloo.

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 26<sup>th</sup> day of May, 2022.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,  
O.R.T.T., President of the Republic of Trinidad  
and Tobago and Commander-in-Chief of the  
Armed Forces.

/s/Paula-Mae Weekes

President.

TO: MS. YOKYMMA BETHELMY

WHEREAS Senator the Honourable Randall Mitchell is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby

**UNREVISED**

appoint you, YOKYMMA BETHELMY to be a member of the Senate temporarily, with effect from the 31<sup>st</sup> May, 2022 and continuing during the absence of Senator The Honourable Randall Mitchell from Trinidad and Tobago.

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 26<sup>th</sup> day of May, 2022."

### **AFFIRMATION OF ALLEGIANCE**

*Senator Ndale Young took and subscribed the Affirmation of Allegiance as required by law.*

### **OATH OF ALLEGIANCE**

*Senator Yokymma Bethelmy took and subscribed the Oath of Allegiance as required by law.*

### **PAPERS LAID**

1. Land Acquisition (Requisition) Order, 2022. [*The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Kazim Hosein)*]
2. Motor Vehicles and Road Traffic (Amendment to Fourth Schedule) Order, 2022. [*The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)*]
3. Value Added Tax (Amendment to Schedule 2) Order, 2022. [*The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne)*]

### **ORAL ANSWERS TO QUESTIONS**

**Mr. Vice-President:** Leader of Government Business.

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery**

**Browne):** Mr. Vice-President, the Government is prepared to answer all of the questions for oral answer on the Order Paper today, with the exception of Question No. 95, for which we seek a deferral of two weeks.

**Mr. Vice-President:** Hon. Senators, Question 95 has been deferred for two weeks.

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

**JTUM/NATUC and WASA**

**(Specifics of Discussion)**

**95.** Could the hon. Minister of Public Utilities state:

In light of the Prime Minister's instruction that the Minister meet with the Joint Trade Union Movement (JTUM) and National Trade Union Centre (NATUC) to secure their input in treating with WASA, can the Minister indicate the specifics discussed at the meeting?

*Question, by leave, deferred.*

**Vikab Engineering Consultants Ltd**

**(Enquiry into)**

**93 Sen. Wade Mark** asked the hon. Prime Minister:

Given the allegations leveled against Vikab Engineering Consultants Ltd. by Shanghai Construction Group (Caribbean) Ltd. which have led to the termination of a billion-dollar construction contract, can the Prime Minister state whether the Government has launched a formal inquiry into these allegations against Vikab Engineering Consultants Ltd?

**Mr. Vice-President:** Leader of Government Business.

**Hon. Senators:** [*Desk thumping*]

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Mr. Vice-President, the Government has not launched an enquiry into

the performance of Vikab Engineering Consultants Limited on the Port of Spain hospital central block project. It should be noted that it is normal in construction disputes for contractors to ascribe blame to consultants for any problems that arise on a project and vice versa, especially in situations where a contract has been terminated. But in the absence of a determination of liability by an arbitral tribunal, any such enquiry into Vikab would be premature at this stage.

Further, the executing agency UDeCOTT has not indicated any issues with the FIDIC engineer Vikab on this project.

**Sen. Mark:** Yes, thanks, Mr. Vice-President. Can I ask the hon. Minister whether any formal reports or complaints were submitted to UDeCOTT by this particular construction company, Shanghai Construction Group (Caribbean) Limited on the said allegations against Vikab Engineering Consultants Limited?

**Mr. Vice-President:** Leader of Government Business.

**Sen. The Hon. A. Browne:** Mr. Vice-President, what I am in a position to indicate to the Senator posing the question, the original question, is that UDeCOTT has not indicated to the Government any issues with the FIDIC engineer with Vikab on this particular project.

**Sen. Mark:** Mr. Vice-President. Yeah. Mr. Vice-President, I understand what the hon. Minister has said about the issues not being brought to the attention of UDeCOTT. I am just asking the hon. Minister whether he is aware that any formal submission of a complaint was submitted to UDeCOTT by the said engineering consultancy. That is all I am asking.

**Mr. Vice-President:** Leader of Government Business.

**Sen. The Hon. A. Browne:** The question has matured into a different question and what I can assure the Senator is if same is submitted, the relevant checks will be done on correspondence received and issued and the appropriate answer will be

provided to the Senator and to the Senate.

**Sen. Mark:** I proceed now, Mr. Vice-President. Mr. Vice-President, can I go on to the question?

**Sinking of Coast Guard Pirogue  
(Investigation into)**

**94. Sen. Wade Mark** asked the hon. Minister of National Security:

Can the Minister state what caused the 28-ft Coast Guard pirogue to sink at the San Fernando Yacht Club on 6<sup>th</sup> February 2022?

**Mr. Vice-President:** Minister of National Security.

**Hon. Senators:** [*Desk thumping*]

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Mr. Vice-President. Notwithstanding the obvious glee in the tone of my friend, Sen. Mark, according to information received from the Chief of Defence Staff, the 28-foot coast guard pirogue in question was under maintenance at the time and several factors may have contributed to this development on February the 5<sup>th</sup>, 2022.

The pirogue was serviced on February the 5<sup>th</sup>, 2022 which entailed cleaning of the bilges and hull to remove marine growth and such barnacles. In order to do so and to do this thoroughly, the drain plug was removed. The drain plug is located at the stern and below the water line. After cleaning the plug was replaced but alas, negligently.

On February the 6<sup>th</sup>, 2022 the vessel began to take on water and it was determined that the drain plug had become loose resulting in an intake of water. The vessel eventually became fully submerged.

On the same day however, the vessel was recovered and brought onto land where the plug was properly replaced and the vessel serviced yet again. The

Trinidad and Tobago Coast Guard conducted an investigation into the matter and determined that there was gross negligence on the part of some of its personnel, Mr. Vice-President.

**Mr. Vice-President:** Sen. Mark.

**Sen. Mark:** Can I ask through you, Mr. Vice-President, in light of what the hon. Minister has explained to this Senate re gross negligence on the part of some of the personnel associated with the coast guard, can the Minister advise this honourable Senate what action, if any, was taken against those said officers who he has indicated were responsible for gross negligence?

**Hon. F. Hinds:** In accordance with regulations of the Trinidad and Tobago Defence Force and specifically the coast guard, the four individuals were in fact disciplined. On the 24<sup>th</sup> of March, 2022, four ratings, a petty officer, an abled seaman, a mechanic and an ordinary seaman appeared before their commanding officer in respect of such disciplinary proceedings on charges in respect of the incident. They were found guilty of negligent performance of their duty and they were subjected, every one of them, to what is known in that world as stoppages or forfeiture of funds due to them in varying amounts.

And in addition to that, the first among them was subjected as well to stoppages to the extent of \$56,000 and 28 days' pay. The other \$28,000 and 14 days' pay. Yet another, \$28,000 and 14 days' detention in the facilities that the coast guard without the privilege of going on leave or that kind of thing. And the last of them, \$14,000 in stoppages or forfeiture and 14 days' detention, Mr. Vice-President. These sums will be returned to the Government. I rather suspect the Consolidated Fund by way of their sanctions for such a finding.

**Mr. Vice-President:** Sen. Mark.

**Sen. Mark:** May I ask through you, Mr. Vice-President, to the Minister, can the

Minister share with this honourable Senate if he can, the estimated cost to the coast guard and by extension the people of Trinidad and Tobago for the repairs that would have had to be conducted with the re-floating of the said coast guard pirogue? Can the Minister share with us any information as to the estimated cost?

**Hon. F. Hinds:** Mr. Vice-President, it is indeed another question which I am not able to answer at this time. Suffice it to say though that as I indicated earlier, the vessel was retrieved from under water, brought back to land, serviced again and now is in the service of the Trinidad and Tobago Coast Guard.

**Sen. Mark:** Can—

**Mr. Vice-President:** [*Inaudible*]

**Sen. Mark:** I did not hear something. Did I hear something?

**Mr. Vice-President:** Question 3, you are allowed.

**Sen. Mark:** Okay. Mr. Vice-President, I would like to ask the Minister whether he can share with the Senate, what were the damage or damages that the vessel suffered on that very fateful day when it was sunk or it—

**Mr. Vice-President:** Sen. Mark, based on the first answer, I will not allow that question.

**Sen. Mark:** Okay. Thank you, Mr. Vice-President, I think I am done, through.

### **Increase in National Insurance Pension**

#### **(Government's Plans to address)**

**146. Sen. Charrise Seepersad** asked the hon. Minister of Finance:

Given that the minimum NIS pension was increased over time from \$1,000 to \$3,000, which caused the National Insurance Board to subsidise this



shortfall by approximately \$20B as at 2022, can the Minister state how the Government will address this issue?

**Mr. Vice-President:** Minister in the Ministry of Finance.

**Hon. Senators:** [*Desk thumping*]

**The Minister in the Ministry of Finance (Hon. Brian Manning):** Mr. Vice-President, the National Insurance Act, Chap. 32:01 mandates that an actuarial review is conducted at frequent intervals for the purpose of assessing the financial position of the National Insurance Scheme or NIS. The most recent 10<sup>th</sup> Actuarial Review identified inter alia that the root cause of the sustainability challenge faced by the NIS and other social security systems worldwide is the ageing population phenomena. This is a situation where people are living longer while having fewer children.

The net result is that the number of retirees in the system is increasing while the number of contributors, people of working age is decreasing which has created a deficit between benefits and contributions. In fact, all over the world population ageing is having a negative effect on the sustainability of public pension systems.

Apart from holding the minimum NIS pension at its current level at this time, the recommendations laid out in the 10<sup>th</sup> Actuarial Review include the following: an increase in the contribution rate from the current 13.5 per cent to 16.2 per cent. And two, increasing the retirement age from 60 to age 65.

It should be noted that the proposal to increase the retirement age is not new and has been recommended by the NIB to Government on several occasions as a result of several actuarial reports prepared by the International Labour Organization or ILO going back many years.

For example, in the 9<sup>th</sup> Actuarial Review of the National Insurance System covering the three-year period up to 30<sup>th</sup> of June, 2013 which was published in

June 2015 under another Government, it was recommended by the NIB's actuaries that in order to improve the financial viability of the national insurance system, the retirement age for an unreduced pension should be gradually increased from age 60 to age 65 over the period from 2025 to 2060.

Recommendation to increase the retirement age also appears in the 8<sup>th</sup> Actuarial Review of the National Insurance System which was published in September 2012 under another government.

Mr. Vice-President, the Government is of the view that an increase in the contribution rate should be a last resort. On the other hand, the NIB's actuaries are of the firm review supported by scientific analyses, that an increase in the retirement age will increase the level of contributions to the national insurance system and reduce costs and will also provide workers with the opportunity to earn their full salary and be engaged in productive activity for a significantly longer period.

Accordingly, the Government is engaged in active consultations with key stakeholders on the issue of increasing the retirement age starting with the trade unions. No decision has been made yet.

**Mr. Vice-President:** Sen. Seepersad, do you have any other questions?

**Sen. Seepersad:** I think the Minister has answered the question at this stage. Thank you.

**Hon. Senators:** [*Desk thumping*]

### **Cybercrime Offences**

#### **(Legislative Enforcement of Penalties)**

**161. Sen. Charrise Seepersad** asked the hon. Attorney General:

In light of the increasing number of cyber-attacks on local businesses, can the Minister state:

- (i) whether legislation will be reintroduced in Parliament to address cybercrime offences and establish a framework for the enforcement of cybercrime penalties; and
- (ii) if the answer to (i) is in the negative, what is the Government's plan to address cybercrime offences in the short, medium and long-term?

**Mr. Vice-President:** Attorney General.

**Hon. Senators:** [*Desk thumping*]

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** My thanks to Sen. Seepersad. The Law Reform Commission has prepared and submitted draft amendments to the Computer Misuse Act, Chap. 11:17 to better address cybercrime offences and to establish to a more robust framework for the enforcement of cybercrime penalties. The draft legislation is currently being reviewed by the Attorney General.

**Sen. Seepersad:** Thank you, Attorney General. Mr. Vice-President, through you, what are the major challenges that the Government has identified in treating with cybercrime offences?

**Mr. Vice-President:** Attorney General.

**Sen. The Hon. R. Armour SC:** There are a number of challenges which the Government has identified in treating with cybercrime offences. But I think that in a nutshell, the challenges can be regarded as the nature of cybercrime. It is a fast evolving, very dynamic and fluid reality and therefore, the challenge is to provide, in the first instance, for a definition of cybercrime which will allow sufficient flexibility in the response and therefore the enforcement which provides for penalties.

**Sen. Seepersad:** Thank you. Attorney General, through you, Mr. Vice-President, does the Government intend—now, I know you said you are reviewing it but does

the Government intend to engage local businesses, consultants, et cetera, and other key stakeholders to update the provisions of the draft cybercrime legislation which probably needs some adjustment given the dynamic nature of the environment?

**2.00 p.m.**

**Sen. The Hon. R. Armour SC:** Through you, Mr. Vice-President. Certainly, the Government will engage all relevant stakeholders in this burgeoning and dynamic area of our current reality. Yes.

**Sen. C. Seepersad:** Mr. Vice-President, does the Attorney General have a timeline, because these cybercrime attacks are just coming fast and furious, and the longer we wait, you know, it is going to have real issues. So, do you have a timeline, AG?

**Sen. The Hon. R. Armour SC:** Thank you. Through you, Mr. Vice-President, the timeline is captured, I think, by one word hon. Senator, “expedition”.

**Mr. Vice-President:** Minister of Rural Development and Local Government.

**Hon. Senators:** [*Desk thumping*]

## MISCELLANEOUS PROVISIONS

### (LOCAL GOVERNMENT REFORM) BILL, 2020

*Order for second reading read.*

**Minister of Rural Development and Local Government (Hon. Faris Al-Rawi):**

Thank you, Mr. Vice-President. Mr. Vice-President, I beg to move,

Bill to amend the Municipal Corporations Act, Chap. 25:04, the Burial Grounds Act, Chap. 30:50, the Cremation Act, Chap 30:51, the Advertisements Regulation Act, Chap. 30:53, the Recreation Grounds and Pastures Act, Chap. 41:01, the Highways Act, Chap. 48:01, the Dogs Act, Chap. 67:54, the Property Taxes Act, Chap. 76:04 and the Planning and Facilitation of Development Act, No 10 of 2014 be now read second time.

Mr. Vice-President, the exercise of this Senate today is to consider the work brought here before hon. Members by the passage of local government reform in the House of Representatives. Mr. Vice-President, this has not been a short journey. Trinidad and Tobago effectively has always understood that empowering the people of Trinidad and Tobago in a better system of governing themselves is one of the most sacred things we can do. It is why we pass laws for the peace, order and good governance of our society, according to section 63 of the Constitution. In this exercise the Bill before us is rooted in deep history. Indeed, Mr. Vice-President, the Bill before us really represents a fundamental amendment to nine pieces of law in a Bill which took our country decades to develop. The Bill before us is a 2020 Bill. It represents amendments to nine laws, and in those nine laws to be amended, the Municipal Corporation Act is to be amended in respect of 81 individual amendments.

When we look to the Burial Grounds Act we have one substantial amendment; we look to the Cremation Act, we see, Mr. Vice-President, three amendments; we look to the Advertising Regulations, 10 amendments; we look, Mr. Vice-President to recreational grounds, one amendment; the Highways Act, one amendment; the Dogs Act, two amendments; the Property Tax Act, four amendments; and the Planning and Facilitation Development Act, one amendment. It means therefore that we have approximately 101 amendments minimum, depending on how you calculate the amendments to go through. And I have the task of 45 minutes to pilot 101 amendments. Which means, I am flagging up front that the presentation that I give today will be more so a thematic presentation with reference to some of the individual core aspects of the law, across the several laws that we seek to amendment, rather than the fair opportunity to go through all. I

therefore pledge to listen to the contributions of all hon. Senators, and at committee stage to entertain perhaps a deeper investigation of where we stand in relation to these.

Now, Mr. Vice-President, the reason that we are amending the Local Government Act in its entirety, the local government structures in its entirety as we propose today, represents a dare to dream and just start philosophy. This country has been blessed to have had a long history, quite a peaceful one by and large. But it was in 1959 that with the birth of the Exchequer and Audit Act we really saw local government move away from the ground level of its organization, and we saw the centralization of power as it related to two main aspects. Firstly, central government was given control over financial situations, and then developmental aspects were given to central government. So it was the Exchequer and Audit Act pre-Constitution 1959 that really wrestled away development away from local government. We have had following that the Sinanan Committee in 1965, our post-Independence attempt at local government reform, which, of course, went through the usual platitudes of greater role for on-the-ground structures and let the people-govern-themselves, principally, which we all aspire to.

After that, we saw the County Councils Act, 1967, which divided and consolidated executive powers across seven counties. And Tobago featured as a county, as we saw in our recent reflections on Tobago autonomy. In 1974, we had the Hugh Wooding Commission, and that went through an entire exercise of administrative power of devolution, but all that was born out of the Hugh Wooding exercise was the division of the St. George West County into St. George East and St. George West in 1980. In 1983, we saw a Policy Paper on Community Development and Local Government; in 1989, we saw the NAR Government

produce a Policy Paper, 1989 - 1990, and then move into one of the major aspects of reform in clause 3 that you see here today, is the production of the Municipal Corporations Act, No. 21 of 1990. And that Municipal Corporations Act, Mr. Vice-President, divided into its 16 parts, comprising 273 clauses, clause 3 of this Bill focuses on a large package of amendments, comprising some 81 individual aspects, some of which I will go through in some detail in a short while.

Mr. Vice-President, it was from the 1990 Municipal Corporations Act, which came into law in 1991, that we then moved into, the continuation of discussions of, how do we get more power into local government hands? And, Mr. Vice-President, following upon that, in 2002, there was a Policy Paper produced in 2004, and I have them here with me, having read them all, a draft Policy Paper on Local Government Reform, 2004; there was a draft White Paper on Local Government Reform, 2006, produced by the Ministry of Local Government; there was a Ministry of Local Government draft White Paper on Local Government Reform, 2009, entitled Embracing All; there was a Green Paper on Local Government Reform, April 2008, just before that; there is a policy on Local Government Transformation and Modernization produced by the People's Partnership government in the year 2012, October 2012. Following that, there were Notes to Cabinet and Cabinet Minutes in terms of Local Government Reform, something which my Government championed in 2004 and—sorry, 2014 and 2015. And born out of that, September 29, 2016 we had Cabinet Minute considering what this Government would do about local government reform.

There was a Note to Cabinet approved with a full Policy Paper on Local Government Reform, and that was September 21, 2016. We then went on to a draft policy, October 2016. We then saw Cabinet Minute No. 39 of January 11, 2018,

with an update on local government reform. We then saw in 2019 requests for information by the following stakeholder engagement, which I will come to in a moment, provided by the Ministry. We then saw, and I will come in a little bit more detail to this, the Joint Select Committees on draft law in 2019 and in 2020. We saw the production of an interim report to the Joint Select Committee appointed to consider and report on Miscellaneous Provisions (Local Government) Bill, 2019. We then saw the Ministry of Rural Development and Local Government give presentations to the Parliament, December 2020. And then we had the report of the Joint Select Committee to consider and report on the Miscellaneous Provisions (Local Government Reform) Bill, 2020.

I have taken the time to traverse 1959 straight through to 2020, the Local Government Bill that comes by way of a package reform before us today, represents a culmination of decades of consideration. And the Bill before us, for analysis, was born out of a joint select committee in which several Senators sat alongside Members of the House of Representatives, and importantly, it represented why we have taken so long. Because in the report of the joint select committee at the very last page, Mr. Vice-President, there is something called a Minority Report, which represents the views of the Opposition, why under the Republican Constitution of the Republic of Trinidad and Tobago, section 54, sets out the degree of entrenchment for provisions. You cannot have passage of law that infringes on certain aspects of the Constitution unless the formula is supported by votes of more than certain numbers. In some instances it is three-fifths of the House. In some instances, it is a simple majority. In other instances a two-thirds majority, or a three-quarters majority. And if we are attempting to manage deeply entrenched provisions in the Constitution, a by far greater entrenchment formula is



required arguably at the two-thirds support level, or three-quarters support level.

But in this minority report, that I have referred you to, Mr. Vice-President, you will note that there is no support coming from the Opposition. And I say that to say why I started with dare to dream and just start. Because after the journey of 1959 to 2022 where we stand now, if we cannot achieve the support of getting an Opposition to agree to deep support the minority report here makes important measure because during the Eleventh Republican Parliament and Twelfth Republican Parliament, Dr. Surujrattan Rambachan, Mr. Rudranath Indarsingh, Ms. Khadijah Ameen, all persons with local government experience and effect, and then during the Twelfth Republican Parliament, again, Ms. Khadijah Ameen, Ms. Vandana Mohit, and Sen. Anil Roberts all participated. But the minority report comes down to one, two, three, four, five lines, that there is no support for the Local Government Bill. Number one, because the creation of an Executive Council excludes the voice of the minority; number two, the Opposition disagrees with property tax being implemented at this time; number three, there are no provisions for equity in population, geographic size and allocation of resources to each municipality; number four, the Bill reduces the protection of workers by recognized majority unions; and then number five, insufficient consultation with stakeholders. And those are the submissions of the loyal Opposition in this Parliament.

As it comes to the last of the points, the sufficiency of consultation, permit me to put on record, Mr. Vice-President, that there has been massive consultation in the many decades of involvement of how this Bill has come to light. And, Mr. Vice-President, if you would permit me to put on the actual record what those consultations involved, I would say, Mr. Vice-President, that the consultation

shows, and I am going to go to the most recent events, the Green Paper on roles and responsibilities in 2008, all of which is fed into this Bill. One internal consultation, 300 persons attended; the 14 regional corporations held consultations via Ministries, 8,500 persons attended; 250 national, regional and community-based organizations. In October 2015, again consultations. Again, before us in the word and content of the Bill that we now debate. Over the period 2015 to 2016 in the 14 consultations, we had an audience of interactive platforms, Facebook, YouTube, Twitter, Instagram, and actual receipt of submissions, 430,000, and almost 300,000 users on Facebook contributed; 32,000 impressions and 3,500 profile contributions on Twitter; 11,000 visitors; 200,000 hits on the micro side.

Draft policy transactions local reform piloted, and permit me to stick a pin for a moment as I pay homage and salute to the work of two distinguished gentlemen in this Government. One, the late Sen. Franklin Khan—

**Hon. Senators:** [*Desk thumping*]

**Hon. F. Al-Rawi:** And two, my distinguished and esteemed colleague, Sen. Kazim Hosein—

**Hon. Senators:** [*Desk thumping*]

**Hon. F. Al-Rawi:**—who piloted the champion work for the reform before us today, and which I like a midwife have come to deliver as Minister holding the product of his position, and having had my fair share of having drafted the law as Attorney General in my tenure. So the DNA of these two gentlemen are here, equally so, with the DNA of one Hazel Manning—

**Hon. Senators:** [*Desk thumping*]

**Hon. F. Al-Rawi:**—who in 2008 and 2009 went on the champion cause of

delivering the work product now before us. I have taken the time to go through years of consultation, the number of persons who contributed, because it is contained and relevant to whether this law before us is proportionate, has had the benefit of seeing the square and proper light of day, and whether we can have faith in the work now before us.

Mr. Vice-President, I can tell you that the Bill before us embodies something which I have often preached in this Senate, plant and machinery, people, processes and the law. And what do I mean by that? If you listen to people speak about local government, there is no real appreciation, as I stand before you now, that the Minister of Rural Development and Local Government has close to 30,000 employees under management, 18 bodies, 14 regional corporations, municipal police, rural development company, CEPEP, forestry, and soon the secondary repairs company. In that matrix of 27,000 to 30,000 employees, local government has been reduced to the position where people do not understand the breadth of work that is involved. When we look to the definition amendment section, section 3A of the Bill, clause 3A of the Bill, and we look to the mere definition of a local highway authority, highways authority being the Minister of Works and Transport pursuant to the Highways Act. We look at the definition of that, we look at what orphan roads are, we look at what parks are. People in Trinidad and Tobago are not being told the data, that 80 per cent of the road network as at 2000 lies under the hand of the Ministry Rural Development and Local Government, 80 per cent of the road network in Trinidad. The last vesting of roads in Trinidad and Tobago, and parks and places happened under the hand of Carlos John in the year 2000, and we have 22 years of vesting, which will come to the programme shortly.

As Minister with the responsibility for this portfolio, I am in an aggressive

exercise of doing what I know best. Data capturing with the intention of going on a full road show to the people of Trinidad and Tobago to say why it is the time is right for us to do what we do. Mr. Vice-President, on the 16<sup>th</sup> of March 2022, in accepting the role as Minister of Rural Development and Local Government, my gazetted responsibilities included a very important item. It is written in the gazetted position and under the hand of the President, that my obligation is to wind up the affairs of the Ministry of Rural Development and Local Government.

In other words then, I am here to put myself out of the job that is currently cast in the laws that we now manage, take that baton, hand it over to the Ministry of Finance as it relates to a certain part, much like the Tobago model, and very importantly to empower the local government structures in the 14 municipal corporations. And why do we say that? What are some of the snag lists concerns that people say all the time? It comes down to that maxim, that formula, plant and machinery, people, processes and the law. And I can tell you as I stand now, that I have looked at the data of approximately 15 years in the Ministry where we as a people spend \$2.4 billion every year in Rural Development and Local Government, not included the ancillary aspects of that that work alongside this law. And if we were to ask the average person in Trinidad and Tobago, after 10 years of \$2.4 billion whether we feel that \$24 billion has really been brought to the attention of people, a lot of people would not recognize what I call the “hidden work.” I have spent the last seven weekends, six on the road properly, conducting a survey and clean-up exercise in Trinidad and Tobago.

**Hon. Senators:** [*Desk thumping*]

**Hon. F. Al-Rawi:** Thousands of truckloads of refuse; thousands and thousands of tires in recycle point; thousands and thousands of bush cuttings; hundreds of

derelict vehicles. Mr. Vice-President, you would not believe that the people of Trinidad and Tobago at times have pride in their status and condition. But, the mission of the Ministry was to say, the Government is at work, so that whilst we hold ourselves accountable it is only fair to hold the rest of the population in accountability with a purpose in mind. And that purpose, Mr. Vice-President, in the law before us now is to be found in a few thematic areas, and there are nine of them.

Number one, we look to the interpretation section, that is in the large part, in clause 3 aspects of the interpretation section of the Municipal Corporation Act. Inside that Municipal Corporations Act as well, we look to the other thematic area which is the term and tenure of persons in municipal corporations. We are moving from a triennial period to a quadrennial period. If I look to the third thematic area, again, inside the Municipal Corporations Act, clause 3, we are looking at the terms and conditions as they relate to the people who work there. And that is the dichotomy between part-time service on an honorarium basis versus full-time service in full-time employment.

The fourth thematic area, is the creation of the municipal council versus the executive council. The fifth thematic area is touching and concerning the municipal police. The sixth thematic area is in looking at the standing committees that we propose form cornerstones of municipal corporation articulation. The seventh aspect is in the concept of property tax, where we take the proceeds of property tax and give it on a permanent retention basis in its large part to the local government entities, the municipal corporations for use by the people, for the people closest to the ground. The eighth thematic area, is in the ministerial function and due process conditions, the proportionality where we safeguard private rights

so recognized by sections 4 and 5 of the Constitution, be they private property, or the right against self-incrimination. And the ninth area is in looking at the other aspects of the law, the Bill before us now, because there are consequential amendments that we make to a number of laws, highways, recreation grounds, Dogs Act, Planning and Facilitation Development Act.

Now local government as an entity has become a universe for me. In this Ministry, the Rural Development and Local Government, I now have the privilege on behalf of the Government, and with my colleagues in Agriculture, in Works and Transport, in Health, in Planning, in Housing, of touching and connecting now the services that people require, where we buy our food, how we are allowed building permissions, how we treat with a pandemic as we look to the reality of zoonosis, and the transmission of infections from animals to humans, as we saw with the Coronavirus recently. And in looking at the coordinated services right now, there are a few things in the plant and machinery side and the people side that matter. Number one, the current data that I have on the exercise that I have engaged in as Minister with responsibility, demonstrates that 45 per cent of the corporation aggregated assets, that is the 14 corporations put together, 45 per cent of the assets are non-functional. Two, in terms of people, that a vast majority of our positions are not currently filled, and this Bill treats with Public Services Commission, Statutory Authority Service Commission, and the concept of contracting, because you have to have people. How do you represent 70 to 80 per cent of your annual \$2.4 billion, paying for employment, if the managers for the persons on the ground are not with security of tenure or filled by people that are in post for the correct position and time?

Three, when we treat with the money aspect. We have an expression in

Trinidad and Tobago, it is called champagne taste and mauby pocket. How do we decide where to spend? And when we are spending we are faced with the reality, as I am firmly on the ground, having the time of my life in meeting people in this country, I can say quite honestly, and understanding needs of persons. Most people say, “Ah have a small problem. Is dis small streetlight here, dis small drain here.” But when you aggregate all of the small issues, it is not one streetlight on one corner, it may be 100,000 in Trinidad. It may be several drains, it may be several secondary road aspects. You see the line of sight is important, and this Bill proposes when we look to the people aspect, the standing committees, the full-time employment, it proposes that we have accountability and people to manage. So let me—may I ask what time is full time, Mr. Vice-President?

**Mr. Vice-President:** You have exactly 20 minutes remaining, 47 is your time out.

**Hon. F. Al-Rawi:** Say a prayer for me, Mr. Vice-President. Mr. Vice-President, if I jump quickly to the Bill and I get to the definition section as the first thematic area, I want to point out immediately, you will see the concept of complex development, of simple development. You will see that we are talking about divisions, you will see we are introducing the concept of an orphan road. That is things which are built but not claimed, where people live and have nobody to carry out services for them because they are not vested in anybody.

When you look to the concept of the municipal directors of finance, the CEO, the National Planning Authority. When you look to what we are proposing in the amendments, we are seeing that we are anchoring Municipal Corporations Act amendments, definition section, in clause 5, into other areas of law that are going to be vested in local government, Planning and Facilitation Development Act, all simple development. Law passed since 2014, to be operationalized by making sure

that plants can be processed on a digital platform basis at the local government area.

Mr. Vice-President, let us jump to the Constitution and Government structures. Let us acknowledge that section 8 of the Municipal Corporations Act speaks to the corporation being a body corporate. Let us look to the powers of the corporations. Let us look to the fact that period of turnover of persons at three years left us really with very little room for people to function. We are now proposing a harmony with the Tobago House of Assembly by going to four years as opposed to three.

We are equally proposing, Mr. Vice-President, that the persons with responsibility are secretaries, much like the THA has the familiarity with the concept of a secretary under the THA Act. Mr. Vice-President, when we look to the remuneration and we look to the amendments to section 17 of the Municipal Corporations Act, and we see that we are moving away from an honorarium, which is a part-time, colonial reflection of people doing a little small work in running a corporation, and we move now in a new section 17 proposed by clause 3, Mr. Vice-President, 3E, and we see that the Members of council are to be paid out of the corporation fund established under 109, and that effectively there are terms and conditions set by the Minister of Finance in consultation with the CPO, we are looking at full-time, like Ministers of Government, like secretaries of the THA have in full-time operation.

**2.30 p.m.**

Mr. Vice-President, I want to take us to the proposed amendments to the structure of people in the thematic areas identified. We are saying in this law, let us have a municipal council that is effectively much like the Parliament assembled. In



the new clause 33A you will see proposed in clause 3(m) where we make a section 33A recommendation. We are saying let us have a municipal council and an executive council. The comparator of the municipal council is exactly like the Parliament, all members assembled. When we look to the executive council which is being proposed in the new section 33C, as in Charlie, you will see that the executive council is intended to function like a Cabinet.

Now the problem in local government is that you will hear whether it is yellow or red in complexion, politically, you will hear many a chairman of a corporation say, “The CEO doh listen. I cannot get the functions done”. The CEO occupies a chief position as an officer in the corporation. The CEO is akin to a permanent secretary, but much like the cherry, the mayor or chairman of the corporation sits on top of a cake and the cherry is to be removed. In other words then, there was no traction in getting the instructions of the executive council into the body of the corporation and therefore this law proposes that the executive council is in a position where the CEO must carry out the instructions of the council. Exactly like section 85 of the Constitution does, where a Minister of government has the ability to manage a Ministry and that the Permanent Secretary has a corollary duty to perform those functions.

It is in that context that we understand that the CEO therefore has to ensure the municipal police—if you go to section 48 onwards, section 52 of the Municipal Corporations Act you will see the municipal police, all 1,500 positions of them, 750 plus already filled, 776, all other interviews already in gear. Mr. Vice-President, what is the point of having municipal police who cannot community police? Because the CEO will not release the municipal police to go and investigate domestic violence or to look at praedial larceny or to patrol the

streets with technology so you know where they are. Well now this law proposes accountability because there is ability to carry out the instruction.

Mr. Vice-President, a very core feature of this Bill is that currently the corporations are not permitted the breadth of employment and discipline. So we know that we must obey constitutionally the service commissions. We know we have the Public Services Commission. We know we have the SASC as another commission. This law allows the municipalities to employ by way of contract their employees. No sidestep of the Commissions, lest that would require a three-quarters and two-thirds majority in terms of section 54 support. None of that. What we say here, let us make the law proportionate by making sure that you have to engage with the registered—with the recognized majority unions and that you have a grievance facility set out in the Twelfth Schedule to the law that we now propose. So that there is due process, separation of powers, accountability within the simple majority formula.

The minority report demonstrate the Opposition will not support this law. And therefore the Government had a task, after decades of consultations, to bring forward a law that could start. My job is to operationalize that law as the performing Minister with responsibility having received the baton from my dear brother Sen. Kazim Hosein who gave his life to local government. What I can say now, if I look to discipline of employees I look to the amendments to section 34 of the Act proposed by clause 3(n)(i), I can see that I am in safe ground on simple majority. We further support the workers by the inclusion of a pension fund, et cetera. Mr. Vice-President, is it at 2.45 I end?—47. Thank you.

Mr. Vice-President, let us look to the divisions of the corporation, the processes. Remember I said plant and machinery, people, processes. Look at the

processes set out by clause 3(q), as in Quebec, and look at the proposed inclusion of a new section 35A of the Act, where we talking about:

“Each Corporation shall”—have—“Divisions”—established to deal with—  
 “...corporate services;  
 ...finance...  
 ...internal audit;  
 ...sports...youth...  
 ...recreation”—development—  
 “...public health...  
 ...spatial planning...  
 ...monitoring and evaluation;  
 ...community development...  
 ...infrastructure...  
 ...disaster management...”

Which of these are not important? How do we perform these works if we do not have a system and process system to measure the work?

The infrastructure that is being built out in the Ministry which I manage right now involves a massive digitization programme exactly as we did in the Judiciary under the AGLA hand, exactly as we did in the Ministry of Legal Affairs where millions of records were digitized and fundamental processes. In Legal Affairs, when I became the Minister then, 15,000 people entered by foot at the Ministry of Legal Affairs every three days. Now it is down to 500 people because the rest go online. And therefore we can do it, because there is a process developed to do it, it is a matter of replication of what works right.

Mr. Vice-President, when we look to the divisions and corporations’

responsibilities we look at the new 35E, we look at water, we look at recycling. The auditing function is critical. The Port of Spain City Corporation right now has \$45 million of retained money that it cannot get its hands upon to carry out work for the people of the City of Port of Spain because the internal audit department cannot do the job. Why? We now propose that the Auditor General can allow for internal audit function to be done exactly the way the Constitution set up the Auditor General to do the job. San Fernando City Corporation retained moneys. Chaguanas retained moneys. Port of Spain retained moneys. Why should we have close to a \$100 million that the people of Trinidad and Tobago cannot use? Because an auditor is not available. This law attends to that. So these are real living data points that this law proposes solution for.

Mr. Vice-President, when we look at the tourism and culture aspect, dare to dream of a city where you have a park as we proposed at Adam Smith Square under my colleague Randall Mitchell, Minister of Tourism, Culture and the Arts, where a Carnival city is resident; dare to dream of San Fernando on High Street where facades are uniformed and we can have foot traffic; dare to dream of a waterfront development in San Fernando where the people of San Fernando have their fair share of development and understand that sections 35G, section 35H allow for that dream to become a reality. Plant and machinery, people, processes and law put together.

Mr. Vice-President, permit me to say when we look at the functions of corporations, that the functions set out in the proposed amendments to section 37, so proposed by clause 3S, as in Sierra, demonstrates that we have to have contracts, gratuities, that we have to have efficiency in discharge of functions. It is the amendment to section 38 of the Act that says in the new 38(1)(e) that:

“The Chief Executive Officer is the chief administrative officer and chief accounting officer of a Corporation and he shall—

(e) be responsible for in collaboration with the Executive Council, the day to day operations of the Corporation.”

That is the gold mine simplicity of making sure that the CEO carries out the will of the people who are elected in corporations to do the job under due process and accountability.

Mr. Vice-President, you look to the amendments in section 38 proposed again by clause 3(u), as in umbrella, where the major and CEO:

“In performing the functions...the”—CEO—“shall act under the supervision and direction of the Mayor of the Council.”

That is your equivalent of section 85 of the Constitution.

All chief officers and officers and employees of a corporation shall take direction and report directly to the Chief Executive Officer of that corporation. You see the hierarchical construction of accountability. Is this law political? Yes, it is highly political. Is it partisan? No, it is not. Last time I checked, whether you are a red corporation or yellow corporation in political complexion and colour everybody wants that. And therefore I ask the question, how can the United National Congress as an Opposition stand in the way of that?

Mr. Vice-President, let us get, as time is short, seven minutes and counting, to clause 3(y), as in yankee. We look to the amendments to the occupational disease aspects, the new section 42A, 43, et cetera. I want to point out that that is a conjunctive list of conditions, where entry onto premises must be done with consent, where warranting procedures in sections later into the Act all apply.

Municipal police. In the amendment to, proposed by clause 3A as in alpha,

C as in Charlie, in making sure that the municipal police takes into account Police Service Commission and the SASC, Mr. Vice-President, the municipal police are required to bring safety to the people that they represent. It is unacceptable that the municipal police are under the hand and direction of a corporation that says go and watch the corporation assets and go home at four o'clock. That is why we proclaimed the Evidence (Amdt.) Act to turn on CCTV evidence. It is law. So that a camera can take the evidence and put the municipal police at work on the field knowing the people of the community, bringing intervention, protecting against domestic violence, protecting against larceny, bringing comfort.

Mr. Vice-President, permit me to jump very quickly to the issues of quorum in the amendments to section 65, permit me to point out that the standing committees in the amendments to section 68 are critical. And I want to focus on the standing committee on audit in particular. This is the amendment proposed to section 69 of the Act:

“The Audit Committee...shall comprise—

- (a) two members appointed by the Mayor;
- (b) one member nominated from the minority members and, where there is no minority member, one member appointed by the Mayor; and
- (c) two members from civil society or one from civil society...one from the Central Audit Unit of the Ministry of Finance appointed by the Mayor and who shall meet the requirements of subsection (7) and play an advisory or monitoring role...”

You know what this equals to? This equals to the kind of structure that we have in the Public Accounts Committee, in the Public Accounts (Enterprises)

Committee, in the Auditor General structure. We are introducing into audit committees for the first time a degree of independence. And I can tell you on the processing side the data side of the equation that you are all well accustomed to me in terms of my approach, I can tell you that the data right now we have an IT expertise inside of the Ministry. We are completely reformulating the manner in which processes happen, how engineering happens.

Mr. Vice-President, it takes six months for a file to reach the desk of the Minister. So at mid-year the PSIP performance is 2 per cent and it should be 50 per cent because they are on a manual paper system and the time to operationalize that has only become now because this law proposes this. The work done by my colleague Sen. Kazim Hosein prior to me was the setup of the table to carry this baton forward, so that real time procurement can happen, so that real time structures can happen, so that the Electronic Transactions Act can work.

Mr. Vice-President, under property tax, let us deal with that quickly in the couple minutes left. Why on earth would we not want to have—currently the amendments proposed for the reintroduction of property tax. These are laudable and I tell people fear not, forget the fearmongering. Property tax ensures that we can fix the potholes, that we can deal with drainage, that we can deal with bridges. Property tax is currently set out to include residential tax. I want to remind that the Property Tax Act has in that Act the ability of the Minister of Finance to add more than residential tax and therefore as the system goes live people in Trinidad and Tobago, you know what they really want to know? Okay, if I am going to pay my fair share can I see value for money at work? I have a track record, the Government has a track record, come down and watch Legal Affairs, watch the Judiciary, watch motor vehicle and road traffic, watch the amount of value for

money purchased by the people of Trinidad and Tobago in taking digital approaches.

Mr. Vice-President, in the two minutes that I have left, I would like to say that we are proposing further amendments to other laws. I would like to remind that the Planning and Facilitation Act is part and parcel of this. In the other laws we are removing the old references to county council and structures, et cetera. Really, Mr. Vice-President, to do justice to hundreds of amendments our Standing Orders do not permit in 45 minutes the kind of ventilation required. I wish to assure you that there is a team opposite, Independents and Opposition Senators, all assembled, much like the Avengers who can answer all of the concerns at committee stage. I expect a vibrant debate. I do apologize if I have not had a chance to traverse matters that may be of a particular interest to individuals, interest to hon. Senators present, but I do intend to take copious notes, answer in that very short 30 or 45 minutes in wrap up, but at committee stage the concerns of hon. Members.

Mr. Vice-President, I end in the 45 seconds left by saying dare to dream and just start. Forget the negativity of what life can look like for a time. In this House under section 53 of the Constitution, under section 2 of the Constitution as we make laws for the peace, order and good governance of our society. Today is a day to focus on what our respective parts can equal, in coming up with a better law to serve and empower the people where it matters most at their homes, at their places of work, at their schools. I give my support on behalf of the Government, each and every Member of us, to this journey as we operationalize local government reform and I beg to move.

**Hon. Senators:** [*Desk thumping*]



*Question proposed.*

**Sen. Wade Mark:** Thank you, Mr. Vice-President. Mr. Vice-President, I am pleased to rise on behalf of the United National Congress to speak to this matter of local government reform. I want to say from the very outset to the former Attorney General stop selling dreams and get real.

Mr. Vice-President, the Miscellaneous Provisions (Local Government Reform) Bill, 2020, is an attempt by this Government to amend some nine pieces of legislation purportedly designed to promote local democracy in Trinidad and Tobago. But what we observed upon closer analysis is that the Bill that is before us is in essence not bringing about greater decentralization or even devolution. What this Bill does is to promote centralization. And it would, in those circumstances, not achieve the so-called lofty objectives and even goals that the Minister of Rural Development and Local Government sought to advance during his contribution. It is more about form than substance.

The contents of this measure are extremely convoluted, incoherent, contradictory and extremely confusing. Its outcomes, Mr. Vice-President, will be superficial, artificial and cosmetic and therefore the midwifery or the midwife that the AG spoke about and placed himself in that particular position to deliver what he would like quality goods and services through the implementation of these measures will not materialize. We do not understand, Mr. Vice-President, in a Bill with 11 clauses and several amendments to the nine pieces of legislation that is before us, why is the Minister of Rural Development and Local Government being removed from the directing local government activities? Why do they want to excise and make the current Minister of Rural Development and Local Government not play his role and part in local government reform.

We now have a new czar appearing on the landscape. It is the Minister, he is rather, the Minister of Finance. Wherever you turn in this legislation he looms large and he is effectively in charge. We reject completely this formula in the legislation and we want to serve notice, when the PNM leaves office we shortly will have to revisit, review this piece of legislation in its current form. It will not work.

Mr. Vice-President, if we are serious about local government reform, if we are considering people-centered driven development and transformation at the grassroots level, there are two key elements that haunt local government for decades and the Government has not addressed those elements. And if they make any effort, Mr. Vice-President, it is the purely cosmetic and superficial.

Mr. Vice-President, financing is very critical to local government. There is need for a formula for financing local government. And, Mr. Vice-President, another element that is critically needed to promote effective and efficacious local governance in our country is the provision of adequate human and capital resources. We need human and capital resources. And when we look at what is before us today, Mr. Vice-President, we are seeing the same old same, same old. There is no change or meaningful changes to the legislation that will promote genuine local government reform.

But let us look at what the Government is attempting in this Bill. They talk about the Tobago House of Assembly and looking at the formula of the executive councils, secretaries and divisions. But let us see, Mr. Vice-President, what are the elements they have introduced in this new piece of legislation before us today. There is the element of the executive councils and as the hon. Minister of Rural Development and Local Government said, it is like a mini Cabinet. There is a

municipal council. They are introducing, or the Bill is introducing fulltime councillors, fulltime mayors, fulltime chairmen, fulltime aldermen. The Minister of Finance looms large and is in charge. Divisions are being created and they are being supervised by secretaries.

Are these secretaries going to have the power to hire and fire? What we have seen in the legislation is that the Minister of Finance will be given the responsibility to determine the councillors, aldermen, mayors, chairmen, terms and conditions of employment or engagement, obviously in consultation with the CPO. And then of course we have property taxes to be collected, purportedly collected by the corporation to finance operations. And last but not least, the Bill administers the final funeral rights on the Ministry of Rural Development and Local Government. So we are burying local government in this piece of legislation, Mr. Vice-President.

So the new Minister of Rural Development and Local Government will be the Minister of Finance. Mr. Vice-President, we reject that completely and comprehensively. There is no role for the Minister of Finance than to provide moneys to local government. The Minister—has no business in local government—of Finance. But here we see it, Mr. Vice-President, as one of the new features in the legislation that is before this honourable House.

Mr. Vice-President, how are we going to promote a true grassroots democracy where citizens have an opportunity to determine within just laws the conditions under which they will live and grow and prosper as communities? How are we going to promote a local government system that adheres to the philosophy, that is going to ensure that we unite communities around common ideals and to gather their energies and creativity to foster self-sustaining programmes?

**3.00 p.m.**

Mr. Vice-President, there must be a philosophy behind local government, and I want to tell the Government laws alone will not bring about the transformation of local governance. Laws alone will not do it. There are very many other factors that we must take into account when we are talking about genuine local government reform in our nation, Mr. Vice-President.

I dare say when we talk about the philosophy of local government, we should be focusing on self-sustaining communities through people participation in decision-making. This participation is absolutely necessary, Mr. Vice-President, where people need to get more involved in governance. Where in the legislation before us are there provisions for people's involvement in the decision-making processes, Mr. Vice-President? We are seeing the Minister in a particular provision which I will bring to your attention during my contribution, where he claims in the public interest the Minister of Finance can effect the Twelfth Schedule, all the functions of local government contained in the Twelfth Schedule of the legislation before this Parliament. The Minister in this piece of legislation "in the public interest" can take charge of those functions.

Mr. Vice-President, this cannot be real, cannot be fair, and I take this opportunity to ask the Attorney General, what will happen to our employees in local government? We are told by the Minister who piloted this Bill that the workers are going to be on contract, and as if that is something so powerful and so attractive. We have something called the Statutory Authorities Service Commission that is responsible for appointing monthly paid workers in local government corporations. What will become of those monthly-rated workers under this piece of legislation? Are we going to VSEP them? Are we going to retrench

them? Are we going to terminate their services? The Minister is silent. He says nothing about what will happen to these workers. What he did say, Mr. Vice-President, is that workers are going to be on contract as if that is something fabulous, fantastic. We do not support contract workers. We not support contract labour. We do not support the undermining of the SASC. The SASC must be responsible for appointing the monthly-rated workers in the corporations and they must not be on contract.

Mr. Vice-President, this piece of legislation is not only offensive, insulting, obnoxious, but it must be rejected. We cannot accept the legislation in its current form. We need to go back to the drawing table, go back to the drawing board on this piece of legislation, Mr. Vice-President. Mr. Vice-President, in this piece of legislation I ask the hon. Minister, through you, if we are serious about local government, why not have a provision like the Tobago House of Assembly and have local government enshrined in our Constitution? Mr. Vice-President, if you go to our Constitution there is a particular section of it that talks about the Tobago House of Assembly. I am suggesting to the Government, the same way how we have the THA entrenched—when I say entrenched, Mr. Vice-President, I am wrong. It is not entrenched. It is there, but it can be removed because it is there by a simple majority. And just as how it is there by a simple majority, we can also put local government by a simple majority in our Constitution as well. That is an area I would like to put for the Government's consideration.

Mr. Vice-President, I want to indicate another important area of concern. The Minister talks about Tobago, and the executive council, and the secretaries, and the divisions. He talks about these new councillors being elected under this legislation when it is passed and becomes law they are going to be full-time, but he

does not tell us, Mr. Vice-President, what is the package of these local government practitioners. They are to be full-time we are told, but we do not know if they are going to be getting the same pay as their counterparts in the executive council in the Tobago House of Assembly. They get \$24,000 a month, the secretaries in the THA. Would our local government councillors, aldermen, mayors, and others be receiving \$24,000? We do not know. So we are in the dark on these matters. We are just speculating because there is no provision for our consideration even though subject to negotiations.

Mr. Vice-President, I want to completely reject the Minister of Finance determining in consultation with the CPO, terms and conditions for councillors, for aldermen, for mayors, for chairmen. That is a function and responsibility that should be left to an independent Salaries Review Commission. Why is the politician, why is the Minister of Finance, why is the Government seeking to politicize local government? Why is the Government seeking to have a Minister determine in consultation with the CPO, terms and conditions of employment for these councillors? Mr. Vice-President, we do not support that arrangement whatsoever. And, Mr. Vice-President, let me just invite you to look at some specific provisions in our, in the Bill, rather, that is before us.

Mr. Vice-President, if you go to 33A of the legislation before us, we will see—in fact, let me just take you back to 17(1) on page 9 of the Bill that I have before me. It talks about:

“The Mayor, Aldermen and Councillors...”—being—“...eligible for...remuneration as may be determined by the Minister with responsibility for finance in consultation with the Chief Personnel Officer.”

And it goes on to talk about a fund will be established in the corporation to deal

with funds that will come from the Government, that will come from the so-called property tax which we do not support, and donations, et cetera. We have made it very clear that we do not support that arrangement involving the Minister.

Mr. Vice-President, you go to 33A on page 11 of my document, I do not know what page it will be on yours, but it deals with the whole issue of the municipal council of the corporation, and in 33B it outlines, rather, the functions of the municipal council, and it goes on to talk about others, example, (c):

They exercise—“...oversight over the activities of the Corporation and its Executive Council;”

So the municipal council made up of all the elected officials and those who are aldermen will in fact be part of the municipal council, and you will see where one of the things that it does is approve the budget of the corporation and that has to be approved by the Minister of Finance, Mr. Vice-President.

Then we go on, Mr. Vice-President, to another layer in the legislation, 33C which the executive council. The executive council again has a lot of important functions and responsibility as outlined in new section 33C(a), (b), (c), (d), (e), (f) and (g), but, Mr. Vice-President, when I saw C it says among other things that the executive council will be able to do a number of things, but there is one function that had me a bit concerned here:

They have the right to determine—“...strategies for implementation...;”

They have the power to allocate—“...financial... resources...to...Divisions;”

They have the—“...responsibility...”—to deal with—“...the effective day to day management of the Corporation;”

They also approve—“...plans...;”

And, Mr. Vice-President, the executive council has the power to also implement measures without the approval of the municipal council. It is somewhere in this legislation. It is there but I will find it for you and quote that section for you.

Now, the council, Mr. Vice-President, in 33D talks about the mayor, the deputy mayor and such councillors that would be part of it, but it goes on to say that:

“(2) The Executive Council shall be...”—made up—“...of not less than five...and not more than eight members.”

I would like to ask, Mr. Vice-President, if you have a corporation or a council of 14 members elected, made up of councillors and aldermen, and you have eight persons being on the executive council, I would like the Minister to explain to this Senate what will happen to the other six members of council? Would these other six members of council have full-time executive offices? Would they be entitled to full-time salaries? Those things are silent in the legislation as we speak, Mr. Vice-President. So we need clarification from the Government.

We are also seeing in this same new section 33E in the exercise it says:

“(4) Subject to subsection (3), decisions of the Executive Council of a Corporation may be implemented without the prior approval of the Municipal Council.”

So, Mr. Vice-President, the question that has to be asked is: Can the council, the executive council, implement measures without the approval of the municipal council? Is that not a recipe for confusion? Who is in charge? The executive council or the municipal council? This is confusing. Mr. Vice-President, we need clarification on these matters. And then we come to the whole issue, Mr. Vice-President, of the organizational structure in 33H, where again, if you have an



organizational structure, you have to get it approved first of all by who? The Minister of Finance, Mr. Vice-President.

So what kind of autonomy here are these councils going to have if the Minister of Finance has to approve everything? Mr. Vice-President, you know what this is telling me? This piece of legislation is telling me that in the 14 regional municipal corporations—even though the PNM would have lost 10, or let us say they have seven and we have seven as we have today, and the Minister of Finance is in charge and you have these provisions in the legislation as law, Mr. Vice-President, you know what it means? It means that the Minister of Finance can direct UNC corporations under this piece of legislation. He is going to decide, Mr. Vice-President, and he is going to approve the organizational structure for the organization. So if he does not approve it, you cannot employ certain offices that you may have in your organizational structure.

So the Minister of Finance is effectively in charge of the local government operations. So you have councillors who are elected, but their election and their burgesses and the people who elected them, they have no say over them. The Minister of Finance is the boss. This has to be madness and we cannot support this. Mr. Vice-President, I want to advise you, when you go on to a section of the legislation and I invite you to join me in looking at what is called section 37, or clause 37, on pages 31, 32 and 33, Mr. Vice-President, is the mayor an executive authority, is the mayor the accounting officer? Mr. Vice-President, there is confusion between the roles of the mayor and the chief executive officer. Hear what we are told in 37(u), subsection (2):

“In performing the functions above, the Chief Executive Officer shall act under the supervision”—Mr. Vice-President—“and direction of the Mayor

of the Council.”

The mayor will be supervising an independently organized and appointed officeholder. You know who appoints the CEO, Mr. Vice-President? The Statutory Authorities Service Commission. What this legislation is saying is that this particular individual who is appointed and could be disappointed by the SASC—because under section 5 of the Statutory Authorities Service Commission Act they appoint, they transfer, they promote, they remove, and they discipline. That is the function of the SASC. But here you are telling us that “the chief executive officer shall”. It is not “may”, you know. Mr. Vice-President, it is not “may”. You must comply and you must carry out the direction given to you by the mayor. The mayor is a politician, and the mayor is directing an independent officeholder who is supposed to be insulated from political influence and interference as it is stated under the Statutory Authorities Service Commission.

So we are creating a lot of confusion here. And, Mr. Vice-President, you go to subsection (3) it says:

“All Chief Officers and officers and employees of a Corporation”—not “may”—“shall take direction and report directly to the Chief Executive Officer of that Corporation.”

Mr. Vice-President what does that mean? It means that the chief executive officer is under the political control of the mayor, and the chief executive officer is now giving instructions and they have to carry it out to all chief officers, all officers and all employees. So this is now, Mr. Vice-President, all these corporations are now going to be transformed into political vehicles of the ruling party. That is what this Bill is about, with the Minister of Finance having total comprehensive and complete overarching control and supervision over the operations of these 14

municipal corporations known as councils. And that is what you want us to accept, Mr. Vice-President? We have to reject this. We cannot support this Bill in its current form. So the Government has to come better.

I saw in the JSC report a submission made, and I invite my colleagues to go to the submission made by the Statutory Authorities Service Commission, it is scathing in terms of what they said to the JSC. They were saying to the JSC, “You are trying to make us redundant”. “You are trying to undermine our constitutional powers.” That is what they said in their report, and what we are seeing here, Mr. Vice-President—Mr. Vice-President, could you imagine the councillor who is now secretary and in charge of his division which he has total control over, and he has total general direction of, does that mean, Mr. Vice-President, that this officer will now have the power to hire people? Because the Attorney General talked about contract. We are going into a contract mode. So would these secretaries be able to have the power, Mr. Vice-President, to hire people and, therefore, it will become a huge party group? The corporations will become PNM party groups and, therefore, we cannot support the Bill in its current form.

Mr. Vice-President, I am looking at this thing in trepidation. I cannot believe that a government in 2022 will bring such a piece of legislation to Parliament to undermine existing institutions and boasting that they are going to have contract labour in the corporations now, and this is something that—

**Mr. Vice-President:** Sen. Mark, you have five more minutes.

**Sen. W. Mark:**—yes, Mr. Vice-President—we have to live with. Contract labour is a form of slavery. How can we support contract labour? We want permanent jobs. We want security of tenure. We do not want people to be fired every two months or every three years. We want people to be there for the next 30 years if

they want to make a career in a corporation. What they are doing in this piece of legislation is telling you, Mr. Vice-President, that when I say cometh you come, and when I say “goeth” you go. That cannot be proper. That is what this Government is about.

Mr. Vice-President, I want to tell you something in closing. Mr. Vice-President, if you know we were told—well, before I close—two small points. Mr. Vice-President, go to the Thirteenth Schedule of the legislation. You know the Government has hijacked the disciplinary powers of the SASC by introducing their own disciplinary code and regulations contrary to law? These workers who are working in the corporation are appointed by the SASC, and in other instances they are subject to a collective agreement between the NUGFW, Amalgamated Workers Union and the contractors workers union. So they have their own grievance procedure. What is this code inside here? What is this grievance code doing inside here? What is this disciplinary code doing inside here? You are seeking to undermine the SASC, that is why it is here.

Mr. Vice-President, let me just deal with one final matter before I wrap up. Mr. Vice-President, the property tax. You know we got the impression from the Government, boasting they are introducing property tax—we do not support that whatsoever—but what we saw in this piece of legislation, Mr. Vice-President, is that the Minister has the power under this legislation. Mr. Vice-President, go to page 82, clause 10, called the Property Taxes Act and let me quickly read for you. When I tell you this is a sham that we are dealing with, and it is cosmetic, and they are engaging in tomfoolery, and they are mamaguying the people. Mr. Vice-President, listen to this, you will believe a corporation under the law will be able to collect residential property tax and use it for its development. Here what this is

saying:

First of all—“Notwithstanding subsection (1), tax on residential land shall be paid to the Municipal Corporation in which the residential land is located.”

It goes on, Mr. Vice-President:

“Notwithstanding subsection (1), the Minister may, by Order, declare which of the agricultural, industrial or commercial taxes may be collected by the Municipal Corporations and”—Mr. Vice-President—“what percentage of those taxes collected may be retained by the Municipal Corporation.”

So, Mr. Vice-President, they are telling the country that the corporation will be able to use residential taxes for developmental purposes. And here in clause 10(2) and (3) the Minister is telling you when you collect, I will tell you how much you can spend. Mr. Vice-President, this Bill in its current form is unworkable. This Bill in its current form is reprehensible. It is a retrogressive step, it is a retrograde step, I should say, and we cannot associate ourselves in 2022 with such backward legislation that is purportedly advanced as progressive and revolutionary. Therefore, Mr. Vice-President—

**Mr. Vice-President:** Thank you, Member Mark.

**Sen. W. Mark:**—we reject this Bill completely. Thank you very much.

**3.30 p.m.**

**Sen. Paul Richards:** Thank you, Mr. Vice-President—good afternoon, colleagues—for the opportunity to make a contribution to this Act to amend the Municipal Corporations Act, Chap. 25:04, the Burial Grounds Act, Chap. 30:50, the Cremation Act, Chap. 30:51, the Advertisement Regulation Act, Chap. 30:53, the Recreation Grounds and Pastures Act, Chap. 41:01, the Highways Act, Chap.

48:01, the Dogs Act, Chap. 67:54, the Property Taxes Act, Chap. 76:04 and the Planning and Facilitation of Development Act, No. 10 of 2014.

Sen. Mark is always going to be a difficult act to follow but I will try my best. We have to ask ourselves today—and this is how I will start because I have quite a number of comments about the Bill itself so there is not going to be a long run-up today. As the Minister of Rural Development and Local Government indicated, the report before us seeks to amend 81 clauses in the municipal corporations, one in burial ground, three in cremation, four in advertisements, one in recreation, one in highways, two in the Dogs Act, two in the Property Taxes Act and one in the Planning and Facilitation of Development Act which is quite extensive when you think of local government and what the local government means to the people of Trinidad and Tobago and the burgesses. Because it has often been said and rightly so that local government is the machinery on the ground that executes the policy of the Executive because the local government councillors and aldermen are the ones who are closer to the people and interface more with the people by and large particularly in situations where things go awry.

So we have gone over the years and I am not going to traverse the history from county councils all the way to the Municipal Corporations Act and we have to ask ourselves—which is I think the genesis of this and many other attempts at local government reform over the last 20, 30 years—is local government in its present configuration adequately fulfilling and supporting the burgesses' needs in any of the 14 municipalities? Has it evolved to meet the needs of the people in terms of services in the areas of roads? As the Minister of Rural Development and Local Government said 80 per cent, parks, burial grounds, crematoriums, recreation grounds, sporting facilities, taxes and we are going to get to the Property

Taxes Act and what is described as minor planning and development initiatives.

One of the profound areas that has come up over and over, and I think as of tomorrow, we enter the hurricane season, is the issue of flooding in many municipalities in Trinidad and Tobago and one of the reasons that has been given and accurately so over the last 15 to 20 years and we see the evolution of flooding which is precipitated in large part by the climate change and weather patterns changing so we are seeing more drastic flooding happening over and over.

But one of the reasons that has been proposed is unplanned development, unauthorized development and whether or not the regional corporations have the structure and or resources and manpower to inspect, authorize and “deauthorize” unauthorized planning, particularly along the hill ranges in the north and central Trinidad which in many cases, the watercourses are blocked, natural watercourses along the hills are interrupted and we have tremendous flooding. And one of the reasons that it happens is because the municipal corporations simply do not and have not had the resources and structures to deal with that and that is becoming more and more profound as the years pass by. So part of the reason that this type of reform has been bandied about for decades is specifically because of many of those inadequacies.

One of the issues that Sen. Mark brought up and I have put it on my notes to talk about, and I did not hear the hon. Minister of Rural Development and Local Government talk about it, is should this report find favour with this honourable House, what is the transition plan for the present staff, the executive in that transition? Because the way the report is configured, there is going to be a whole new system and structure involved and the election and appointment of those officers are going to take place in a completely different manner. So we have no

idea about what is going to happen to those persons presently in those situations. If they are going to be eligible for reapplication and what is the transition plan to this should it find favour and move towards some sort of transitioned execution in Trinidad and Tobago.

I am also going to deal in part with two aspects of the minority report supplied by the Opposition in terms of one, the property tax situation where in my opinion, property tax is an inevitability. Happens all over the world. The question in Trinidad and Tobago over the last couple of years is, is the time right? Has it been right five years ago? Is it right after a pandemic when people have lost jobs? When is going to be the right time? And are there areas of compromise that we can put mechanisms in place for, to deal with that? Because at the end of the day, it is not going to be able to be in abeyance forever.

So we need to look at not having a one-size-fits-all approach to situations like property tax or quite frankly for situations of—one of the issues in the minority report which and I think it was discussed in the other place where some municipalities are more densely populated than others, way more so and if that is going to lead to an inequity or a disadvantage to those in particularly the rural areas. And I take note of the title of the hon. Minister who piloted the Bill, the Minister of Rural Development and Local Government and does this report and Bill facilitate in a really profound sustainable way rural development in Trinidad and Tobago that has suffered, not only from gaps and shortcomings in local government administration but from many other aspects of development in Trinidad and Tobago and I think that also needs to be clearly dealt with and I have a suggestion and recommendation that I hope can work in terms of dealing with this particular report before us.



I am going to go directly, Mr. Vice-President, through you, to the Bill itself and I made quite extensive notes starting with page 258 and clause 3, which looks at—clause 3 in roman (iii) which looks at:

“The Municipal Corporations Act is amended—

(a) in section 2—”

—(iii) (c) where it says the—it raises significant and it would be applicable where it:

“raises significant architectural or urban design issues giving rise to substantial regional or national controversy;”

And I made very specific notes about some words that were used which I think can be quite subjective or quite in some cases inappropriate. And who determines, what is a controversy? When you use words like that, nomenclature like that, it leaves room for multiple interpretations and subjective interpretation. So I think that can and should be replaced with impact or import where that is concerned.

I want to go to now and it was mentioned by Sen. Mark and also the Minister of Rural Development and Local Government, the lacuna that has occurred in local government for many years and in many municipalities in Trinidad and Tobago where and it came up in—because I had the honour to sit on the JSC with many others, including my colleague on the Bench, Sen. Teemal and it came up in our many discussions where there is a situation in many corporations and from time to time where if the Mayor and the CEO for whatever reason happen not to get along, all works can be stymied and there seems to be no way out of that because the CEO can tell the Mayor “Well, I do not take instructions from you and you are gonna be here for four, five years and I will be still here”. So a lot of the decisions of the council were stymied in terms of the execution on the ground by

the executive staff because there was no official direction or mechanism to say, well, this person reports to x or y so that was one of main points of contention. And I think this report tries to manage that in particular way and to deal with that situation because many of the reports you hear in the corporations in the last couple of years cited that as a major point of contention in terms of how the corporation was run, if it was effective in fulfilling its mandate to the burgesses because actually on the ground, the people who are in need of services do not really care about what happens, they just want the services, either the services are delivered or not. I think that part of the Bill seeks to deal with that particular paradigm.

Moving on in terms of 33B and I document it by page, page 263 where we see in part (d), section 12:

- (i) in subsection (1), by deleting the words ‘Save for the requirement of the Councillors be residents or owners of property within a Municipality—

And there is a cross out there and I think that there needs to be a timeframe inserted there because the intention, as I read it, is for the councillor to be a part of the community and if there is no timeframe for example, specifying for at least a year before, someone can buy property or move into an area and it is unlikely that they will win because generally with local government elections, the relationship of the councillor and the person running for the office is one that generally informs if you have been working in the area for a long time, you have a higher chance of being elected to serve in the position but to me, that particular area needs some sort of timeframe to be specific.

Moving to 33B, we see that one of the words that should be changed is—

there is a discrepancy in whether or not the word “alignment” or “in accordance with” because “in alignment with” has a different connotation to in accordance with the Planning and Facilitation of Development Act. Also in 33B—so in (b), my suggestion is it be changed to “in alignment with national policies”.

And also I am suggesting we insert an (h) and this is one of the discussions that came up in the deliberations very often in the JSC was the fact that part of the mandate in several sections of this report indicate to develop economic opportunities within the municipality and there is reference to several other collaborations but there is no reference to the council working with the business chambers of communities in the municipality and I think that could end up being a missed opportunity because it cannot be that there are business chambers working in municipalities championing opportunities, economic opportunities for the burgesses in the area and there is no requirement for collaboration with these chambers in the law itself and I think that needs to be addressed and it can simply be addressed by inserting the phrase and in an (h):

Collaborated with business chambers where possible to identify opportunities of mutual benefit in the interest of the burgesses of that municipality.

So I think those types of alterations need to be addressed. The suggestion I was making before with 33B is 33 big B, capital B into small (b):

“formulating broad strategies for implementation by the Executive Council of the Corporation in accordance”—I would change that to in alignment—“with national policies;”

Moving along, Mr. Vice-President, in terms of 33E which is on page 172—or sorry 33I where it says and it starts:

“(i) Every Municipal Corporation shall have and exercise the powers assigned to a local authority under the Public Health Ordinance.

And in part (3):

“Where the owner or occupier of premises permits entry of an officer of the Municipal Corporation onto premises, the officer shall only remove anything from the premises with the approval of the owner or occupier.”

And I think the word “approved occupier” needs to be inserted there because in some instances, you may have an occupier who is illegitimate in that regard and an illegitimate occupier for whatever reason should not be able to authorize an officer to remove anything from the premises. It may seem like an understood or an implied phenomenon but I think it needs to be clearly stated that it has to be an authorized occupier.

Moving to section 34(2) where:

“Subject to section 34A, a Corporation may—

- (a) employ such persons as it considers necessary for the due performance of its functions;
- (b) set the qualifications for the posts of the Corporation; and
- (c) discipline or dismiss its employees.”

I think it should be inserted there because it is referenced later on in the Twelfth Schedule in accordance with the provisions of **section 12** which is “Dispute and Grievance Procedures” and “Disciplinary Codes” because it can be read there that someone may just decide to discipline an employee. And yes, the grievance and discipline in section 12 should cover the whole Bill but if it is clearly stated, there is no misunderstanding or ambiguity in that particular situation.

Moving to 34A:

“(1) A Corporation shall provide for the establishment and maintenance of a pension scheme or arrange membership in a scheme for its contracted, permanent or daily rated employees.”

Moving on to part (d):

“give donations or subscriptions to charitable institutions, benevolent funds and other objects calculated to benefit its employees.”

And I think that is way too wide.

“give donations or subscriptions to charitable institutions...”

Who determines what a charitable institution is in this case? And that opens the door if you are to be as cynical as I am sometimes to malfeasance and we took quite a bit of time to pass an NPO Act in Trinidad and Tobago and I think it should be inserted there: charitable institutions registered under the NPO Act of 2019. So there is some sort of requirement for some sort of standard to be met before the corporation can donate if it so sees fit as opposed to leaving it open to any charitable institution which, I mean, that could be anything and it could end up being some entity that is not bona fide and not run in accordance with best practices and so moneys are moving from the corporation to these unregistered and unregulated entities. And I think that needs to be dealt with specifically saying a charitable organization or institution registered, an NPO registered under the NPO Act, 2019 so there is some sort of regulation and supervision where that is concerned.

Moving on to 35A:

“(1) Each Corporation shall establish Divisions with the following responsibilities:

(a) corporate services;

(b) finance, planning...”

And in part (d):

“sport and youth development;”

And—sorry, part A(1), I think there should be the insertion of the business development entities and chambers included in the responsibilities because I think one of the mandates of the corporation should be and it is stated later on in the report to identify economic opportunities for each of these corporations and if it is not doing that and specifically too with regard to micro and small enterprise development, I think we are missing an opportunity where that is concerned for it to be a mandate of the corporation to seek out those kinds of collaborations and facilitate those types of opportunities for burgesses who may benefit from that and from whom the entire municipality can benefit in terms of job creation and sustainability in that municipality.

So I think just like part of the responsibility includes:

- (b) finance, planning...
- (d) sport and youth development;
- (e) recreation grounds and public spaces;
- (f) public health, sanitation...
- (g) spatial planning and...inspectorate;
- (h) monitoring and evaluation;”

I think part of it should actually be in part (i):

“community”—and business—“development and social services;”

—et cetera, to keep reinforcing that part of the mandate is to look out for those and identify those economic opportunities in the interest of the burgesses and facilitate their growth and development.

Moving on, Mr. Vice-President, page 276, part 35B which speaks to—small (e) which speaks to:

“The Division of the Corporation with responsibility for corporate services shall be responsible for—”

And it goes down:

- “(a) performing human resource planning...
- (b) ...administrative, clerical, secretarial...
- (c) conducting registry and records management;
- (d) ...legal advice...”

It goes down to part (e) which says:

“developing and implementing Information Technology business solutions for networking, digital connectivity and e-government enabling capabilities...”

And I think that as is present in other areas of the report, it should state in collaboration with the Ministry of Digital Transformation so that there is some sort of harmonization between what the Ministry of Digital Transformation is doing on a national scale and what the municipal corporations are doing on those localized scales. Because you do not want a situation to develop where on the national scale, there is a Ministry of Digital Transformation looking at policy and implementation protocols and sustainability protocols in the IT world and it is not in alignment with what the general national policies are as mandated by the Ministry of Digital Transformation and digital service to the country so I think that is also something that should be considered.

35C which is:

“The Division of the Corporation with responsibility for Finance Planning

and Allocation of Resources shall be responsible for—”

And in part (f) and I did say I went into a lot of detail in this report.

“timely and accurate reporting on all matters of a financial nature;”

One of the really disturbing issues that has arisen in terms of the running of the regional corporations in Trinidad and Tobago, I think it can also be applied in some regard to past iterations of the Tobago House of Assembly, is the issue of timely financial audited statements. In some instances in this country and I know my colleague Sen. Seepersad will go into more details about this is the issue of some corporations having not had audited financial statements for as many of 10, 15 years and if this report and law seek to give more power and devolution of power at that and the ability of these municipal corporations to collect taxes and use these taxes for developmental purposes and maintenance purposes in the municipalities, there needs to be some sort of provision in the law where they are held to a higher account where audited financial statements are concerned.

We cannot be giving corporations more power to collect money or power to collect money and to be more autonomous and we do not also provide mechanisms for more stringent regulation and more oversight where taxpayers' dollars are concerned. I think that will be a terrible dereliction of duty because all it would mean is that entities are collecting money and not required to be accountable to the people of Trinidad and Tobago or to the State in any way and I think not having that requirement for timely to be specified not more than three years after your assessment period is due, for example, I am just using a time frame to throw out there, it is going to be a completely dereliction of duty on our part and a real opportunity for malfeasance in the future where you can have runaway corporations collecting money and not providing timely audited financial



statements and accountable in that way. I think that needs to be addressed very, very profoundly and succinctly.

Moving to also 35D:

“The Division of the Corporation with responsibility for recreation grounds, sporting and exercising facilities, and other public spaces...”

And I will insert in (a), (b), (c) and (d), in every one of these subsections, for example, in (a), there is:

“developing, maintaining and managing recreation grounds, sporting and exercising facilities, and other public spaces...”

I think we need to put “recreation and cultural grounds” and inserted the term “cultural” in there because a recreation ground may be perceived as something different to a cultural ground and because in the context of the regional corporation, you want to maximize the importance of—understanding the importance of culture in those corporations and how cultural really guides the development process and how culture binds the people in the corporations together. I think the word “culture” needs to be inserted in (a), (b), (c) and (d) as one of the specified areas that the division of the corporation has responsibility for.

So while we have identified the recreation grounds, sporting and exercising facilities and other public spaces which yes, other public spaces could include cultural grounds. If we are going to identify recreation grounds, I think cultural grounds also should be specified and maybe there is a definition for cultural grounds. Because if you go around particularly in the rural areas, there are cultural spaces that are so important in terms of the synergies and the glue that holds those communities together, I think the law should actually specify that. Right?

Moving to 35F and identifying part (g) where I would like to suggest to

35F(g)—or sorry, 35F(i) where it states:

“The Division of the Corporation with responsibility for spatial planning and building inspection shall be responsible for—”

And it goes down (a), (b), (c), (d), (e), (f), (g), (h), (i) and (i) includes:

“conducting research in relation to factors which affect land use;”

And also I would add “and environmental impact”. Because in these context moving forward because of the new remits involved in the corporation and divisions, we should also identify this part of their responsibility in terms of the corporation.

Moving on to 35H which is 35H part (c) which is:

“The Division of the Corporation with responsibility for Community Development and Social Services...”

I would add:

“The Division of the Corporation with responsibility for Community Development”—and Cultural—“and Social Services...”

I would include the word “cultural” next to social to identify again as I indicated before the importance of culture in these communities. And part (c) identifies:

“developing and securing heritage sites within the Community;”

I would change that to read:

(c) identifying, developing, maintaining and securing heritage sites within the community.

So that will become part of the mandate of the corporation because very often, I know there is a national council that identifies and approves heritage sites in the country but if we are thinking of what a heritage site means in a particular community, there is no better repository of that sort of identification process than

the people who live in the community who have a special bond and a relationship with the heritage sites in those communities as opposed to it being identified on a national scale which it can be certainly approved in that way but I think part of the developing and securing should be at the identification and recommendation to the national body for what should be a heritage site and if it fulfils the parameters as identified nationally, then certainly it should be identified but I think the municipality should be part of that process and it is a simple insertion of a word there.

Staying with 35H(2):

“‘local cultural community event’ means an event which relates to a form of the performing arts, festivals, rituals and customs celebrated by a group belonging to or restricted to a particular area or region of Trinidad and Tobago.”

And I do not understand why the word “restricted” was used there because we have such commonalities. I think a more appropriate word may be “specific” but it is just a choice in language.

Part 35I:

“The Division of the Corporation with responsibility for infrastructure development and maintenance shall be responsible for—”

And we move down to part (d):

“maintaining Government Schools and Government assisted Schools within the Municipality;”

And this is a question for the hon. Minister of Rural Development and Local Government. How does this reconcile with the work of the Education Ministry’s maintenance programme and how do they delineate who is responsible for what

and how that is coordinated? Because this specifically states:

“maintaining Government Schools and Government assisted Schools...”  
—which by my understanding is also presently done. So is it that it is going to be moved out of the education Ministry’s remit? Are they going to work together or is it going to be solely the responsibility of the corporation and the division with responsibility for that? I think that needs to be clarified more succinctly.

**4.00 p.m.**

“35J. The Division of the Corporation with responsibility for disaster management shall be responsible for—”

And (a), I see something that kind of raised a red flag for me:

“(a) planning, co-ordinating and monitoring institutions for the prevention, mitigation, preparedness response and post disaster recovery, taking into account all potential disaster risks;”

“All” is a very absolute word. “All” does not mean 99 per cent. “All” means all. And I do not know that any corporation can fulfill a mandate to take into account all potential disaster risks. Right. I also think one of the issues that need to be specified, in terms of risks, given the identification earlier on of an IT division, is the issue of cyber-threats and chemical threats, particularly in municipalities that contain industrial estates and manufacturing outlets that may produce dangerous chemicals as part of what the offset is when they are producing their products and services. So I think, in the present context of what we have seen with public health issues in recent times, I think, one, cyber needs to be specified so that systems are put in place to ensure that cyber-protection takes place. I know all of the questions during earlier times, the Questions for Oral Answer, was the issue of cyber-protection answered by the hon. AG. But I think it needs to be flagged in the

municipalities so that they do not only leave it up to the national systems to protect against cyber attacks.

In part (e):

“maintaining a data collection and dissemination system and regional strategic reserves of essential commodities and equipment for immediate disaster relief”

I think it should be added there: “in collaboration with the ODPM”, which is the Office of Disaster Preparedness and Management. Because you do not want a situation where municipalities are working in silos, when we understand how disaster mitigation takes place in Trinidad under the broad auspices of the ODPM working with the municipalities. And you want to ensure that they understand that the data collection is also available at some level to the ODPM, so that national planning can take place and also the strategic reserves and essential commodities and equipment for disaster release is also part of what they collaborate with the ODPM. Because, at the end of the day, the ODPM as the national agency needs to be aware of what each regional municipality has in its arsenal for disaster mitigation. So I would suggest the insertion of that there.

I am moving on now to, Mr. Vice-President, 37.

“37. (1) A Corporation shall, in relation to its municipality, be responsible for the delivery of service in respect of the matters set out in the Thirteenth Schedule.”

And in subclause (4) it states:

“A Municipal Corporation may”

—and I underline the word “may”

“hold quarterly meetings with its burgesses to inform of the performance of

the Corporation during the quarter and to clear the concern of the burgesses.”.

Now, that is a red herring to me. Because anytime you put “a municipal corporation may”, they do not have to do it. I think that should be changed to “shall hold annual meetings.” That, to me, is ensuring there is a mechanism, a provision in the law that states that the corporation has to meet with burgesses and hear their concerns. And I will tell you why. One of the situations that arose during the meetings with stakeholders, and we had 62 entities either appearing before us or supplying submissions, is the phenomenon that many times, quite a number of times, when stakeholders came before the committee they did not even read the Bill. They did not reference what was in the Bill. And I am saying this in a productive manner. They came to vent. They came to vent about gaps, lack of services, and inadequacies, because they either could not—there was no mechanism for them to meet with the corporation and directly say this is affecting me in the market. This is affecting me in this regard. This is affecting me in the cemetery. This is affecting me at the parks and recreation grounds. So when they came—

**Mr. Vice-President:** Sen. Richards, you have five more minutes.

**Sen. P. Richards:** I will ask you to pray for me too, Mr. Vice-President, like the AG did, because I have so much to go through. When they came to the JSC, they did not even reference the Bill. So I think it is a productive inclusion to say the municipal corporations shall hold annual meetings with the burgesses. So that binds them by law to set out a mechanism to meet with burgesses, because they are working for the burgesses and it should not be optional that you meet with burgesses or start meeting with burgesses six months before a local government

election comes around.

Let me move quickly now. I cannot go through everything I want to go through but I wanted to deal with two issues that came up in the Minority Report. One, and my recommendation is that in terms of the property tax situation, which as I said before I think is an inevitability, there should be some sort of consideration given to eligibility for different tiers of property tax, and I will tell you why. There are situations in this country where persons who are on pensions—and as you get older you fall victim to more and more illnesses, and your medical bills mount and people who are on pensions, in many instances, are on fixed income—and it becomes very onerous for them to even pay what may be considered small property tax. And I think some sort of eligibility criteria by application and vetting should be enacted to ensure that tiers of different property tax are available to persons who meet certain criteria and find themselves in an onerous position.

The second one, and I will rush through this, is the issue of the inequity because of the population density in many areas. And I am suggesting that maybe consideration be given to the State identifying on a national level when they assess the possible residences, in this case property tax for residential purposes, from each corporation, find out what the national average is for the 14 corporations and use that national average because some would be more densely populated and they collect more. And the rural areas in particular who need the resources to champion development, may just not be able to come up to scratch because they cannot raise the money because they are not densely populated. And find an average, a national average.

And the municipalities that fall below that national average, and I know

mean is one of the simplest statistical measures. The State provides a supplementation to come up to at least the national average for each of the 14 municipalities, and that will ensure at least some kind of baseline for particularly the rural communities to get some sort of supplementation so that they can fulfill their developmental programmes and maintenance. Because very often, as I said before, it is interesting the hon. Minister's title is rural development first and local government. But, rural development is often sadly neglected in Trinidad and Tobago because one, the population densities are so low that they cannot raise the moneys in these cases. And in this case, we do not want them falling behind because one, they either do not have the resources to collect effectively, and we know what tax collection is like in Trinidad and Tobago sometimes, or the State can provide some sort of supplementation to reach a national benchmark to ensure rural communities have the resources that they need to fulfill their mandate because people who live in rural communities are no less important than people who live in urban centres in Trinidad and Tobago, and they are neglected in so many ways, and I think the State—They deserve the support of the State in particular when we are making law like this.

The other final point I want make, I think I probably have 30 more seconds, is I support Sen. Mark's assertion that local government should find its way reposed somewhere in our Constitution. Because as it stands, if we feel or if someone who is reposed with the power to call local government does not feel to call it, they do not have to call it. We have seen it go on and on in Trinidad and Tobago for many years and I think it needs to find, as we seek to make it more—formalize it more in this particular report and Bill and law, we need to show its importance by reposing it firmly in the Constitution.



And with those few words, I am over time, Mr. Vice-President, I thank you.

**Mr. Vice-President:** Thank you, Senator. Senate is suspended for 30 minutes.

**4.09 p.m.:** *Sitting suspended.*

**4.41 p.m.:** *Sitting resumed.*

**Mr. Vice-President:** Minister of Public Administration.

**The Minister of Public administration (Sen. The Hon. Allyson West):** Thank you, Mr. Vice-President, for the opportunity to contribute to this debate this afternoon. A few weeks ago, when I had the opportunity to contribute to the debate on the mid-year review of national budget, I emphasized that the approach of this Government is one of consistency and focus. To paraphrase St. James, we cannot be like a wave of the sea blown and tossed by the wind, rather, Mr. Vice-President, it is necessary in these challenging times to play the long game and to have a vision of a future that provides the best for the people of Trinidad and Tobago.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. A. West:** It is this vision and this commitment to equitable and just development of our country that motivates us and is the foundation of virtually everything we do and every piece of legislation that we bring before Parliament.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. A. West:** This is certainly the case in the legislation before us today. I do not believe any of us in this House or in this country needs to be convinced that we are living in a time of unprecedented uncertainty, whether it is a global pandemic, a war that threatens international peace and stability as well as financial and economic stability, climate change, and the increasing occurrence of natural and man-made disasters. It seems that as soon as we wrap our heads around one crisis, another emerges. In this environment, Mr. Vice-President, there are

some interesting trends and concerns about government globally. Citizens in most countries are expressing apprehension about the future.

A global survey conducted by the International Trade Union Confederation in 2017 found that 71 per cent of participants felt that there was a threat to democracy and that governments were out of touch and not responding adequately to current challenges. Citizens want and expect more from their government.

Mr. Vice-President, effective local government has a critical role to play in ensuring that citizens' needs and concerns are heard and understood and that they have every opportunity to make a meaningful contribution to the search for solutions to respond to these concerns.

Mr. Vice-President, most authorities on local government recognize it as a crucial aspect of perfecting democracy and intensifying participation of citizens in guiding their destiny and realizing community goals. According to the University of Pretoria, local government serves a two-fold purpose; one, the administrative purpose of supplying goods and services that can more effectively meet the needs of a community and the participatory purpose of involving citizens in determining specific local needs and how these local needs can be met.

According to the Council of Europe, a good local government system can be judged on whether one, it encourages the ongoing improvement of the quality of democracy at the local level; two, the government has put in place the policies and tools which help local authorities run their affairs more effectively; and three, they are mechanisms to set and assess whether the system meets the targets of good governance.

Mr. Vice-President, I propose to assess this legislation before us this afternoon against these criteria. Four core governance principles jump out at me in

respect of this piece of legislation we are considering this afternoon. One, it is guided by the values that seeks to put citizens first. Two, it seeks to improve the quality of services delivered by local government authorities in the country. Three, it seeks to ensure responsiveness to the needs of the population; and four, it seeks to guarantee accountability and democratic input in and control of the process of governance by the people for and to whom services are provided. In other words, it is about effective local democracy.

Mr. Vice-President, I will now spend some time focusing on how this legislation seeks to address those principles. Responsiveness in government is a critical and central tenet of good governance. One of the ways that governance becomes more responsive is by bringing it as close as possible to the people that it is designed to serve. And this is the purpose of this bit of legislation. It recognizes that the people in the community best understand their means and that the best response to that understanding will come from them. And this is why the Bill seeks to amend section 37 of the Municipal Corporations Act to provide for the holding of quarterly meetings with burgesses to report on the corporations' performance and to address their concerns. And yes, Sen. Richards, I do appreciate that the legislation says "may", rather than "shall". And I am sure the Attorney General and the Minister of Rural Development and Local Government would be happy to engage in a fulsome debate at the appropriate time as to the current implications of those two words and whether there should be a shift.

The legislation also demonstrates this administration's respect for the population's right to self-determination and their ability to resolve issues related to their communities. So, the Bill provides significant improvements in the governing autonomies of municipal authorities.

Mr. Vice-President, the legislation strengthens the framework for effectiveness and efficiency, openness and transparency. It does this by, among other things, introducing a new governance structure through the creation of a Municipal Council under section 33A and an Executive Council under 33B.

The Municipal Council is crafted to be the legislator and policy-setter, provide oversight and represent the interest of burgesses in essence. Among the ways the Municipal Council will do that is by creating and establishing the organizational structure of the corporation and approving the budget for submission to the Minister of Finance.

The Executive Council, on the other hand, is the operational arm of the corporation. It will be responsible for, among other things, allocating resources among the various divisions of the corporation, the day-to-day management of the corporation, and overseeing the divisions. The Executive Council would be comprised of the mayor, the deputy mayor and a team of five to eight members.

I am particularly heartened to see the re-designation of the officer who was formerly called the city clerk or the town clerk. Because there is a certain perception that comes with the designation of “clerk”, which is inappropriate for the person who is supposed to be running the affairs of a borough or a city. So I am happy to see that he is now called the Chief Executive Officer. This is one of the things I try to get PSs in the public service to understand; that they are chief executive officers of their respective Ministries, and the responsibility is to ensure the proper functioning and development and growth of the Ministry. It is not just an accounting officer. It is not just in charge of HR, but it is somebody who is responsible for the whole operation. So, I am hoping that with the change of nomenclature, we have an improvement of how we perceive the Chief Executive

Officer and he perceives his role in the new structure of the corporation.

There is also the creation of divisions to assume responsibility for various things, including finance and planning, allocation of resources, sport, youth, et cetera. What I also like about the legislation that is drafted is that it recognizes that each municipality is different therefore, has different needs and would have a different focus. So it not only allows for the amalgamation of different divisions, it also allows for the creation of divisions not specifically named in the legislation. So it gives the division the flexibility to determine what it should focus on, to ensure the development of its municipality. So I really like that flexibility in the legislation.

The legislation also provides clear provisions, including institutional arrangements, for a division in each corporation with responsibility for monitoring and evaluation. And what we have found in the Ministry of Public Administration, which I lead, is that the concept of monitoring and evaluation is one that has not traditionally been taken seriously, not traditionally been adhered to, but it is so critical a part of a proper governance structure. It is not only essential to ensure that we have the right people to do the jobs, the right types of jobs, but it is also essential to periodically assess what they are doing, how they are performing, what changes are needed. So it is very heartening to see a division in charge of monitoring and evaluation.

I note, Mr. Vice-President, that this is consistent with *Vision 2030* and the Government's commitment to measure performance across the whole of government, to assess quality of service delivery, benefit realization, and value for money.

The Bill also seeks to introduce a new section 34 to give the corporation the

power to employ such persons as it considers necessary for the due performance of its functions, to set qualifications for the posts in the corporation, to discipline or dismiss those employees. And the terms and conditions of these persons are to be set by the CPO.

And, as could have been predicted, Sen. Mark sought to turn this into a bacchanal. This issue, section 34, has raised the question as to what is to happen with persons currently employed in the corporations, public servants who are permanently employed through the commissions. Will they be terminated? Will they be deployed in the public service? What is to happen to them? It is clear, Mr. Vice-President, if one carefully reads the legislation, that there is no intention to terminate or redeploy the public servants working within the local municipal corporations. The legislation caters for the continued involvement of the applicable service commissions. And they are two not one as referred to by Sen. Mark. There is the Statutory Authorities Service Commission and the Public Service Commission. And the legislation specifically provides for them to continue to perform their functions, as it relates to staff falling under their control, including the municipal police. And for those persons who are not aware of the role of those commissions, vis-a-vis the municipal corporations, the role is to appoint, to remove, to transfer and to discipline officers of the corporations falling under the purview of the respective service commissions.

The Statutory Authorities Service Commission is responsible for officers of those corporations which were continued under the Municipal Corporations Act. And those corporations are the City of Port of Spain, the City of San Fernando, the Borough of Arima and the Borough of Point Fortin. All other corporations which were established, rather than continued, by the Municipal Corporations Act, fall

under the preview of the Public Service Commission. And as I indicated previously, both these commissions will continue to have a role that has been preserved in the legislation. So they will continue to oversee and discipline, and so on, the officers that they have appointed in accordance with their mandate.

What section 34 has done is to recognize that with the changing needs of the municipal corporations, given their increased responsibility, that they need more flexibility to bring staff on, either for specific projects or to supplement the staff that they have. And the legislation is giving them the freedom to engage those members of staff and as and when they engage those members of staff, those members of staff, they have the authority to discipline and terminate, and so on, as appropriate. So it is not dispensing with what one to take on the other.

Of significance as well, in respect of employees, is the provision requiring the corporation to establish and maintain a pension plan for its employees or to arrange for the participation of those employees in an existing pension plan. And this pension plan may be contributory. I cannot overemphasize the importance of government bodies ensuring the retirement income for their staff. We have—the Minister of Social Development and Family Services will tell you that we have more and more people relying on the social network to cater for the retirement. One, the amount paid as pension, will not be—under either the senior citizens or the NIB is something that will keep body and soul together but it will not keep the majority of citizens in a position to be able to live like they lived prior to retirement. So it really is important for those people who want to maintain and sustain their quality of life to cater for their retirement as they earn income during the course of their life. And so, we need to start ensuring that corporations actually set up these pension plans to properly provide for their employees post-retirement.

**5.00 p.m.**

Section 13—sorry, Thirteenth Schedule, as introduced by new section 37, I believe, of the legislation lists the services for which a corporation will be responsible in its municipality. And these include:

- “(a) Construction and maintenance of local roads and bridges;
- (b) ...minor drains and...water courses;
- (c) Local health...rodent...vector...and canine control;
- (d) Garbage collection...
- (e) ...recreation grounds...”—and—“...parks;
- (g) Markets...
- (h) Disaster management
- (i) ...municipal spatial planning;
- (k) Distribution of truck borne water;
- (l) Local economic development;
- (n) Repairs and maintenance of Government and Government assisted Schools;
- (o) Promotion of local tourism, sports and culture.”

Now, Mr. Vice-President, I can speak at length on all of these aspects which are all very important, but just briefly on a couple of them. Placing responsibility for many of these—[*Interruption*]*—Oh, yes sorry.*

**Mr. Vice-President:** Will you give way?

**Sen. The Hon. A. West:** Yes, Senator.

**Sen. Thompson-Ahye:** Yes. I know you are probably at the end of your contribution, but it is always much more helpful if when you go into a particular provision, if you would just name it for us. It helps us to follow better where you



are. You have done it a few times but at some times we are a little at sea, say exactly where you are in the legislation.

**Sen. The Hon. A. West:** Okay.

**Sen. Thompson-Ahye:** That is the only fault I find so far. Thank you.

**Sen. The Hon. A. West:** Thank you, Senator. [*Laughter*] So to repeat, I am now focused on the Thirteenth Schedule which is being introduced by new section 37 of the—what will be section 37 of the Act once it is passed.

So I am looking at a few of the responsibilities that are being placed in the hands of the municipal corporations. Disaster management, I think, is a critical one because we are too often faced with disasters and troops have to be called out to assist citizens. Now, there are a couple of things which local government being on the ground, in the area, will have a better understanding of than a central government body. The areas of sensitivity that can cause the disaster and because they have that better understanding they can more actively react to persons, doing things that increase the risk of disasters. So when people build on a riverbank or they do things like that, or throw refuse away, you have people on the ground who can react more expeditiously to try to avoid those kinds of disasters, and then can react more efficiently in addressing any disaster that comes.

Municipal spatial planning is another important one. We know people for decades in Trinidad and Tobago have been ignoring Town and Country activity and what they approve and what they do not approve and building. People on the ground, the municipal corporation on the ground can see these things as they occur rather than waiting for somebody four years after the structure is built to say, “Well, I am sorry I did not apply but can you give me approval now? Or I will lose all the money that I spent”. So they can react more proactively in respect of that.

“Repairs and maintenance of Government and Government assisted Schools;”

I think it is an excellent idea, because at the moment we have the Ministry of Education with the responsibility during short periods of break to repair and fix hundreds of schools. And if we narrow this down to giving responsibility to the municipalities with the support of the Ministry of Education as and when needed, then we are more likely to ensure that schools are always ready to be occupied at the time of the reopening of schools. And we do not have the issues with some schools have to be delayed and that kind of thing. So I really like that.

I also like the conferring of them of responsibility for:

“...local tourism, sports and culture.”

Because we have so much talent, and we have so much beauty in Trinidad and Tobago which is under appreciated, under acknowledged, which we are not aware. So, if we place that responsibility in the hands of local government, we have much more of an opportunity to develop and promote those aspects of Trinidad and Tobago.

When I think of when I was going to school in Barbados and these things that were regarded as big tourism attractions, and I compare them to what we have in Trinidad and Tobago, there is absolutely no comparison. But nobody knows about them, they are not promoted, and we do not take advantage of all the benefits that we have. So this will give us the opportunity to get that kind of focus.

However, the proposed section 37(3) which is what devolves all those responsibilities on the local government reserves the power to the Minister who says we are depriving him of his job, if and when it is necessary in the public interest to assume responsibility for the delivery of those services. So, as and when

a local government body is not able to or opts not to do what is necessary, then the Ministry of Rural Development and Local Government can step in and ensure that the citizens are not disadvantaged.

Once again, Mr. Vice-President, the law is expressed in the Government's confidence in and respect for communities to manage their affairs. As the legislation seeks to place more authority and autonomy in the hands of municipal corporations, it supports this by ceding to them some control over their own finances, by statutorily ceding to them property tax from residential properties within their borders.

Most law-abiding citizens although not eager are prepared to bare their fair share of taxes but often lament that they do not see the benefits from this tax spend. The retention by the local government body of tax on residential properties within their borders should allow persons to more easily see the nexus between their tax spend and the services they receive, with the hope being that they will receive an improvement in those services.

The Bill seeks to introduce a Part V of the legislation to address this issue. Under this part, a new section 77, Sen. Thompson-Ahye, will require:

“The Board of Inland Revenue...”—to—“forward to each Municipal Corporation the names, addresses, and assessed taxes of all taxpayers for residential land within the...municipalities...”

It requires that this information be kept confidential. Very importantly, it gives the corporation the right, and equally importantly the responsibility to collect and retain that tax. That is property tax in respect of residential property. That tax is to be deposited and retained in the Corporation Fund of the municipal corporation, that is established under section 109 of the Act.

The municipal corporation is required under this part, Part V, to keep an account for all taxes collected and must inform the Board of Inland Revenue of defaulters. Section 108 provides that property tax collected by the municipal corporation is to be offset against approved allocation estimates.

So, to respond to a comment or perceived confusion of Sen. Mark, the legislation is not giving and taking away. It is not saying you can collect the tax but then the Minister of Finance can determine what percentage of that tax you are entitled to. No, it is not doing that. The legislation is saying, is recognizing that there are four categories of property in Trinidad and Tobago, residential, agricultural, commercial and industrial. Of those four categories legislation is clearly saying that tax in respect of residential property belongs to the municipal corporations. So, all taxes from persons owning residences in your municipality you are authorized to collect, deposit in your account, and use for your purposes.

The other three categories of tax and it may be two, because there was an undertaking to remove taxes from all agricultural, all taxes in agricultural activity. So the agricultural category may come out of that charge, but all taxes other than that are to be collected at this point in time by the Board of Inland Revenue, although the legislation recognizes that that may be changed at a later date. And the reason why it makes sense to allow the corporation to collect taxes only from residential and to allow the Minister of Finance to collect the other categories of property tax, is that because the number of residents that a municipal corporation serves—sorry, the amount of property tax that a municipal corporation gets signifies to some extent how many burgesses they are required to serve. And therefore, there is a nexus between the two.

Now, the property tax legislation and this legislation recognize that the

amount of tax you collect in respect of residential property may not suffice to treat with your needs in accordance with the issue that Sen. Richards raised. And it makes provision for that because it allows the Minister of Finance to supplement the income that the municipal corporation collects itself, by distribution of some or all of the property taxes from the other categories of property tax. And you can see this clearly when you look at section 109A—of the amendment that introduces a 109A because it talks to the creation of a statutory funds called the “Corporation Fund”, and it says this fund will be:

“...comprise of—

(a) appropriations by Parliament...”

So allocations in the budget in the normal course of things will continue to be due to the corporations.

“(b) revenue from fees, charges...fines...”—borrowings, sums—“provided by foreign States, international organisations...”— et cetera.

And I will refer you to these two in particular, residential property tax which is the tax collected under section 78 of the Act. And in a separate line it says:

“(b) revenue from...taxes, including property taxes collected and distributed in accordance with the Property Tax Act;”

So the law give you, gives the municipal corporation all residential property tax, and then it says that they are also expected to receive money from the other categories of property tax.

So the reason why it does not make sense to say collect and retain all the property tax in your area because that indeed will create imbalances, because there are some areas that are highly industrialized, there are some areas that are highly commercial, and the rural areas will undoubtedly suffer.

So we have this pool of income from commercial and residential that can be allocated to supplement what you get from your property tax. And I personally am hopeful that giving the municipal corporations the ability and responsibility to collect residential taxes will prompt them to come on board with property tax and encourage their burgesses to collect the taxes so that they can fund their activity.

It is important to note also that section 109 says that any unspent balances are retained by the corporation for its use. So, the municipal corporation is not required to deposit money into the Consolidated Fund. Money that it gets, it retains for its purposes. So that is a significant part of these proposed amendments.

Even as the legislation makes provision for increased autonomy at the local level, at the same time, Mr. Vice-President, with real power must come provisions for accountability, for respect for the rule of law, and for the promotion of ethical conduct. I only venture to note, Mr. Vice-President, that to whom much is given, much is expected.

Over the last seven years, many of us have grown weary of hearing municipal corporations, which are controlled mainly by the Opposition, claim discrimination. The reason why they are not getting enough money is because they are UNC corporations and not PNM corporations was the claim. It mattered not to them that all corporations were suffering the impact of the downturn of the economy, and that everyone from central and local government were being asked to do more with less, to manage their allocations more judiciously, and to reach out to the Minister of Finance in respect of critical needs, but sometimes it appears to be more expedient to launch a protest.

This legislation gives the municipal corporations greater autonomy, by among other things, giving them greater control over their finances and how they

arrange their affairs. It gives them the opportunity of promoting economic activity within their borders to generate more resources to do what needs to be done. And Sen. Richards, I must say, I do not see why it is necessary to specify in the Act that this should be done in conjunction with the business chambers. Somebody who offers himself as mayor or a CEO of a municipal corporation should know that he needs to collaborate with the businesses in his area to promote economic activity. But as I said, we will have an interesting committee stage.

With this comes the responsibility of accounting to their burgesses for how their taxes are being spent. With this new legislation, the success or failure of the municipal corporations in serving their constituents lies more squarely on their shoulders. They need to bear the repercussions of less than stellar performance. But they now have the opportunity to create cities and boroughs of which their burgesses can be truly proud.

So addressing some other of the issues that have been raised by the previous speakers, I certainly do not agree that this Bill promotes centralization rather than devolution, not by any means. I dealt with the issue of what is to happen with employees, I see Sen. Mark was not in the Chamber but I trust that he caught what I said.

Both Sen. Mark and Sen. Richards expressed concern about the autonomy to be given to the municipal corporations are not entrenched in the Constitution. Sen. Richards, I will say to you that I am sure this is something that this Government would have been prepared to accept, but when one looks at the history of the Opposition and their refusal to support anything that requires an amendment to the Constitution, and therefore a special majority, I can say to you that at this point the Government is not prepared to go down that rabbit hole with Sen. Mark.

Miscellaneous Provisions (Local  
Government Reform) Bill, 2022  
Sen. The Hon. A. West (cont'd)

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. A. West:** We will do what we can now, and as and when things develop, we will see what changes if any are necessary. I am just trying to ensure that I deal with all the issues.

**Mr. Vice-President:** Senator, you have seven more minutes.

**Sen. The Hon. A. West:** So, just to wrap up, Mr. Vice-President, I urge support for this Bill. And on the passage, I urge the members of the municipal corporations to put their shoulders to the wheel to build and develop properly served municipalities. And finally, I urge citizens to become more active but constructive participants in their future by helping their local leaders to identify and resolve the issues facing them, and by holding their local leaders accountable for their performance.

Mr. Vice-President, this Bill is long overdue. It may not be perfect, but it is well crafted having identified and sought to address many of the issues facing our local government bodies. We will probably in time, determine that adjustments are needed to the legislation, perhaps the constitutional amendments that I previously mentioned. Perhaps, to bestow even greater autonomy on the municipal corporations, but this Bill is a good start, and start we must. It is way past time. Mr. Vice-President, I thank you.

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** Sen. John.

**Hon. Senators:** [*Desk thumping*]

**Sen. Jearlean John:** Thank you very much, Mr. Vice President, for the opportunity to join this debate. Mr. Vice-President, the Chairman of the Couva/Tabaquite/Talparo Regional Corporation usually starts every presentation



by stating that local government affects everything and starts right outside your door, when you open your door. This is true, and therefore, what we are debating is not a novel concept. It is all around us. I think, as the Bill is before us and particularly in a new section, I think 33, which I will come to shortly, we see the vast grasp or the reach of responsibility that is now on the shoulders of local government. This is nothing new. They are first responders; people call them for every single thing even before they call their own MPs.

Mr. Vice-President, I recall, I think in 2018 when there was a huge flood in a community called Green Vale, it affected them particularly. In Las Lomas No. 1 where councillor Balmatie Gosein lives. She is the councillor for the electoral district of Las Lomas/San Rafael. Her house was also under water, but she went to look after her burgesses, as they are called, first, before she dealt with that six feet of water.

So, we recognize and appreciate the work done by councillors and they are already taking little to do a lot. You know, councillors across the board work very, very hard, and they are under-appreciated and of course under-paid as would have been recognized by this legislation before us.

So Mr. Vice-President, local government serves a two-fold purpose. The first purpose is the administrative purpose of supplying goods and services. The other purpose is to represent and involve citizens in determining the specific local public need and how these local needs can be met.

And as I said already, they are, many times, the first person you call, never mind the problem, never mind how complex, never mind how simple it is. Whether it is you cannot get water, or your streetlight is not working, or the lights are gone for some extended period. They call their local representative. And local

representative government is a process that spans and connects representation and administration at local levels within local government structures. So Mr. Vice-President, when this Bill was being debated in the other place, a Member of the Opposition said, and I quote:

I think on both sides we agree on that, the fact that there is need for reform or need to further enhance the function of local government.

They said:

We agree that local government both impacts and touches the people. A lot more could be done with respect to bringing it to the people.

So Mr. Vice-President, there is agreement on the UNC Bench that there is need for genuine reform in taking the role further. This is, as I said it is not new, is not novel. The Government is bringing this legislation, but as much as the former speaker said, we have to start somewhere, and I agree with that. But this somewhere, is really not, I do not think it is a good reflection of where we are, basically. The Government probably want what they want, they always get to the end and then they try to work backwards clumsily. And I think this is what is happening where we have this very big, very convoluted Bill in front of us. So there is some material disagreements on the Bill, and Sen. Mark has outlined some of them when he spoke earlier.

So, no amount of amendment within this Municipal Corporation Act without timely funding for instance, in a lot of cases it is funding. There is just no funding, and it is not about doing more with little. People are doing more with so much less, you know. So it is not that, it is just that that there is nothing for them to work with. And I am sure it is across the board, but because of what has now become a trend within the PNM, people are very suspicious that maybe they are more

affected because they are Members of the Opposition. They see no equity and they see no fairness. That is the thinking, and basically it is only obvious overt equity that one will remove that perception. And I am not seeing anything in this Bill that is going to remove that because whereas now there is a certain level of autonomy, there is a Minister of Rural Development and Local Government. Now, all of that role is being removed and the current Minister has put it in a very descriptive way when he said he is working himself out of a job. So all of that responsibility is being removed from him and being centralized in the hands of the Minister of Finance who I felt was a very busy man. I do not know that he has the time to look after 30,000 people and this very vast role that is local government.

So to move whatever power from this Minister of Rural Development and Local Government, to move it on, I still believe that we have to be convinced that the structures are in place for the Minister of Finance to decide who gets hired, their org structure, what they are paid. And all of it, it is just kind of anecdotal, whether it is in the debate in the other place, or within the Bill, it is all very vague. So if it is we are approaching this and saying it is an incomplete Bill and the UNC cannot support it, it is because there is nothing much in here to support based on where local government is at this point in time.

So Mr. Vice-President, the Minister of Rural Development and Local Government is claiming he is taking away the bureaucracy and filters from the public servants and bringing it straight maybe to a single point responsibility. But instead of ensuring that this is again, decentralized, you are going to find bottle necks because everything is going to end up at this point given what this Bill before us is saying, because every single thing ends up at the door of the Minister of Finance. I mean an org structure is ending up there. You know, he is deciding

who gets what.

Whether in terms of this now, what they are breaking up the structure into this municipal part and the executive part, and we still have confusion in terms of what happens if there are 14 elected councillors then, and there is only this finite amount who can be on the municipal council. What happens to them? Or who is chosen to be on this municipal council? And then, the Minister of Finance is saying if I have to approve your org structure—if he does not approve, what happens then? Is that not room again for more suspicion where someone in an Opposition-held council will say he is not approving it because we are the Opposition, or we do not belong to his party. So I think that is opening the door for a lot of further suspicion and for the work really to not be meaningful as it were.

Another point, Mr. Vice-President, the Government is talking a lot about following the THA model, but again that—I do not know how the THA has a certain level of autonomy in how they conduct their business. In addition, they have been before this body called a dispute resolution commission and they are now entitled to 4.03 per cent of the budget or 6.9 per cent of the budget. Is it that this is going to—the corporations would benefit from this same allocation, or will they work out some kind of formula where these corporations are going to be funded?

Again, in another place one would have heard about a \$30million sum coming out of the taxes they are expecting to raise from this property tax. And Mr. Vice-President, if it is—is it that the Minister has done some kind of projection from the various what you call it, the corporations as it were, or the areas that are the responsibility—these communities that fall under the various corporations and would have projected. What is the probability in terms of an assessment, an

estimate of the amount of property tax to be collected and whether this will be sufficient to run the corporation or the needs of the burgesses? And this does not mean that the expectation is that they will satisfy every need.

So, it is the reason why the UNC keeps talking about geographical discrimination, because when you look at ones—I mean, it is obvious, you do straight line math, and you wonder why am I getting this and the other one is getting that? And I think this was a good time to kind of quell those kinds of fears, anxieties, and suspicion. Because at the end of the day we want to ensure that the people of Trinidad and Tobago benefit from any reform and—because at the ministerial Cabinet level that is more the macro business of the country. The local government at the end of the day, they are the people who interact one on one with the citizens of this country. So it is a role that we have to celebrate and elevate and basically ensure that they are well remunerated for.

Mr. Vice-President, when you listen to persons on your side talking about when the Bill is passed, that each corporation will manage, or own, or raise, or initiate, their own revenue stream, basically, there is nothing in the Bill that points to it. Well, I suppose you cannot, and perhaps there is some kind of strategic plan that the corporation will be asked to produce every year and then to account for that.

The UNC is not in agreement with the implementation of the property tax and Sen. Mark would have spoken about that. At least not at this time. We are very firm on that, that this is not the time for this draconian tax to be implemented.

**5.30 p.m.**

So is basically, the speaker who preceded me the Minister of Public Administration, would have spoken about diversification and I agree, it is that

point we have so many our communities are so different and they are so diverse, so it is a good mix a good match for us to start with the diversification, whether it is the waterfalls up Blanchisseuse—I have friends who brag about Brazil and it has the best biking trail in the Caribbean.

The beaches—well I am from Tobago, so it is almost sacrilege for me to talk about the beaches of Toco because we have the best beaches in Tobago, particularly in Charlotteville, but at least Toco is nice and serene, I mean, I climbed Mt. Hololo, the pines of Lady Chancellor and so many places you just have every single community in Trinidad and Tobago is just unique and brings something to the table, whether it is a mud volcano something is just there to attract people. And basically these are the things within the community that one needs to develop, to create a product around so you can have community tourism. So right in the community the folks in the homes they are earning income and also the corporation it is also collecting taxes because right now, I mean we talk about the corporation having the responsibility to collect garbage for instance, and the place sometimes it is just so untidy and one wants to know—why is it when you have people who are charged with that responsibility but you would have heard the Minister of Rural Development and Local Government speak about I think, 40 per cent of the equipment is down and one wants to know why is this so and if there is a big move to ensure that these equipment operationalize again? Because again when a tree falls they call the local Government to cut that tree, to—there is a flood they are the ones at the front line, they are always at the front line. So the equipment—you cannot have 40 per cent of the equipment down and believe that just having a Bill passed and you trigger that there is reform that that will do anything, it will not solve any problems Mr. Vice-President.

By and large the councillors are saying some of the issues are lack of funding in regional corporations that is not a secret, lack of maintenance for the equipment, poor condition of road leaves for taxis increasing fares because there is a knock on effect, increase in price of raw materials for construction, lack of adequate housing for growing population—so, even in their own communities, electoral district, need for increase in social welfare programme—because they are always that first point of contact. So availability of garbage or lack of availability of garbage collection, lack of maintenance for water courses, flooding, all of these things and on and on impact on the ability of the people who work within the local Government to really carry out a good job. And I am not seeing how this Bill just by approval will significantly move this goal post when we so need local Government to work. We need that function to work because that is the one that interacts with our lives. So, again I am very disappointed that we really do not have outside of property tax any mechanism for or any ideas for raising revenues within these very diverse spaces.

So, Mr. Vice-President, one is asking what is the percentage these corporations would be getting if they are utilizing—I would have said that—the THA model. How would the Minister come up with —how he is going to allocate the funding that—from the money he is raising through the taxes? What about the organization structure? Is it that the different corporation—because some corporations are unique in terms of the spaces they serve, they have unique needs. Is it that the organization structure will reflect that? Again, because the Minister of Finance has to manage all of this. The responsibility for salaries is removed and Sen. Mark spoke extensively about that—about that responsibility. How is the Minister going to set the level of salary? And it is not that this \$4,000—because

again, I have heard people talking about the \$4,000 stipend. Some people live on it, it is being said, but one also has to recognize that within the local Government system there are a lot of practitioners who are extremely well qualified and if it is the band is going from \$4,000 maybe to \$10,000 as an upper limit I cannot—I say good luck with that. The Government then will not achieve its objective because a lot of people with the combined—well the stipend and their salary they are earning a lot more than \$10,000 a month and Sen. Mark would have spoken about, given this THA model, what a THA secretary is earning which is as he had said well over \$24,000 per month—\$24,370 and that is a secretary for instance in the Division of Sport and Youth Affairs. Someone in local Government has a really wider portfolio and a perhaps a more difficult task. An Assemblyman without any portfolio receives over \$11,320.

So, if there is going to be comparison just calling them secretary but they are not getting the recognition or remuneration it makes no sense, it is better you continue to call them councillor and allow them to go out and have their job, their day job as it were and they do the councillor thing as a sideline.

It is a good objective to say let them concentrate and focus on that but one must pay people properly for their labour.

Mr. Vice-President, the Minister of Rural Development and Local Government in his contribution of the Bill, he spoke about 80 per cent of the roads—sorry, local Government corporation has responsibility for the construction and maintenance of local roads and that is 80 per cent of them. And I think that is really a significant number of roads and roadways and as we all know these roads are in a deplorable condition. Many of them have no owners. I heard him refer to it is orphan roads and really this is something we have to treat with urgently to



ensure that the right legal on the framework is in place that the Ministry of Rural Development and Local Government can look after these roads because it is really, really whether it is a—and I mean if primary roads, secondary roads, tertiary roads even the roads that farmers have to access their gardens or their farms those are in really, really deplorable conditions and if it is in the legislation that is keeping or vesting—some vesting or that it is keeping these roads in that condition, then I think this is something that need to be looked at very, very quickly and critically. Again, they are responsible in section 35, sorry, of the Act. It has where section 35, that is section, I think clause 3, section 35, where:

“35A. (1) Each Corporation shall establish Divisions with the following responsibilities:

...corporate services

...finance, planning and allocation of resources

...internal audit

...sport”—well these are the internal corporate side of their business but in sport—“and youth development

...recreation grounds and public spaces

...public health, sanitation and the environment

...spatial planning and building inspectorate

...monitoring and evaluation

...community development and social services

...municipal police

...infrastructure development and maintenance

...disaster management; and

...such other divisions as the Council of the Corporation, with the approval

of the Minister, determines necessary”

So it is a very vast function, Mr. Vice-President, So, and what this Bill is proposing, really to me, does not fit what these people in local government is being asked to do. And the—basically, that link between us and—between the citizens of this country, and civility and basic services and basically, just knowing that this country is working, I think there is a wide gap and I do not know about, as I said, this having the Minister of Finance negotiate salaries—we are seeing people on the streets, so I do not know.

Mr. Vice-President, there was a minority report, which was mentioned and basically I will just say very briefly, it was just a brief minority report, because we were very focused on what we felt was missing as the Opposition. And we look at clause 3, which is very convoluted, you know, it is almost the entire Bill and it just goes into the—it ran out the alphabet. And you can barely follow what it is saying. So maybe that needs a lot of cleaning up. And of course, we have said we the opposition disagrees with the property tax being implemented at this time. And basically, people are very suspicious about the equity. How will the Government address the equity or the perceived inequity in the population? And this is a democracy if people asking questions, it is their right and duty to ask questions. You know, I mean, the Government could complain or protest, and that is okay, too. But the role of the Opposition is to ask questions, or to put up their hand and say we feel this way about whatever and I mean, it is our right so to do.

And then Bill reduces the—this is part of the minority report, Mr. Vice-President. The Bill reduces the protection of workers by recognize majority unions. And well, the point was made that there was in sufficient consultation with stakeholders, the Minister this morning in piloting the Bill, he called out some

very large figures in terms of people who had had participated in the consultation. And if those figures are indeed accurate, Mr. Vice-President, then I say congratulations. And basically, it just demonstrates and underpins further the interest in local government, because again, it really touches every single life, as it were.

So, Mr. Vice-President, again, I reiterate that this is not, in terms of telling or signaling to the country and local government, that there are various—what is the municipal council? I am not sure it is called a council. And the second one, the executive council, that they are going to operate as a Cabinet. That is not quite true, a Cabinet has a lot of autonomy, and it has the Treasury at its disposal. And as we can see from this Bill, the local government practitioners, they must go to the Minister of Finance, even if it is to buy a tea bag at the end of every month. So, that is not so you know, we cannot excite them by saying you are going to have this autonomy and you will have this amount of power to do the work that you cannot now do. I think it is misleading them, Mr. Vice President, because what they are currently facing, really, it is a lot of it hinges back to financing. Right? And again, it is not because they are asking for too much. There is just no financing to do much of anything. There is just no financing.

So the Cabinet, I said, has all the power and controls, the Treasury, they have absolutely no power now, and they will have no power when this Bill is passed. It is simply an annexation of power by the Minister of Finance, and a centralization of his power. Why he wants more? I do not know. Right.

The Minister of Rural Development and Local Government spoke again about digitalization, but they do not even have computers now. So to have that you have to have access to the devices. They do not have that there is a big deficiency

in it. And so again, if even if this Bill is passed, there is no computers, there is no hardware. So I suppose the Government is going to treat with that as they move forward, because, Mr. Vice-President, you will hear various speakers saying that, well, they cannot deal with the UNC so, they are going to go by simple majority. And I want them to know that this model about THA, “mamaguy” yourself, the THA is grounded in the Constitution clause 141 A. All right? So, the Tobago House of Assembly is a creature of the Constitution. And basically all it takes is a little more work to listen to what people have to say, you know, particularly the ones who have to give the support, if one is to ensure that you have robust legislation. Because that is why you know, these legislations are so easily challenged in court and then there is another complaint that UNC is always running to the courthouse. But when people’s rights are been infringed, we cannot allow that to happen and say it is about expediency.

So, Mr. Vice-President wrapping up, the UNC does support local Government reform. We do not support the so-called reform. This is not good enough because this PNM Bill does not address the central problem of funding. It does not address the fundamental injustice sometimes of some of these huge, sprawling geographic locations that some corporations find themselves in and the Minister of Finance in another place would have kind of addressed that to some extent. Basically, he said that the common denominator is, really, there are residences everywhere, but everywhere will not be industrialized, everywhere will not have agriculture and maybe that was a good frame within which to put it. But is it that, again, that only using money from taxes raised within the residential property tax, is that good enough? Will that solve the issues they now have? These

are only cosmetic alterations, which changes really nothing, and the real problems of local Government will remain and indeed, perhaps get even worse.

This Bill before us is merely a step to introduce property tax and that basically is what it is. It is just a way and a mechanism, you know, to find to implement this property tax—

**Hon. Members:** [*Desk thumping*]

**Sen. J. John:** —that is what it is. The only outcome I see in this Bill is that it will—it is a mechanism to introduce the property tax. The Government has shown beyond a doubt, that they are about centralization and not decentralization. So, really and truly the local government is going to be dependent on the central government. And if the Government think that THA is such a great model, I think maybe the corporation or the various corporations or municipalities their annual budget should be guaranteed just as the THA is—because the property tax revenues will very likely not be enough to fund local government corporations. And again, that will give rise to the great inequity and inequality as the property tax revenues are collected from areas that are quite densely populated against those that are not so much.

Again, I spoke about having this piece of legislation entrenched in the Constitution, just as the THA is and the Bill leaves the current problems intact, and in fact, make these problems will even exacerbate them and could make them worse because they are then going to be endemic in the system, with the central government still having ultimate control, only now, it will be in the hands of the Minister of Finance instead of the Minister of Rural Development and Local Government. So, Mr. Vice-President, I want to thank you for the opportunity.

**Hon. Members:** [*Desk thumping*]

Miscellaneous Provisions (Local Government Reform) Bill, 2022  
Sen. John (cont'd)

**Mr. Vice-President:** Sen. Teemal.

**Hon. Members:** [*Desk thumping*]

**Sen. Deeroop Teemal:** Mr. Vice President, I thank you for the opportunity to contribute to this Bill that is before us. And first of all I, as a Member of the Joint Select Committee that looked at this Bill, I would like to put on record and to acknowledge the chairmanship of the JSC by former Minister of Agriculture, Land and Fisheries, Clarence Rambharat—

**Hon. Members:** [*Desk thumping*]

**Sen. D. Teemal:** —and to also acknowledge his balanced and inclusive approach during the chairmanship of this Committee, which I think contributed a lot to the Bill that we have before us.

Mr. Vice-President, local government is about communities and ensuring services are delivered in an efficient, cost effective and timely manner and also an equitable manner, despite size, nature and geographic location.

Local government should not be seen as an arm or appendage of central government, but as an organization in its own right. Fully conscious of the needs of citizens within their communities, and having the ability and resources to address their needs through service driven, strategy, goals and objectives.

Local government reformation and modernization has been on the agenda of various Governments for past decades, but changes have been slow and limited. There is no doubt that local government plays a critical role in the economic development and an improved and sustainable local government system would be contributing significantly to economic reform and growth. Thus, the legislation before us, affords us the opportunity to make a quantum leap in local government reformation and modernization. Opinion surveys done by Market and Opinion

Research International in 2002 and 2003 revealed that citizens were unhappy about the key services provided by regional corporations at that time. These were poor drainage, flooding, lack of adequate streetlights and recreational facilities. Our report done by Aegis Management Solutions Limited titled, “Build Capacity, Strengthening Institutions and Delivering Exceptional Service” found the local government system to be a complex one, with several areas of overlaps and parallel subsystems. And some of these included political and administrative arms having parallel arms that only relate to each other at the highest levels. Informal systems, processes and relationships are used to get around formal systems that do not work. And the report also identified parts of the service operate in a dual capacity. For instance, the corporations manage both the delivery of services and also deliver services themselves. Also, the report identified the existence of a bipartisan system, which is manifested through pro-Government councils or anti-Government councils.

In addition to these, the draft policy titled “Transitioning of Local Government 2016” by the Ministry of Rural Development and Local Government further identified several other major impediments that prevent corporations from delivering services to the public, in an efficient, timely and cost effective manner. And these included:

1. “Political interference and manipulation”
2. “Inadequate funding”
3. “Inadequacy of current legislation”
4. “...sluggish...”— and bureaucratic—“...administrative structure...”—and—
5. “Lack of productivity”

To these, I would like to add the question of inequity in the disbursement of funds to Opposition control corporations, by the central government of the day, and perceptions surrounding this. It is against this background that we have before us legislation that would bring about a quantum leap in local government reformation.

Not only does this legislation seek to expand the existing responsibilities of the corporations, but as we see in sections 35A to 35J of the Bill, it adds wide ranging and significantly new responsibilities that would enable the formation of at least eight specific divisions responsible for:

“...corporate services  
...finance planning and allocation of resources  
...public health, sanitation and environment  
...spatial planning and building inspectorate  
...monitoring and evaluation”

A very interesting development—division that is being created here.

“...community development and social services...  
...infrastructure development and maintenance;”

And

“...disaster management...”

Now, the Bill does allow for a combination of divisions, but with a clear demarcation of responsibilities outlined in sections 35A to 35J of the Bill, I cannot foresee much of this happening. And thus, we are faced with the distinct possibility of eight divisions.

The draft policy “Transitioning of Local Government 2016” that I mentioned before, also, in addition to these eight divisions, identified possible



Miscellaneous Provisions (Local  
Government Reform) Bill, 2022  
Sen. Teemal (cont'd)

functional units within these divisions. Under corporate services, it looked at functional units of:

“Human Resource Management

Legal

General Administration

Procurement

Communications and Public Relations

Information and Communications Technology

Training and Development:”—and

“Industrial relations”

Under finance, planning and allocation of resources, the functional units of:

“Research, Planning and Development

Local Economic Development...”

“Finance and Accounts”

Under public health, inspect public health, sanitation and the environment, the functional units of:

“Waste Management

Disaster Management

Vector Control

Public Health Inspectorate

Environmental Sanitation and Litter Prevention”

And under spatial planning and building inspection, the functional units of:

“Spatial Planning”—and the—

“Building inspectorate”

And if I continue on the community development and social services, functional units of:

“Social Services Delivery  
Community, Culture, Festival and the Arts”

And under infrastructure development and maintenance, the functional units of:

“Engineering and Surveying  
Project Management  
Fleet management”—and—  
“Facilities Management”

Mr. Vice-President, these functional units, together with disaster management, and monitoring and evaluation and internal audit comprises almost 32 functional units to be established under the respective divisions. And I am sure when it is looked at, in its present day context, this number may increase. And we begin from this, we begin to realize how broad and ambitious the scope of local government reform is under this Bill and the monumental task that lies ahead. Other than the legislation to bring about the reform, my concern is that the operationalization required to get this Bill proclaimed and to bring it into reality within the shortest time possible, and in a cost effective matter—just my concern.

I trust that it would not end up like other Bills enacted for bringing about major changes, but has languished due to inadequate planning, inadequate transitioning and starvation of resources. I cannot help but refer to a case in point the Planning and Facilitation of Development Act, which was passed since 2014 and eight years later, has still not been fully proclaimed.

In the same draft policy document I referred to earlier, the only mention of change management is and I quote from this draft policy:

“The impetus for change and development brings the need for change management. Initially, highly skilled Change Managers will be needed to— would need to be enlisted to facilitate the transition and implementation process. However, through expert training and continuous development, staff of the HR Units of each Municipal Corporation would become skilled in the area of change management.”

Mr. Vice-President, in such an extensive reform being undertaken, this is the only paragraph in the draft policy regarding transitioning and change. And it is just not good enough in light of the drastic reform being legislated through this Bill.

**6.00 p.m.**

In my opinion, in order to facilitate the expeditious operationalization and proclamation of the Bill, a comprehensive policy of transition and change management will have to be developed that also includes for the funding required to bring about the envisaged transformation and within a specific time scheduled. It is a pity that the necessary transition management cannot be legislated, but I would like to recommend that a transition coordination task force be established under the guidance of the Ministry of Rural Development and Local Government. And this task force, I am suggesting, will have, at least, representatives from the Trinidad and Tobago Association of Local Government Authorities who would represent the respective corporations, the Ministry of Finance, the Ministry of Planning and Development, Town and Country Planning Division, the Ministry of Health, the Ministry of Sport and Community Development, the Ministry of Youth Development and National Service, the Statutory Authorities Service Commission, Public Service Commissions, trade unions and the business sector, at least these entities.

And this task force, I am suggesting, could be mandated to come up with a transition plan that would include a clear identification of the resources necessary to bring about the transition. Each corporation could then finalize their own detailed transition plan using the recommendations and guidance coming from this task force. Mr. Vice-President, this would ensure a degree of standardization across the respective corporations. Because we have these 14 corporations, if everybody is just doing their own thing, I think it would lead to real difficulties in managing and coordinating the work of the corporations, and also such an approach would avoid duplication of efforts by individual corporations, thus proving to be most cost effective.

Mr. Vice-President, the Bill encapsulates certain paradigm shifts for the expansion of responsibilities under local government at present. We have heard from several speakers before me about these paradigm shifts, but I would like to focus, because of limited time, on just a few of these paradigm shifts, the first being the area of spatial planning and building inspection as outlined in section 35F. The paradigm shift being proposed here is the decentralization of land use planning to the local government authority and the decentralization of fundamental regulatory activities, such as, development control and planning, usually undertaken by central government.

“Clause 11 of the Bill would seek to amend the Planning and Facilitation of Development Act, No. 10 of 2014 to amend the Fourth Schedule to remove the deletion of certain clauses. Paragraph D of the Fourth Schedule would be amended in the Second Schedule to stop the deletion of sections...”

I have no issues with these amendments proposed, but my concern here is

that certain key aspects of the planned transition are linked with the Planning and Facilitation of Development Act, which still has to be proclaimed, as I mentioned before, after almost eight years. The proclamation of this Act would have to be expedited to facilitate the intended transition in local government. Human resource capacity at the corporations is woefully inadequate, and the corporations just have one or two building inspectors to fulfil its current mandate, so much so, their expanded mandate.

As a nation, for decades, we have not been able to get the system of planning approvals and building permits right. The process is lengthy, and based on the nature of the development, could require the inputs of over 10 regulatory agencies and statutory bodies, each challenged by its own resource limitations and without any central coordinating agency. It is a nightmare. This has led to extreme frustration in the construction industry, as on average, the project cycle is easily extended by as much as two to five years due to inherent inefficiencies. This has also led to corruption in the system. And it is not uncommon to find building inspectors, planners, architects and engineers, who are employed as public servants within the regulatory and approval agencies, who have established lucrative businesses on the side to facilitate planning and building approvals. And the public, under the pressure of mounting interest charges on their loans and the loss of income due to delayed use, frequently avail themselves of this illegal service. Mr. Vice-President, there is no empirical figures, but conservative estimates put losses into billions of dollars. Our nation just cannot afford these losses anymore.

It is my fervent hope that the reform envisaged under spatial planning and building inspection, together with the full proclamation of the Planning and Facilitation of Development Bill, would finally get the planning approvals and

building permits process efficient. We must note that the legislation calls for all building and development applications to be submitted first to the corporation. And I repeat now, submissions for planning approvals and building permits have to be submitted to the corporation first. Before it used to be to the Town and Country Planning Division. If it falls under the clarification of a simple development, it is approved by the corporation. But if it is a complex development, then it is passed onto the Planning Authority. Thus the starting point of the entire approval process is now going to be the corporations. And if this division is not resourced fully with adequate and trained staff, the entire approval process would be derailed, making the situation even more worse than it is at present.

Mr. Vice-President, one of the key paradigm shifts that came up during the engagement of stakeholders by the Joint Select Committee and also amongst committee members, was the aspect of the municipal police. Amendments regarding the Municipal Police Service are provided in clause (ac) and clause (ad) but these, Mr. Vice-President, in my opinion, do not fully reflect the results of the stakeholder consultations by the Joint Select Committee. The draft policy of 2016 states that:

“In order to improve overall law enforcement and public safety and generally to assist in maintaining law and order in Trinidad, the Municipal Police in addition to protecting the Corporations’ human and physical assets, will have to become more involved and have day-to-day interface with communities within their Municipalities.”

The draft policy goes on to state further that:

“In so doing, the Municipal Police must collaborate effectively with the Central Police Service to implement strategies for reducing incidents of

robbery, gang violence, drug use, domestic violence and juvenile delinquency in communities. Their intimate relationship with the respective communities will have a positive influence on the detection of crime and criminal activities. Therefore, the Municipal Police will be trained in mediation skills; developing, promoting and implementing strategies and programmes for public safety in local areas; and for solving neighbourhood problems including a system of neighbourhood patrols.”

Mr. Vice-President, in addition to the above, let me add the critical role of the municipal police in maintaining civic order in the respective communities. Under the present and the expanded portfolio of the corporations, particularly, with regard to public health, the building inspectorate and even now with the expanded scope, possible instances of fraud that would be transferred with the decentralization of social services. That potential is there.

The intention was the expansion to the municipal police officers in each of the municipalities to 100. This would have required a corresponding expansion in their responsibilities and, thus, improvement on the resulting structure and management needed for an expanded department. The legislation under Part III of the existing Municipal Corporations Act was to be reviewed to give effect to the operationalization of an expanded municipal police department which, unfortunately, the legislation before us does not fully address.

Allow me, Mr. Vice-President, to summarize some key aspects that came out in the discussions amongst members and with stakeholders during the enquiries carried out by the Joint Select Committee. One is that the municipal police do not fulfil their obligations and are often unwilling to carry out the directions of the council; the line of command for the municipal police needs to be clearer as there

are statutory protections for their service, whilst there are no mechanisms for members of the public to make complaints about the exercise or lack of exercise of their functions.

The municipal police should be appointed similar to members of the Trinidad and Tobago Police Service, since they exercise powers similar to the police officers of the TTPS. They are presently appointed by the Public Service Commission, which also has the power to discipline and fire such officers. The Police Service Commission, under the Constitution, appointed municipal police officers prior to 2009. Since then, they are appointed by the Commissioner of Police. The role of the Police Service Commissioner is now that of an appellate body for disciplinary decisions of the Commissioner of Police. There are recommendations for the municipal police officers to be now appointed by the Police Service Commission. However, this would result in a disparity, as the Commissioner of Police appoints the members of the TTPS, whilst the members of the Municipal Police Service would be appointed by the Police Service Commission.

In addition, while the Commissioner of Police has the power to discipline members of the TTPS, the members of the Municipal Police Service would have to be disciplined by the executive. The removal of the municipal police from under the purview of the Public Service Commission and inclusion under the purview of the Police Service Commission requires an amendment to the Constitution, which would require, at least, two-thirds of Members voting for its passage in Parliament.

There was also a recommendation coming out of the stakeholder consultation to bring the municipal police under the purview of the Police Complaints Authority. This means making the necessary amendments to the Police



Complaints Authority Act, and such amendments would require, at least, a three-fifths majority of votes for its passage in Parliament.

So, Mr. Vice-President, unfortunately, we have compromised legislation here, because key amendments to the Municipal Corporations Act regarding municipal police are not fully in the legislation before us. But I considered it. I spent some time on it because I considered it important that it be raised since it is critical. The role of the municipal police is critical in the overall reform that we are looking at for local government.

I am of the view that the legislative conundrum we are in, at present, is the reason for the omission of certain important amendments for a proper functioning municipal police unit. Legislation requiring two-thirds or three-fifths majority seemed to be unachievable in this present Parliament, and I lament, I lament the inability of the parties involved to hammer out a mechanism that would bring an end to this legislative lock down or legislative paralysis that we find ourselves in.

I would now like to turn to the matter of funding. Mr. Vice-President, (am) in section 109, now allows for funding of corporations through the establishment of a Corporation Fund, which will be sustained by revenues collected from certain services provided by the corporation as listed there in that section.

“(a) appropriations by Parliament from the Consolidated Fund”

And property tax from residential properties as well as some other sources as identified in this section. Also (am) in section 109(1B) allows for receipts, earnings and accruals in the Corporation Fund to be retained for the purposes of the Corporation Fund, and not to be returned to the Consolidated Fund. And this is a very positive step here.

At present, the Ministry of Rural Development and Local Government

serves as a conduit through which funding reaches the municipal corporations. This legislation, however, would allow for the power and authority to be assigned directly to the municipalities. They would be required to report and interface directly with the Ministry of Finance regarding taxes, fines and charges in their yearly estimates and for the purpose of budgeting and subvention requests. The Ministry of Finance, as we have heard from others as well, will now be responsible for the financial oversight of the corporations, through internal audit units at the corporations. Internal accounting processes would be established to ensure that all municipal corporations adopt internationally acceptable accounting standards as well as the appropriate procurement procedures as outlined in the procurement legislation. The corporations would also report to the Auditor General's Department for all moneys received and expended. These are steps in the right direction, Mr. Vice-President, but it would still play significant reliance on appropriations by Parliament on the Consolidated Fund, both during the transition to the reformed model of local government and, I believe, also eventually the fully managed reformed corporations.

The 2016 draft policy on transitioning of local government, also recommended that the property tax on agricultural, commercial and industrial properties be placed in the Corporation Fund. The draft policy also recognized that some corporations would collect substantially more taxes than others, should this be implemented because of the predominance of industrial and commercial enterprises in some of the corporations.

The solution to this was that all agricultural, commercial and industrial taxes collected would be transferred to a municipal property tax pool, and these taxes would then be redistributed to the municipalities on the basis of a commercial and

industrial index, which would determine the quantum of these taxes to be distributed to each municipality. This would also bring about a more equitable distribution of funds to the corporations. But, unfortunately, this is not in the legislation before us, and I trust that in the very near future it would be before us for, inevitably, the Government would have to give serious consideration to implementing these very measures, as I mentioned before, in the very near future.

Mr. Vice-President, in closing, let me reiterate my call for a transition coordinating task force to be established to guide this ambitious reformation of local government. Mr. Vice-President, I thank you.

**Hon. Members:** [*Desk thumping*]

**Sen. Laurence Hislop:** Mr. Vice-President, let me thank you for the opportunity to contribute on this debate, this local government reform Bill, and I also seek your indulgence, Mr. Vice-President, to convey my thanks to the hon. Prime Minister of the Republic of Trinidad and Tobago, Dr. Keith Rowley, for the confidence he has reposed in me with my appointment as a Senator in this august House.

**Hon. Members:** [*Desk thumping*]

**Sen. L. Hislop:** Mr. Vice-President, before I get into my contribution, I just want to touch on a couple of things, one being from Sen. John, where she mentioned that the Government seems to be working backwards. And I want to say that we cannot be working backwards when we have had so many years of consultation on this legislation, and that we are now at a place where we can now bring it to the Parliament and to the people of Trinidad and Tobago.

And the final thing is that the responsibility of local government is not being moved from the Minister of Rural Development and Local Government to the Minister of Finance, but it is being moved to the municipal corporations. And I just

want to put that on the record that it is not that we are moving the responsibility of local government to the Minister of Finance, but we are moving it to the people.

**Hon. Members:** [*Desk thumping*]

**Sen. L. Hislop:** You see, Mr. Vice-President, what is laid before us today in the form of this proposed legislation is, as I said, the culmination of years of countrywide, island wide consultations and an amalgamation of thoughts and ideas of countless citizens, and this could be seen as nothing short of a life-changing piece of legislation. You see, many successive governments have talked about reforming the local government system in this country, but it has taken this PNM administration, Mr. Vice-President, under the leadership of Dr. Rowley, to take up the mantle from the former PNM administration to not only talk about it, but to action it.

**Hon. Members:** [*Desk thumping*]

**Sen. L. Hislop:** The burgesses, the mayors, the aldermen and the councillors have been crying out for years for a better system, a better methodology for local government. And, Mr. Vice-President, I believe that the time has come, through this legislation for those cries to subside once and for all. And, Mr. Vice-President, if not now, the question has to be asked, when? You see, I find myself today in a very unique position in that my contribution is centred around the fact that this proposed legislation seeks to mirror, to some extent, the structure of the Tobago House of Assembly. Though the system of the Tobago House of Assembly, the system of governance may not be perfect, it has served the people of Tobago well over the last 40-plus years and, more so, over the last 20 of those 40 years.

Mr. Vice-President, it is with a great sense of pride that I stand here to tout the attributes of that governance structure. It truly gladdens my heart to see our big

sister seeking to fashion a system after us. And, Mr. Vice-President, if this model is good for Tobago, I endorse it for my brothers and sisters in Trinidad, and I have no doubt that it will work here.

**Hon. Members:** [*Desk thumping*]

**Sen. L. Hislop:** What we have now in local government is a system that lacks the necessary funding and the organizational structure to implement anything substantial. Those who are in the system know that to initiate a development project you presently have to jump through bureaucratic hoops from bringing it to the council to hopefully getting it approved. And then, it falls to the Ministry of Rural Development and Local Government where Ministry officers have to then investigate and assess the project and approve it, and then it moves forward to the approval of the Ministry of Finance. And even after the Ministry of Finance approves funding, that funding may still be inadequate. Mr. Vice-President, I am advised that this process can take up to a year. By that time, the project may have deteriorated to a worse condition, maybe requiring more assessment or funding or sadly the burgess who you are attempting to assist may have sadly died.

Mr. Vice-President, it is possible to have effective functioning corporations, and a model of the Tobago House of Assembly is proof of that. What you have in the Tobago House of Assembly, at the level of the Executive Council, is basically a replica of the central government Cabinet. The Secretaries of Divisions are tasked with similar responsibilities as Ministers. For example, the Secretary of Health, is responsible for the formulation and implementation of policy as it relates to all things health on the island and so on with the Secretary of Agriculture and the Division of Infrastructure is fully responsible for all road works in Tobago. So an Assemblyman who is also a secretary, is not only responsible for his electoral

district, but also has responsibility for all of Tobago that is under the purview of his respective division.

And so, if you want to take that into the local government system, the Councillor would now be totally responsible, based on the division that he or she is responsible for would be totally responsible for the entire electoral district. Therefore, Mr. Vice-President, there is a holistic ownership with the system; greater accountability and responsibility, resulting in improved and efficient service delivery. If nobody owns it, then no one is responsible and nothing gets done efficiently and effectively. This is the type of legislation that is needed at all our municipal corporations. Mind you, Mr. Vice-President, with this proposed legislation, the councillors, as we said, as has been said ad nauseam this afternoon, that the councillors will now benefit from full-time employment, And I do not know if there is anyone who can stand in opposition to that, that you are moving somebody from a part-time employment to full-time employment.

**Hon. Members:** [*Desk thumping*]

**Sen. L. Hislop:** In that, Mr. Vice-President, your allegiances are no longer split between your day jobs and that of the corporation and your burgesses. So you are now given the opportunity to serve your burgesses full time, and I think all our councillors who stand up in local government and stand up for the citizens and their burgesses will embrace this, because this is an opportunity for them to get the work done full time for their burgesses.

Mr. Vice-President, sections 33 to 35 of the Bill speaks to the construct of the corporations and its new Executive Council and section 35A relates to the establishment of divisions and their responsibilities, and we have listed them this evening. I do not need to go through them again. But what I see from this list of

divisions, is that this gives the corporations the management structure to more effectively deliver goods and services. So it would no longer be the municipal council that would be held responsible for your road not being paved, but it would now be the secretary of the division of infrastructure development and maintenance. And there should no longer be a fight for a recreation ground in an electoral district not being cut, because the division of recreation grounds and public spaces will now be adequately funded and with an organizational structure led by a secretary, which should redound to better service delivery.

Mr. Vice-President, the roles and responsibilities of the Executive Council are clearly defined and there are clear separations of duties, as the Executive Council is responsible to the municipal council. So, it is not a runaway horse that we are creating, but you have levels of governance within this new structure. And it is because there is a similar structure in place in Tobago you can see and feel so much development.

I am certain, Mr. Vice-President, that every time our brothers and sisters from Trinidad visit Tobago, they are blown away by the level of development on the island. We hear the comments, you know. We hear the comments about the quality of the road infrastructure. And all of what you see has been delivered by a local government construct that works.

**Hon. Members:** [*Desk thumping*]

**Sen. L. Hislop:** Our community centres and lighted fields and courts in almost every community was built through a local government construct. Our community centres, all of this was built through a local government construct. Our health centres built, managed and repaired by local government. And when it comes to our schools, it is now in this legislation, but the Tobago House of Assembly knows

how to build, repair and manage schools, Mr. Vice-President.

**6.30 p.m.**

The level of development that has been achieved in Tobago by the THA over the years—and if I must say, more so under a PNM administration led by Orville London during his tenure as Chief Secretary—saw the island move from potential to possibility.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Hislop:** His visionary leadership and the citizens feeling of a sense of ownership created a sense of patriotism that at times can be considered as us being clannish by the onlooker. You see, Mr. Vice-President, Tobago can boast of development that can rival any national development plans in the Caricom region, but permit me to plug here that Tobago has been poised for a very long time to move from a local government construct to an island government system. And were it not for our friends opposite in the other place, we would have been there already. But we cannot turn a blind eye to the fact that Tobago also benefits from being better funded than other local government systems and this, Mr. Vice-President, is what this legislation seeks to address, access to more funding and effective management of the same, because greater development and more efficiency is possible under this proposed model of local government.

One of the key things as well, Mr. Vice-President, is that this model will build out your local capacity, your local suppliers and contractors because the corporations will have a more predictable source of income. It would be more available to them so they will be able to better engage small contractors who may be from right down the street, who employ the guys they have gone to school with, therefore causing the resources to remain right in our communities to build the



capacity of our people. And this is what this legislation is about, it is about really and truly bringing government right in the heart of the people. Mr. Vice-President, Tobago is living proof of that. The local contractor capacity and pool in Tobago has grown over the last 20 years due to the THA engaging with them and assisting them in building out.

Individuals have moved from tradesmen to contractors because this model of local governance aids in capacity building. Who do we think built the schools and the community centres and the retaining walls, even the box drains and paved the roads? For the most part, the Tobago born and bred contractor who in turn employs the Tobagonian. Mr. Vice-President, again I reiterate that this legislation puts the development of the neighborhood, the town, the borough and the city squarely in the hands of the people who live there, the people who grew up there and who better than them to understand what they truly need.

And in closing, Mr. Vice-President, there is a local government construct that works; it is not perfect but it works, 40-plus years of delivery cannot be questioned. And if this model, even if it is just a part of the model is being introduced through this legislation here in Trinidad, I have no other choice, Mr. Vice-President, but to give it my fullest support. I do it for the burgesses of the corporation who deserve better service delivery and I do it for the local government practitioners who deserve better recognition and more responsibility. Mr. Vice-President, I do it for Trinidad and I do it for Trinidad and Tobago. Mr. Vice-President, I thank you.

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** Hon. Members, in keeping with our custom when a Member makes a maiden contribution, I congratulate Sen. Lawrence Hislop—

Miscellaneous Provisions (Local Government Reform) Bill, 2022  
Sen. Hislop (cont'd)

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:**—on his maiden contribution. Congratulations to him. Sen. Nakhid.

**Hon. Senators:** [*Crosstalk*]

**Mr. Vice-President:** I am giving you a revised start, yes.

**Hon. Senators:** [*Desk thumping*]

**Sen. David Nakhid:** In the name of God the most gracious, the most merciful. Mr. Vice-President, I thank you for the opportunity to contribute on this Local Government Reform Bill. Unfortunately, I have to speak about the contribution by the previous Senator, even though in his maiden contribution I was quite happy to know that he spoke in such glowing terms about the progress of Tobago and the excellent governance, and I am happy to know that the PDP is well represented here in the Senate. Because after that decimation of 14 to one, that governance that he touted about PNM in Tobago, obviously there is a disconnect with the ground in Tobago.

And what is local government reform, Mr. Vice-President? One does not have to go far into this Bill to discover what the perennial nemesis of this Government is. It lies within the very name of the Bill itself, government, governance. Every single Bill that this Government proffers is an exercise, in my opinion, in revisionist history, replete with the typical crass political opportunism that this People's National Movement is famous for. And I have asked many times in this Chamber as one or another of their Members drone on about the Opposition being obstructionist as if we are living in an alternate reality to the people on that side.

As I repeat, is this not the same party that has subjected the people of this

country to their mode, their method of government and governance for 47 years of 62? So, Mr. Vice-President, if these constituencies, the management of them, the infrastructure within them, the maintenance of them is crumbling, shoddy, inefficient, wasteful, sometimes non-existent, then who is to blame? So to hear this PNM tout local government reform as their new mantra, very much like they touted the Trinidad and Tobago Revenue Authority as the magic solution to a bloated duopoly that they engendered and proliferated over 49 years of PNM governance. And then again, it reminds me of the pepper spray legislation that they have failed to operationalize, so when they come and they talk about this and talk about the UNC being against it, well, we are against it for a reason because we know the track record of that side. And we go back again to the Children's Authority which they failed to properly monitor to ensure resources optimally used, homes were not properly licensed, and most importantly the most vulnerable children of our country were not properly secured.

So they cannot come to us and talk about a Local Government Reform Bill like if they came into power two years ago. They have been here for the last seven years and 47 of 62 years. And they come beating their chest with this holy grail of reform, local government. But wait a minute—wait, wait, was the system that they are seeking to replace legislatively defective or were the gaps, inefficiencies due to poor implementation as a result of incompetence, corruption, stifling nepotism and wastage? Else everything else is just mere words on paper. And as opposed to what Sen. Hislop was saying, Mr. Vice-President, legislation does not mean action, action happens when you implement, when you connect with the ground; when you actually put those words on paper and turn them into measurables, deliverables, and that is what this Government consistently, time and time again

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Sen. Nakhid (cont'd)

fails to do.

**Hon. Senators:** [*Desk thumping*]

**Sen. D. Nakhid:** Every single issue, Mr. Vice-President, that now belies and bedevils our country can inevitably be traced back to PNM roots. Imagine the irony of ironies, this Government—the hypocrisy is overbearing, that at an energy conference today the keynote address—

**Sen. de Freitas:** Mr. Vice-President, point of order, 46(1).

**Mr. Vice-President:** 46(1) upheld for relevance.

**Sen. D. Nakhid:**—the relevance, Mr. Vice-President—

**Mr. Vice-President:** Well, you need to bring it—

**Sen. D. Nakhid:** Sorry?

**Mr. Vice-President:** You need to bring it in. You have been going pretty wide—

**Sen. D. Nakhid:** Okay.

**Mr. Vice-President:**—on the—

**Sen. D. Nakhid:** Well, I will bring it in to show that the local government reform that this Government now holds up as a holy grail is not reflected in their actual track record. And I continue, that they will have a keynote address delivered at an energy conference by the very man who shut down the highest energy earner of the country; that is the irony of ironies.

**Sen. de Freitas:** Mr. Vice-President, once again, 46(1), irrelevance.

**Mr. Vice-President:** Sen. Nakhid, you are not being relevant to the debate. I would like to remind you that this is a debate on local government reform. You are batting way out of your crease, please come back in.

**Hon. Senators:** [*Desk thumping*]

**Sen. D. Nakhid:** Well, let me come back in by saying this, when one hears of

reform one would have thought that the Senator would know that when we look at the statistics they would have first addressed the alarming geographic discrimination that takes place in those corporations. We look at Port of Spain City Corporation with a population just shy over 37,000, and their dollars per day for each burgess, \$16. Then we look at Couva-Tabaquite-Talparo Regional Corporation with over 178,000 and it is \$2 per day per burgess. You would have thought—it is here, right there in the statistics—and you would have thought when they speak about reform, they would address that sort of geographic discrimination.

You would have thought it would be something that relates to the ground, but as usual they come here waiting to raise Standing Orders. They want to have their way and not let us have our say, and what we seek to do is bring it to the attention that their inane irrelevant suggestions, amendments in government reform must not only be on paper but be something that is relevant to the citizens of this country. And this is where we come to delivery, Mr. Vice-President, because as I said before, local government must be about deliverables, what can be done to improve the lives, the daily living situation of constituents, citizens of this country.

So let us look at the much maligned and in these austere times, the now widely hated property tax, which is in clause 10. To hear this Finance Minister talk flippantly about the cost, opining that it might total, maybe, at the low end about \$200 a month. Yes, for this Finance Minister \$200 might be disposable income, discretionary spending, but for the poor and working class people of this country, those in the rural areas putting up their stalls to sell some starch mango or some Julie mangoes by the roadside to be able to buy their children school uniforms; for those in the East-West Corridor who have to throw a curry-cue, a barbecue, a

raffle just to make ends meet, just to ensure that they can have food on the table—\$200 is not disposable income or discretionary, it is necessary income. It is the difference between children going to bed hungry or enjoying a good night's sleep. Do not forget, \$200 a month is \$2,400 a year. That is sizeable. It is the difference between a single mother deciding which child to buy that school uniform for or which book to buy for which child. That \$2,400 a year is more than a skimpy—to use a phrase, a word from one of their speakers—poorly planned and distributed for food grants; it is more than that.

So if they were happy to give people \$1,500 school grants, they cannot scoff at \$2,400 a year. And grants, until now, we have said on this side, nobody seemed to receive, confirmed that has seen fraudsters within the Ministry were stealing the people's money. So we have Cabinet Ministers of this Government recusing themselves at the top end while workers within the Ministry defrauding the Government at the lower end. So we have rape at the top and rape at the bottom of the Ministry, and we know that that rape did not stop at the Treasury. So who is suffering, the poor and the working-class people comprised mostly of the two major shareholders of this country. So this Government could find \$136million for a review committee to look into a task force report but cannot find money for local government? Another way with the property tax to further impoverish the poor and working-class people.

And then we come to the amendment of section 108 of the MCA, the Municipal Corporations Act:

“...to now require Councils to submit the yearly estimates of expenditure for the Corporation to the Minister of Finance directly rather than through the Minister with responsibility for local government.”

And we would have thought that local government reform would be an exercise in decentralization. Who would have thought an exercise that they touted as giving more discretion, more autonomy to local government would be another way to further consolidate this Minister of Finance in his position as the owner and conqueror of all that he sees financially. So how can he be talking out untruths—

**Mr. Vice-President:** Sen. Nakhid—Sen. Nakhid, you have been making broad statements about party and party lines, but now you are bringing it into an individual, and I am going to remind you of Standing Order 46(6), the imputation of improper motives.

**Sen. D. Nakhid:**—improper motives are, Mr. Vice-President?

**Mr. Vice-President:** You are challenging the integrity of an individual who is a Member of Cabinet.

**Sen. D. Nakhid:** I said he has been given—[*Inaudible*]

**Mr. Vice-President:** You need to—

**Sen. D. Nakhid:** [*Inaudible*]

**Mr. Vice-President:** No, you did not say that. You did not say that.

**Sen. D. Nakhid:** Not in so many words—

**Mr. Vice-President:** You did not say that. Proceed along the Local Government Reform Bill, please. Thank you.

**Sen. D. Nakhid:** Well, I will appreciate, Mr. Vice-President, your guidance but not those on that side.

**Mr. Vice-President:** I am glad you appreciate it, so just stick to the topic, please.

**Sen. D. Nakhid:** So we have all of these amendments, the one I quoted before, and we have section 112—again, the Minister of Finance has the power to consent to the allocation of the surplus of the Corporation Fund; 115, 116, Minister of

Finance to authorize the signatures of cheques and receipts. I mean, again, who is this Government trying to fool? This is a government that speaks on both sides of their mouth and that is why Tobago completely rejected them and that is why Trinidad also will reject them.

**Hon. Senators:** [*Desk thumping*]

**Sen. D. Nakhid:** Section 120, the Minister of Finance again can:

“...approve the allocation of moneys to other purposes...”

Listen to this:

“...other than those to which such monies were allocated under this Act.”

Mr. Vice-President, this is, as I said, is eerily reminiscent of several manipulations by this Government to establish a monopolization of financial power without the necessary checks and balances for this Minister of Finance. So they are touting local government reform but their actions are indicating local government monopolization. Again, same old, same old. As my father used to say, “same old, same bold”, with this intellectual and morally bankrupt Government.

Who can forget the former Minister of Agriculture, Land and Fisheries, Clarence Rambharat, who left “ah whole wuk” to be with his family, then forego his family for “half ah wuk”.

**Sen. de Freitas:** Mr. Vice-President, 46(1), that is not relevant to the Bill that is before us.

**Mr. Vice-President:** 46(1) for the third time to the debate is being ruled, irrelevance to the debate to the Bill.

**Sen. D. Nakhid:** I am showing that this Government spoke about decentralization but in truth and in fact it is more centralization because under this—the former Minister of Agriculture, Land and Fisheries, they established a single point, Land



Management Authority. I am just showing, Mr. Vice-President, that their record, their track record indicates something completely different than what they tend to purport in this Chamber.

Would anyone want to give us on that side an update on that single point, Land Management Authority by the way? How is that going? Going good, Sen. de Freitas? Another distraction. Another bogus initiative.

**Sen. Lezama-Lee Sing:** Mr. Vice-President, on a point of order, Standing Order 46(1), the Member is being totally irrelevant.

**Mr. Vice-President:** Sen. Nakhid, this is the fifth time in your 20 minutes—under 20 minutes that the same 46(1) for relevance is being invoked and upheld. I ask you, to not make it a fifth. Can you keep the debate to the reform of the local government Bill, please?

**Sen. D. Nakhid:** Well, one would have thought, Mr. Vice-President, that they are showing that in truth and in fact it is not really reform but the same old, same bold, there would have been some latitude, but I continue. They continue to deliver nothing to the people in the form of governance; only these bogus initiatives, as I just outlined. So now we have the newly minted Minister of Rural Development and Local Government, the former Attorney General, and all of a sudden now we hear a new Secondary Road and Rehabilitation Company to the tune of \$100million, where according to the *Guardian* of May 14, 2022, this new company, not yet registered, no board members appointed, but \$100million allocated to, according to them, capitalize and establish it. And who is responsible for that, the hon. Prime Minister.

When asked about the new company, because again we are trying to deal with some decentralization—when asked about the new company and its scope, the

Minister of Finance could provide no new information and repeated that the new company was to rehabilitate and improve secondary roads. Then we have the audacity of this Government to tell the nation that \$736.2 million was spent on roads and bridges in 2021, and that is from the Minister of Works and Transport; \$736.2million was spent in 2021 on roads and bridges. And anyone here with any knowledge of the roads in Trinidad would know that is a hard one to believe given the state of the roads that we encounter every single day. I mean, even in Diego Martin West the roads are atrocious and now you want to put that road under a new company under the person responsible, the Member for Diego Martin West. I do not know where more we could go with this Government.

And now we come, Mr. Vice-President, to a contribution—I must mention it in closing—I went through the *Hansard* and listened to, in the other place, the contribution by the Minister of National Security on this self same Bill, and I must mention, Mr. Vice-President, that in my short time in the Senate and in the Parliament, it was probably the most misogynistic submission—

**Sen. Gopee-Scoon:** Point of order, 46(6).

**Mr. Vice-President:** 46(6), upheld. You need to also be warned of—

**Sen. Gopee-Scoon:**—46(4)—

**Mr. Vice-President:** Yes, 46(4) as well. The language is not necessary, it is unparliamentary and I would like you to get to the content of the debate as it applies to the Bill at hand.

**Sen. D. Nakhid:** I am commenting on—

**Mr. Vice-President:** Yes—

**Sen. D. Nakhid:**—a contribution by—

**Mr. Vice-President:** You are bridging on doing running commentary as well,

which is another Standing Order I do not want to have to invoke on you, Sir.

**Sen. D. Nakhid:** Well, Mr. Vice-President, I again thank you for your guidance and your repeated guidance.

So in closing, Mr. Vice-President, we realize that quite easily we can make a confident assertion that this Local Government Reform Bill that this Government holds up as their “eureka moment” in local government is nothing more than what—as a matter of fact, it highlights the lack of implementation in the 47 years that they have governed this Country at all levels. It highlights their duplicity. It highlights the lack of intention to actually give autonomy to the constituencies and the corporations. And we lament the fact that this Government has not yet gone the way of PNM in Tobago, and we know that will come to pass very soon, Mr. Vice-President. I thank you for your time. Thank you.

**Hon. Senators:** [*Desk thumping*]

**7.00 p.m.**

**Mr. Vice-President:** Sen. The Hon. Renuka Sagrarsingh-Sooklal, Minister in the Office of the Attorney General and Ministry of Legal Affairs.

**The Minister in the Office of the Attorney General and Ministry of Legal Affairs (Sen. The Hon. Renuka Sagrarsingh-Sooklal):** Thank you very much, Mr. Vice-President, for recognizing me in this debate. In the very short time that I have, of course there are some points that I would want to make relative to the Bill itself, but of course I have to begin by responding to some of the points made by those speakers before me, particularly those on the Opposition Bench.

Now, it is unfortunate that I have to come directly after Sen. Nakhid. Usually during the course of a debate, I would pull my paper and pen out and make copious notes of points that I believe are relative to the discussion with the debate,

Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

and then respond. Unfortunately, my paper is still very much blank, because that is the extent of the contribution made by the hon. Senator.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Sagrarsingh-Sooklal:** Respectfully, I want to remind Sen. Nakhid, this is not your Monday night for rum. My apology, Monday Night Forum, Mr. Vice-President. This is not the Monday Night Forum. We are here to discuss the people's business. We are here to discuss law. We are here to discuss policies, and that is what I intend to do. So that is the extent after the contribution, in my summation, made by Sen. Nakhid.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Sagrarsingh-Sooklal:** Now, of course, Mr. Vice-President, before I get into the crux of my contribution, there were certain points made by Sen. Mark. Before I do that, of course, I want to recognize the work of the Independent Sen. Teemal and, of course, his contribution showing this country and explaining to this country the revolution that this Bill intends to bring in the arena of local government.

As it relates to Sen. Richards, it is my humble view that Sen. Richards would have proposed a significant number of amendments, and I know the Minister of Rural Development and Local Government in his piloting of this Bill would have indicated and given an assurance that at the committee stage he would get into those issues. Of course, I would leave that for that hon. Minister to deal with.

As it relates to Sen. Mark in particular—Sen. Mark, Mr. Vice-President, is true to form. Sen. Mark indicated the Minister of Finance looms large and is in charge, why is the Minister of Rural Development and Local Government being

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removed from directing local government, and the Minister of Finance is being placed there. Now, there seems to be an obsession with Sen. Mark and this Minister of Finance, because every time Sen. Mark comes to this Chamber, his focus is always on this Minister of Finance, and I believe it was critical at this point. I know in previous debates the then Attorney General would have reminded the people of Trinidad and Tobago of the constitutional role, and the legal function of the Minister of Finance, but it seems, respectfully, that Sen. Mark who has been in this Parliament for umpteen years, decades, seems to forget that this Minister of Finance, his responsibility and role for protecting the public purse is entrenched in our Constitution.

Now, Sen. Mark stated that we are creating a lot of confusion. He made reference to clause 3, paragraph (u) which seeks to insert a new subsection 38(2) and (3), and he quoted that the mayor is a politician and the CEO is a public holder.

Now, Mr. Vice-President, I want for the benefit of the listening public, and of course to place on the record, that the formulation used in crafting this provision was taken from the legislative matrix set out in section 85 of our Constitution. This section states that the Minister:

“shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of the a Permanent Secretary...”

I know the Minister of Rural Development and Local Government did make mention of this section 85. So, again, it is just for the benefit of the public to under what we have legislated today is consistent with this section 85 provision of our Constitution.

Now, in this regard, we see that the Minister has administrative responsibility for the department under his portfolio to which he was assigned, and we also see that the Permanent Secretary, acting under such direction and control, must supervise that same office under whose remit the Minister lies.

Now, let us come back to the Bill that appears before us. Based on the current scenario presented in clause 3(u), proposed section 38(2), the CEO being equivalent to a PS is required to supervise the requisite municipal corporation, whereas the mayor, constituting the municipal council, is responsible for the administration of same. So what we have created here has not departed from what exists in our Constitution already. So as far as I am concerned, this is good law. It is not convoluted.

Now, during the course of listening to this debate, of course being a lawyer by practice, and of course going through some cases, I was fortunate to come across this particular case. It is called Joan Collins, that was the plaintiff, and it is against the Minister of Finance—it is an Irish case, Ireland—and the Attorney General. It is a 2016 case. Now, in this case—and if I may read briefly from the case—the plaintiff argued, *inter alia*, that the Minister of Finance exceeded the powers conferred upon him by the 2008 Act, in providing financial support beyond the date prescribed by ministerial order, insofar as the 2008 Act permitted the Minister of Finance to incur a liability without any financial limit. The plaintiff argued that it violated the fundamental allocations of power within the constitutional theme, and represented an abrogation of a key parliamentary function, the approval of expenditure, and so on.

Now, Mr. Vice-President, it was held that the powers of the Minister to provide financial support was significantly constrained to the regulations, and

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whilst the limit placed upon the exercise of those powers did not include a financial cap, the Constitution did not expressly or by implication require such a limit. Now, what the Constitution required was that the functions conferred by it, upon the organs of the State, must be exercised by the appropriate organ and no one else, in a manner prescribed by the Constitution and in no other way. Now, let us come back to this Bill. So that is what that case would have stated. The case, as I said before, is Joan Collins against the Minister of Finance, the Attorney General. It is an Irish case.

Similarly, under Chap. 8, section 113(1) and (2) of the Trinidad and Tobago Constitution, and under section 3 of the Exchequer and Audit Act, Chap. 69:01, which Sen. Mark is aware of, I am sure, the Minister of Finance is not even restricted in the way in which he exercises his powers. Legislation allows for the Minister of Finance authorizing expenditure from the Consolidated Fund, and control and management of public finances. The provisions do not limit the Minister of Finance in the performance of his duties. As a matter of fact, the role of the Minister of Finance is quite extensive, and it is him and him only who oversees and controls the finance and accounting portfolio of the Government.

So the Minister of Finance, for the benefit of the listening public, even though he is inserted throughout this Bill, he does not loom large and is in charge. What he is simply doing is acting within his constitutional and legal responsibility. These are things that within his portfolio, respectfully submitted, he is able to do. Now, that in a nutshell addresses one of the issues.

Actually, the crux of my contribution will also get into some of the other functions of this Minister of Finance, because I know the fearmongering that Sen. Mark wanted to promote by that statement of the Minister of Finance being in

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charge and all of that. So I will get into that later in my contribution.

Now quickly, Mr. Vice-President, if I may look at what Sen. John, one point—two points, as a matter of fact, that Sen. John would have alluded to in her contribution. Sen. John alluded to the issue of bureaucracy. She stated that everything is going to end up at the door of the Minister of Finance.

Now, the Minister of Finance is the key functionary who is responsible in the control and direction relating to financial affairs of the State. Of course, I would have already alluded to section 3 of the Exchequer and Audit Act, and section 113(1) of the Constitution. So, therefore, respectfully, in response to the hon. Senator's concern, we cannot override the authority of the Minister and give ultimate control of estimates, for example, and revenues and expenditure to the corporation itself. This has to be something that has that level of oversight by the office of the Minister of Finance. Therefore, Mr. Vice-President, to say that this Bill creates bureaucracy, in my respectful opinion is frivolous and it has no merit.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Sagrarsingh-Sooklal:** Another point that Sen. John would have alluded to—she stated that she was very disappointed that we do not have, outside of property tax, any mechanism for raising revenue within this very diverse space. Now, to answer this, again and to place on the record, it requires us to look at clause 3(am), proposed section 109, (1A) subsection (b), which speaks to the creation of a corporation fund. Now, this Corporation Fund shall not only constitute property tax, but it also incorporates revenues from fees, charges, fines and so on. Then, of course, the Bill goes on to speak about other avenues that would be available to the corporation, as it relates to borrowing and so on, as it relates to raising funds.



For example, if I am to give a simple example—and, of course, I know the argument will be raised, this, in essence, may not raise a lot of money, but this is just a simple example. If we look at clause 3, for example, in the Bill that appears before us, clause 3(bt)—subsection (bt) in particular, municipal police, for example, would be able to issue tickets under the Motor Vehicles and Road Traffic (Enforcement and Administration) Act. Of course, these fees can serve—and the issuance of this ticket, as I do understand it is not a substantial amount of money, it is yet an avenue that is available for the raising of funds and fees and fines, and so on within the corporation. So, briefly, Mr. Vice-President, that is just to address some of those concerns raised by Sen. John and Sen. Mark.

Of course, as I jump into the crux of my contribution, I want to say that I am from La Pastora, Santa Cruz, Blazney Road to be exact. Blazney Road is a very, very small village, nestled in the northern range of Trinidad and Tobago. I think once you live in a village, or grow up in a village, you truly understand the role that a councillor plays in that village, and the importance of a councillor in that village.

To be quite honest, growing up, our issues really ranged from getting the savannah grass cut, advocating for a walking path around the savannah. Growing up, getting water was an issue. What I can say, Mr. Vice-President, and of course one of my major reasons for supporting this Bill, is even back then recognizing and growing up as a village girl and understanding the importance that that councillor, that first point of contact with somebody who you feel have some kind of power, and some kind of authority to bring about some change in your life. Growing up in that village setting, of course, you understand the importance of that councillor.

I was fortunate to have councillors such as Mr. Henry Nicholas, Lyndon

Sen. The Hon. R. Sagramsingh-Sooklal (cont'd)

Lara, all PNM councillors, who significantly contributed to our village and, of course, the kind of life we enjoyed. But I will say, it was only in 2016, however, that I really had an eye opener into the internal runnings of local government, and that was because in 2016, my very own brother, Sudhir Sagramsingh, was called to serve as an alderman in the San Juan/Laventille Regional Corporation, and it was only through my brother I was actually able to understand.

So while before my interaction with my councillors was, okay, you know they work so hard, and you understand what they do, it was only through my brother I was able to understand the pressure that sometimes these councillors have to go through in an effort to deliver a service. It was through my brother I became even more grateful for some of these councillors, and the effort and the extent to which they went to ensure that the needs of their burgesses were met.

Mr. Vice-President, I will say even from my own brother's experience, and councillors I am sure will agree, there is your formal responsibilities and there is your informal responsibilities, and sometimes the informal responsibilities trump those formal responsibilities. So, for example, in a village there is a death in a family, you would call your councillor, "Wha yuh giving us?" "Yuh going down de road, and dem boys bubbling a pot, 'Councillor, wha yuh giving us, wha yuh buying for us?" My brother's home, for example, I know there is no limit to the timeframe in which people come to his home with issues.

The reason why I am raising this, Mr. Vice-President, before I start the crux of my contribution, it would be remiss of me if I do not before the public, thank all of our local government councillors for the contribution that they continue to make.

**Hon. Senators:** [*Desk thumping*]

Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

**Sen. Mark:** Mr. Vice-President, 46(1).

**Mr. Vice-President:** Senator, you have taken a long run-up to the border of the point of order relevance. Can you start to come in after a long run?

**Sen. The Hon. R. Sagrarsingh-Sooklal:** Mr. Vice-President, I am guided. I think Sen. Mark “geh a little blows just now, so he is jumpy right now.”

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Sagrarsingh-Sooklal:** But I will get into the crux—I will end my run-up, and I will come back to Bill Senator. [*Laughter*]

What I can say—what I would look at, Mr. Vice-President, is of course I will delve a little—I will delve now into some detail into this Minister of Finance again. Even though I would have briefly tried to respond to some points made by Sen. Mark.

Now, the parts of the Bill that we will be looking at is proposed section 37, proposed section 108, 113, 116, 118, 119 and 120. In a nutshell, these sections, what we have found is that the Minister of Finance is inserted in some of these sections, and of course, his responsibilities as it relates to the operations of local government is evident. But, in answer to that, I would have already highlighted what was the operating factor, or the operating point of law, in our mind as it relates to the Constitution, 113, subsection (1) and (2) of the Constitution, which speaks to his responsibility and more so the responsibility of the Minister of Finance, in section 3 of the Exchequer and Audit Act.

Now, Mr. Vice-President, what I want to now look at is clause 3 paragraph (s), which is proposed section 37 of the Bill that appears before us. This proposed section 37 makes reference to Schedule 13, which outlines the responsibilities of the municipal corporation. Under section 13, the municipal corporation is

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responsible, we know, for things such as the construction and maintenance of local roads and bridges, local health, food inspection, garbage collection, you name it, that section 13 explains their responsibilities.

In looking at these responsibilities, what is common is that each and every one of these responsibilities is a service provided by the municipal corporation to the citizens of Trinidad and Tobago. Now, it is important to note that it is our obligation as a government to adhere to the needs of all citizens by making provision for the Minister of Finance, especially where it is necessary, in necessary circumstances, to intervene. For example, this Bill allows the Minister of Finance to intervene in the Schedule 13 performances of the corporation, but we must remember the context in which this will happen. For example, if there is a public health emergency, if there is a natural disaster, issues of an infrastructural or environmental nature. These are some of the circumstances in which you would want the Minister of Finance to intervene, so that he can approve and okay the necessary finances, “asap”, rather than having to go through a long process before that request even reaches to him.

So, yes, when we look at this particular clause we are inserting the Minister of Finance into that Schedule of responsibilities that usually falls within the ambit or control of the municipal corporation. Yes, we have inserted him there, but we have to remember that life is not static, it is dynamic, and there will be instances in which you would want him to be inserted in this Schedule, because that is what would allow the faster delivery, and more so access to funding by the municipal corporations.

Mr. Vice-President, if I may now look at proposed section 37(3):

Notwithstanding subsection (1), the Minister may where he determines

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necessary in the public interest, take responsibility for the delivery of services in respect...”—to those matters set out in the Thirteenth Schedule, which I would have already identified.

So, in essence, this insertion of the Minister of Finance, I just want to indicate, it bolsters his responsibility in controlling and the management of public finances, which again further eliminates any red tape from the process.

Now, if I may respectfully turn to clause 3, at paragraph (al), it is proposed section 108 of the Municipal Corporations Act, and it appears at clause 3 in the Bill that appears before us. Now, again we see the Minister of Finance inserted here. The proposed section 108 and 113 provide for the removal, in my words, of a middleman, whereby there is a now an ease of access in which each council can go directly to the Minister of Finance for cases, for example, let us say, ensuring funds are accessible, facilitating a quick approval process, having an effective mode of service delivery, and the list goes on. So, again, by inserting the Minister of Finance in 108 and 113—the proposed sections 108 and 113—I want the public to understand that the purpose of this is not to make the Minister of Finance a law unto himself, “so he looming large and in charge”, but it is simply, once he is properly positioned, it allows the access to funding to be a lot easier for these municipal corporations.

Mr. Vice-President, if I may now respectfully on the same point of looking at the roles and responsibilities of the Minister of Finance, if I may look at proposed section 116 and 118. This is found at clause 3 paragraph (ar), which is section 116 of the Municipal Corporations Act. Now, Mr. Vice-President, section 116 and section 118 refer to an important internal control in relation to cash disbursements. This includes disbursements requiring two authorized signatures on

all company cheques, as guided by clause 116. By requiring two signatures, the company is verifying that both signers agree that the payment is proper and the payment is reasonable.

Now, if I may say, the requirement of these two signatures reduces the likelihood of persons writing improper cheques to themselves. It also reduces the likelihood of persons writing cheques to suspicious persons or companies. Again, what you have is in this proposed section 116 and 118, again by inserting the Minister of Finance in there, what you have is further checks and balances and an oversight of the public purse. An oversight of moneys which are disbursed and, of course, an accountability and transparency.

So, Mr. Vice-President, if I may respectfully say, these both provisions in the proposed section 116 and proposed section 118, by inserting the Minister of Finance into this provision, what you have, you are limiting offences possibly of fraud, bribery, theft and so on, and again this is in alignment with this Government's policies. It is our principled policies of transparency, accountability and, of course, good governance. And, you know, there are several other proposed sections in this Bill.

For example, if we look at proposed section 119, yes, we see the Minister of Finance placed there again. If we look at the proposed section 120—but what I have to say again in response to Sen. Mark—and I must go back to the propaganda that Sen. Mark has attempted to put on the public record. The purpose of inserting the Minister of Finance, the purpose of it, it is not—it is not because, one, the Minister of Finance is not operating outside of the scope of the—*[Interruption and crosstalk]*

**Mr. Vice-President:** Senators.

Miscellaneous Provisions (Local  
Government Reform) Bill, 2022  
Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

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

**Mr. Vice-President:** No, no, all is fair in love and war. [*Laughter*]

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** But I must bring everyone's attention to 51(1), excessive crosstalk, please.

**Sen. The Hon. R. Sagrarsingh-Sooklal:** You are correct, Mr. Vice-President. All is fair in love and war. So I am hoping that Sen. Mark would recognize—and I am just reminding him of things that I know he already knows, because he has been here for decades, and he understands that what we are doing is coherent and consistent with the constitutional roles of this Minister of Finance.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Sagrarsingh-Sooklal:** And Sen. Mark, I hope we will get your support when it comes to voting on this Bill. Mr. Vice-President, how much time is full time? How much time do I have again?

**Mr. Vice-President:** You have 15 minutes.

**Sen. The Hon. R. Sagrarsingh-Sooklal:** So, Mr. Vice-President, if I may now respectfully look at clause 3(m). What I want to look at is, briefly, the Executive Council, and the Constitution in the creation of this Executive Council and, of course, deal with, as long as time permits me, some of policies behind the creation of this Executive Council.

Before I delve into clause 3(m), proposed section 33A—before we start looking at the Executive Council, we must remember that we are retaining section 8(1) of the Municipal Corporations Act. Section 8(1) of the Municipal Corporations Act, it simply states that the municipal corporation structure is being that of a body corporate. So we have retained that, that section 8(1), so it is still a

body corporate. But then we go into clause 3(m), which is proposed section 3A. Now, Mr. Vice-President, clause 3(m), proposed section 3A of the Bill, which shall bring, in my respectful view and this Government's respectful view, the reformation of the council, it is very, very, very critical.

In looking at municipal councils and local government, this particular council has the ability to do that. Now, I will start from simply looking at generally—because I know the Minister of Rural Development and Local Government, and of course to avoid tedious repetition, he would have gone through in some detail the structure. The structure in particular, clause 3(m) states that:

“33D. (1) The Executive Council...shall comprise—

- (a) the Mayor;
- (b) the Deputy Mayor;
- (c) such other Councillors or aldermen not being more than six...and
- (d) the Chief Executive Officer who shall be an ex officio member...”

So we all know that, we all can read. The question is, what is the policy—and this is the part that I am mainly concerned with, and what I want to get into—is the policy in the creation of this Executive Council.

Now, Mr. Vice-President, the selection of the Executive Council by a mayor and a chairman is one of the most revolutionary milestones, I believe respectfully, in this local government reform. The inclusion of minority political representation will not be consonant with the spirit and intention of this policy for local government reform, and I will tell you why. To include a minority would be damaging and it would pose probable challenges to the objective of an executive council, and we are aware of that.



**7.30 p.m.**

Right in this Senate we see the predicament that we face in sometimes passing law and getting the support of the Opposition. So I am not pulling something out of the sky. Accordingly, Mr. Vice-President, this is why the remit is given to the mayor or chairman, Mr. Vice-President, to determine the composition of the Executive Council since the minority is already represented at the level of the municipal council in terms of its compositions. So this, Mr. Vice-President, at least it is my respectful submission as to why—one of the reasons why in this particular council we do not have that minority representation.

Moreover, Mr. Vice-President, because the Executive Council is the administrative arm of the corporation, the inclusion of a minority would usher, Mr. Vice-President, in my respectful view, major complexities, specifically where other parties exist on that particular political trajectory.

Now, in fact, Mr. Vice-President, the Executive Council section 33E of the proposed Bill before us, you know, I know Sen. Holdip would have mentioned about the resemblance of this Bill to the THA Act and, of course, this particular 33E of this proposed Bill, it does indeed mirror provisions under Part III of the Tobago House of Assembly Act, Mr. Vice-President. And this is especially so in—this is especially so in section 34 in the sense that the minority leader, Mr. Vice-President, is not a part of the Executive Council of the THA. So we have not departed from structures that are already in existence? We have the Executive Council of the THA and then we have the minority council. And the minority council is not a part of that Executive Council. And what we have done today because is consonant with already existing pieces of legislation that are operating on our sister isle.

Mr. Vice-President, the Executive Council, as we all know, is responsible for making all the administrative decisions for the trajectory of the particular council. And we know people, we know that people will toe party lines and this is why we have excluded the minority in order to eliminate any politics that will stand against implementing good strategies and policies that could only advance the council and the work of the municipalities. But more than that, Mr. Vice-President, as I indicated before, it is also a reflection of what already exists in our Tobago House of Assembly—in our THA Act.

Now, I had intended to look at the role of the CEO but I have already, I know in response, briefly in responding to Sen. John and Sen. Mark at the very beginning, I would have looked at some of those, the roles of the CEO and, of course you know, comparing this, his or her role, Mr. Vice-President, to that of a Permanent Secretary. Mr. Vice-President, so in essence this is—I want to believe this is the extent to which I would look at the Executive Council and the administration of the Executive Council.

What is particularly important, Mr. Vice-President, is that in the realm of local government reform, again, as a matter of policy, the people of Trinidad and Tobago, as we all know, deserve a local-government machinery, Mr. Vice-President, that is premised on basis of service and delivery. And again, I want to reiterate that I believe that this Executive Council will be responsible for that because what you are looking at is the devolution of certain areas away from central government. So, of course, they would be given a level of autonomy to be able to manage their affairs. And of course this is evident in clause 3M which is the proposed section 33E of the Bill which speaks, of course, to the responsibility of that particular Executive Council.

Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

I would have already mentioned that the creation of this Executive Council is in alignment with the law—other existing law positions which is the THA. One particular point that I briefly spoke about is the reduction of red tape through the creation of the Executive Council. Mr. Vice-President, under proposed section 37(1)—excuse me: It provides:

“A Corporation shall...be responsible for the delivery of...”—its services—

“...in respect to matters set out in the Thirteenth Schedule.

—such as construction, maintenance, roads and so on. Of course you have the Executive Council being that—that that council which will be responsible for these deliberations. And ultimately, Mr. Vice-President, ultimately in subclause (2) the provision went on to provide for the empowerment, Mr. Vice-President, of the:

“...Corporation...to...take all such steps as may be necessary...or...incidental to the exercise of its powers...for the discharge of...”—its—“duties...”

And what I want to respectfully say is that this will ultimately, Mr. Vice-President, provide for better performances within these municipalities.

**Mr. Vice-President:** Senator, you have—

**Sen. The Hon. R. Sagrarsingh-Sooklal:** Mr. Vice-President?

**Mr. Vice-President:**—Senator, you have five more minutes.

**Sen. The Hon. R. Sagrarsingh-Sooklal:** Five more minutes? Thank you, Mr. Vice-President. Now what I also want to remind members of the public, even though we have the creation of this Executive Council, we must remember that this Executive Council is not going to be able to run unchecked and without checks and without balances. Mr. Vice-President, one of the major checks and balances on the roles of the Executive Council and their operations is found in the office of the

Chief Executive Officer who, pursuant to the proposed 33D, is an ex officio member and because it is comparable because this Chief Executive Officer is similar to what we know as a PS in a Ministry, this Chief Executive Officer is also the accounting officer with the responsibility of overlooking and, you know, having that oversight over transactions. So this is, of course, checks and balances placed on the Executive Council.

And then if we look at other pieces of law, for example, the Ombudsman which is a creature of—a creature—the Constitution, Mr. Vice-President, in section 91 of our Constitution—under the Constitution we understand that the Ombudsman is a non-political, independent and advisory entity within whom persons within communities can make a complaint if they believe that had suffered an injustice at the hands of a public official.

So I respectfully want to also say that these Executive Councils they can be held accountable by this office of the Ombudsman which, of course, exists in our Constitution. So the Executive Council, Mr. Vice-President, even though would be given a level of autonomy over the operations of our council—of these corporations, we must remember that there is a level of checks, there are checks and balances placed on this Executive Council and they are not allowed to run helter-skelter but, of course, will be held and will be accountable to the people of Trinidad and Tobago.

Now briefly, Mr. Vice-President, in the couple of minutes that I have, if I may just briefly look at municipal police and the amendments that we have brought, very simple amendments. But, I mean, I had to look at municipal police for the mere fact that the municipal police of Trinidad and Tobago is lucky to have an Acting Commissioner of Police who carries the name of Surendra Sagrarsingh,

Mr. Vice-President, that happens to be my father.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Sagramsingh-Sooklal:** So I just had to say that. But notwithstanding that, Mr. Vice-President, the municipal police of course will play a greater role as it relates to the softer side of policing and community policing. And, of course you know, this is where we can see real impact happening at our community levels because, of course, this is going to be their focus. But clause 3, proposed section 3A1 of the Municipal Corporation Act, says that each corporation, of course, shall establish a division with the following responsibilities and, of course, that speaks to the municipal police.

I just want to say that the creation, as we all know, of municipal police is consonant with other international comparators. For example, we have—we have over 40 countries of the world, Mr. Vice-President, having a unit of municipal police. We have in Australia who, I think, they are referred to as shire ranger or rangers. We have Canada and we have various countries throughout the world that recognize the role and function that municipal police can play, of course, at a community level and improving, you know, the lives and safety and security of our citizens. Certainly municipal police are beyond rotten tomatoes police or market police and they will serve a critical function in, you know, the safety of our citizens.

Now, I know clause 3, proposed section 48(1), of course, that section speaks particularly to the Public Service Commission and the Statutory Authorities Service Commission main consultation with the Commissioner of Police appoint for that purpose a sufficient number of commission officers.

Time, of course, may not permit me, Mr. Vice-President, but just to answer

Sen. The Hon. R. Sagrarsingh-Sooklal (cont'd)

the question. Why two commissions? Mr. Vice-President, the jurisdiction of the commissions are different. We need to understand that. And although they are both responsible for appointing, removing, transferring and exercising disciplinary control, their powers do so extend to that particular jurisdiction, Mr. Vice-President.

Mr. Vice-President, and of course I believe that this new structure will certainly allow the Government and allow the municipal police to be able to fill all of those vacancies that exist and, of course, be able to continue with their mandate which is the softer side of policing.

So, Mr. Vice-President, with that being said, I want to give my 100 per cent support to this Bill. Of course this is where we can really impact lives, Mr. Vice-President. And you know, to my fellow Members of this Senate, please ensure that you are standing on the right side of history when we vote for this Bill. Thank you very much, Mr. Vice-President.

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** Thank you. Leader of Government Business.

### ADJOURNMENT

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Mr. Vice-President, I beg to move that this Senate do now adjourn to Tuesday, June 7<sup>th</sup>, 2022 at 10.00 a.m. when we propose to continue the debate on the local government reform matter.

**Mr. Vice-President:** Hon. Senators, before I put the question on the adjournment, leave has been granted for one matter to be raised on the Motion for the adjournment of the Senate. Sen. Mark.

**Hon. Senators:** [*Desk thumping*]

**Retrenchment of Estate Police  
(Government's Explanation into)**

**Sen. Wade Mark:** Thank you, Mr. Vice-President. Mr. Vice-President, I have a matter entitled, the need for the Government to explain the decision by the management and board of directors of TSTT to send home an entire complement of estate police guards and same replaced by private security.

Mr. Vice-President, we were astonished today to learn that TSTT retrenched only today as if they knew, Mr. Vice-President, I was going to come with this Motion. They took the opportunity to retrench today some 30, we understand, estate police guards or should I put it another way, Mr. Vice-President? Out of the 30 estate police guards, they have retrenched 25 and they have retained, I understand, four, with most of them going to retire shortly. So some of them are going at the end of this year and some early next year.

But in addition to that, Mr. Vice-President, the Government has retrenched 376 senior and junior members of staff, giving us a grand total according to a release from TSTT Bmobile only today of 468 employees, almost 500 workers.

**Mr. Vice-President:** Sen. Mark, you are approaching this question as an urgent matter as opposed to approaching it as stated here on the Motion on the Adjournment.

**Sen. W. Mark:** You know, no. I am saying, Mr. Vice-President, my Motion deals with the private security guards and I am saying to you that only today over 468 workers were retrenched. Out of those numbers, Mr. Vice-President, we had almost 25 private—well not private, police, estate police guards, Mr. Vice-President. The question has to be asked, Mr. Vice-President, is, why would TSTT want to release 26 or 27 estate police guards at this time?

Mr. Vice-President, would you believe that these same guards in 2018 gave

up collective bargaining for a new collective agreement so that their jobs can be saved? So they were supposed to get new increases from 2018 to 2021 and they simply did not negotiate through the Estate Police Association of Trinidad and Tobago hoping, Mr. Vice-President, that God would intervene and that somebody will put sense into the heads of the TSTT board of directors and senior management. Mr. Vice-President, that was not to be.

So today as we are speaking in accordance with the Retrenchment and Severance Benefits Act, the Estate Police Association of Trinidad and Tobago under section 4(1) of that Act was served notices of retrenchment on today's date May the 31<sup>st</sup>, 2022, affecting the workers that I have mentioned who are estate police guards.

Mr. Vice-President, the question that has to be asked is, why? Why in a period of economic stagnation, almost depression, would a company owned 51 per cent by the people of T&T, Trinidad and Tobago, would want to put these workers on the breadline? And, Mr. Vice-President, you know what is more alarming? We understand they want to bring in Amalgamated Security to replace these workers. So workers who have been working there for 10, 20, 30 years have now been replaced or are about to be replaced by a private security outfit. Mr. Vice-President, in whose interest is the Government of Trinidad and Tobago working? In whose interest? It cannot be in the interest of the working people. Mr. Vice-President, this is alarming.

And the reason why I am saying it is alarming Mr. Vice-President, is that for the last four years, according to the data I have before me, TSTT has written off over \$2½ billion because they cannot collect receivables; \$2 ½ billion that they cannot collect. And if they had collected that \$2.5 billion, we would have been able to save the jobs of 27 estate police guards.



Why is the Government committing these crimes against the working class? Against the families of poor people in our country? Why are they doing this? Is the Government looking for the people to stand up and take action? Why are they provoking the population like this? Mr. Vice-President, this is unacceptable. And, Mr. Vice-President, you know what is even more alarming? The Government set up a team led by the hon. Camille Robinson-Regis. They met with the Communications Workers' Union. The Minister was a member of that team and they told the Communications Workers' Union, they are not going, that is, TSTT will not retrench anybody. TSTT will hold their hands on retrenchment until their restructuring exercise is completed. And, Mr. Vice-President, TSTT is a law unto itself. Lisa Agard is a law unto herself.

**Mr. Vice-President:** Sen. Mark, as you aware, you cannot raise matters for persons who are not present.

**Sen. W. Mark:** No. You have to point the Standing Order that says I cannot do that. I can do that. I take responsibility for it.

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:** Lisa Agard is a stranger.

**Mr. Vice-President:** Sen. Mark, while I just get the Standing Order to call for you, let me—

**Sen. W. Mark:** Let me continue, Mr. Vice-President.

**Mr. Vice-President:**—can you kindly pause the deliberation.

**Hon. Senator:** [*Inaudible*]

**Sen. W. Mark:** Yeah. I am very passionate about this because I am seeing too much crime in our country.

**Mr. Vice-President:** Sen. Mark, you have one more minute.

**Sen. W. Mark:** Too much crime and the Government is promoting crime by doing

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Sen. Mark (cont'd)

this kind of thing.

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:** And therefore we call on the Government that is in charge of TSTT to instruct TSTT—

**Sen. Gopee-Scoon:** Point of order.

**Sen. W. Mark:**—to rescind that decision—

**Sen. Gopee-Scoon:** Point of order.

**Mr. Vice-President:** Sen. Mark.

**Sen. W. Mark:**—Mr. Vice-President, in terms of appointing these workers—

**Sen. Gopee-Scoon:** Point of order 46(6)! You cannot do this.

**Mr. Vice-President:** Thank you. Standing Order 46 (6) upheld.

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

**Hon. Senators:** [*Crosstalk*]

**Mr. Vice-President:** So Sen. Mark, thank you very much for your contribution. 46(6) upheld.

**Sen. Gopee-Scoon:** You cannot do this.

**Hon. Senators:** [*Desk thumping*]

**Hon. Senators:** [*Crosstalk*]

**Mr. Vice-President:** Minister, Minister. Sen. Mark—

**Hon. Senator:** [*Inaudible*] You cannot rise up against [*Inaudible*]

**Sen. W. Mark:** Rise up against [*Inaudible*]

**Sen. Gopee-Scoon:** You are overdoing it.

**Sen. W. Mark:** [*Crosstalk*]

**Mr. Vice-President:** Thank you.

**Sen. W. Mark:** [*Crosstalk*]

**Mr. Vice-President:** Your volume, Sen. Mark. Could you kindly allow me to

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introduce the Minister to answer your question? Minister of Public Utilities.

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Mr. Vice-President.

**Hon. Senators:** [*Desk thumping*]

**Hon. M. Gonzales:** Mr. Vice-President, I feel very sorry for Sen. Mark.

**Hon. Senators:** [*Desk thumping*]

**Hon. M. Gonzales:** And one would think that someone in Sen. Mark's position, who sat in the office of a presiding officer in Parliament, would have known how to conduct himself.

**Hon. Senators:** [*Desk thumping*]

**Hon. Senators:** [*Crosstalk*]

**Hon. M. Gonzales:** He is—Sen. Mark is free—

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

**Hon. M. Gonzales:** Sen. Mark—

**Mr. Vice-President:** I am on my—aye, Senators.

**Hon. Senators:** [*Crosstalk*]

**Mr. Vice-President:** Senators. Senators.

**Hon. Senators:** [*Crosstalk*]

**Mr. Vice-President:** The level of—

**Sen. Mark:** [*Crosstalk*]

**Mr. Vice-President:** Sen. Mark. Sen. Mark. Sen. Lyder. All Senators.

**Sen. Mark:** [*Crosstalk*]

**Mr. Vice-President:** Sen. Mark, I am on my feet.

**Sen. Mark:** [*Crosstalk*]

**Hon. Senators:** [*Crosstalk*]

**Mr. Vice-President:** Senator. Senators, we are at the 11<sup>th</sup> hour of our day today.

**Hon. Senator:** [*Crosstalk*]

**Mr. Vice-President:** I need for you guys to give the respect due to the person who is on his feet making his contribution. Can all observe silence and give respect? Minister.

**Hon. M. Gonzales:** Thank you very much. Mr. Vice-President. And, Mr. Vice-President, I consider Sen. Mark's behaviour to be quite reprehensible.

**Hon. Senators:** [*Desk thumping*]

**Hon. M. Gonzales:** It is disgraceful and he should set a better example to the citizens of Trinidad and Tobago—

**Hon. Senators:** [*Desk thumping*]

**Hon. M. Gonzales:**—especially our young children who expect much better of him. This is not “no” Monday night forum. This is the Senate of the Republic of Trinidad and Tobago—

**Hon. Senators:** [*Desk thumping*]

**Hon. M. Gonzales:**—and his behaviour is quite intolerable, very intolerable.

**Hon. Senators:** [*Desk thumping*]

**Hon. M. Gonzales:** Mr. Vice-President, the restructuring exercise that has been going on in TSTT is no secret. TSTT has announced to the people of Trinidad and Tobago that it has commenced restructuring discussion with all the unions representing TSTT workers as of February of this year. Four months of engagement in accordance with their collective bargaining agreement. What can you expect more of a company that has a responsibility to its workers to comply with the collective bargaining arrangements where its restructuring is concerned? This is not the first time that TSTT has engaged in restructuring discussions. As a matter of fact, over the years this is perhaps the fifth or sixth restructuring exercise that TSTT has engaged in.

And if Sen. Mark has a problem in TSTT engaging in collective bargaining arrangements or restructuring exercise concerning its workers, then the courts are always there. If TSTT is not complying with its obligation under the collective bargaining arrangements, Mr. Vice-President, then the courts are always there to ventilate those issues. And time and time again I came and I come before this Parliament in this House and in the other place to explain that the Government is a 51 per cent shareholder in TSTT with 49 per cent shareholding from another private entity.

The duty of restructuring is not one for the shareholder, Mr. Vice-President. And basic principles of company law would teach Sen. Mark that shareholders are not engaged in restructuring exercise. It is the business of the board of directors and it is the business of the management to engage in discussions where restructuring is concerned.

The responsibility of the shareholders, Mr. Vice-President, is to ensure that companies are managed in such a way so that there can be greater return to all the shareholders of the company and therefore, we expect the board of directors of TSTT and the executive management of TSTT to always act in the best of all the shareholders of that organization.

And if the board and the executive management is of the view that the company needs to be restructure as in fact they have said on numerous occasions, Mr. Vice-President, in order to ensure a greater interest for all the shareholders which are the people of Trinidad and Tobago, then they are free to do that. And the Government being a 51 shareholding in TSTT ought not to get involve in that because Sen. Mark will bring another Motion to argue that it is not the business of the Government of Trinidad and Tobago to engage in a restructuring exercise in TSTT.

**Hon. Senators:** [*Desk thumping*]

**Hon. M. Gonzales:** Mr. Vice-President, I can confirm that over 27 employees represented by the EPA have been served with retrenchment notices in accordance with the Retrenchment and Severance Benefits Act, in accordance with the collective bargaining arrangements between TSTT and all the unions representing workers of the organization. I am satisfied that TSTT continues to be counselled and get the best legal advice to allow this restructuring exercise to take place despite the fulmination of Sen. Mark and his pretence of caring for the people of Trinidad and Tobago. It is a great pretence.

**Sen. Mark:** [*Crosstalk*]

**Hon. M. Gonzales:** Because he belongs—

**Sen. Mark:** On a point of order. On a point of order. Let him withdraw that statement.

**Mr. Vice-President:** Sen. Mark, what point of order?

**Sen. Mark:** He is—

**Mr. Vice-President:** What point of order? If you do not have a point of order—

**Sen. Nakhid:** 46(6).

**Sen. Mark:** —46(6), Mr. Vice-President. He cannot be telling me that. He is out of order. Withdraw.

[*Sen. Mark on his legs*]

**Mr. Vice-President:** You are not to determine that, Sir. You will need to take your seat, Sir.

**Sen. Mark:** [*Interruption*]

**Mr. Vice-President:** Sen. Mark, I am on my feet. You need to take your seat.

**Hon. Senators:** [*Crosstalk*]

**Hon. Senator:** You are a bad example.

**Mr. Vice-President:** Can you finish?

**Hon. M. Gonzales:** Mr. Vice-President, the UNC and Sen. Mark cannot pretend as though they care about the people of Trinidad and Tobago.

**Hon. Senators:** [*Desk thumping*]

**Hon. M. Gonzales:** The most corrupt thing that ever passed through Trinidad and Tobago is the UNC. So to come here and pretend as though you care about the people of Trinidad and Tobago—

**Hon. Senators:** [*Desk thumping*]

**Hon. M. Gonzales:** You are a hypocrite and therefore, Mr. Vice-President, I am quite satisfied that TSTT, its executive management and the board of directors—

**Sen. Mark:** [*Interruption*]

**Hon. M. Gonzales:**—are complying with its obligation under the collective bargaining arrangements and I dare say, if Sen. Mark or any of his cohorts have any issue with it, then take it to the court.

**Hon. Senators:** [*Desk thumping*]

**Sen. Mark:** [*Crosstalk*]

*Question put an agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 7.59 p.m.*