

SENATE

Tuesday, June 07, 2022

The Senate met at 10.00 a.m.

PRAYERS

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

**LEAVE OF ABSENCE**

Mr. Vice-President: Hon. Senators, leave of absence has been granted to Sen. the Hon. Dr. Amery Browne and Sen. Anthony Vieira, both of whom are 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, ORTT:

“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 Dr. Amery Browne 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,

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acting in accordance with the advice of the Prime Minister, do hereby appoint you, YOKYMMA BETHELMY to be a member of the Senate temporarily, with effect from 6th June, 2022 and continuing during the absence of Senator the Honourable Dr. Amery Browne 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 2nd day of June, 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: MR. JOSH DRAYTON

WHEREAS Senator Anthony Vieira 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)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you JOSH DRAYTON to be a member of the Senate temporarily, with effect from 7th June, 2022, and continuing during the absence of Senator Anthony Vieira by reason of his absence from Trinidad and Tobago.

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Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 6th day of June, 2022.”

OATH OF ALLEGIANCE

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

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

PAPER LAID

Annual Report and Financial Statements of the Regulated Industries Commission for the year ended December 31, 2016. [*The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon)*]

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

ANSWERS TO QUESTIONS

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Thank you very much. Mr. Vice-President, the Government is in the position to answer all three oral questions on the Order Paper today and the written question is already in circulation. Thank you.

WRITTEN ANSWER TO QUESTION

Name of Contractors engaged by T&TEC

(Period January 1, 2020 to April 30, 2022)

160. Mr. Wade Mark asked the hon. Minister of Public Utilities:

Can the Minister provide the names of the contractors engaged by the Trinidad and Tobago Electricity Commission (T&TEC) to prune vegetation, particularly trees, along the Commission's various transmission right of way corridors for the period January 1, 2020 to April 30, 2022?

Vide end of sitting for written answer.

ORAL ANSWERS TO QUESTIONS

Mr. Vice-President: Sen. Wade Mark.

Outstanding Payments Owed to Rice Farmers

(Details of Payments)

96. Sen. Wade Mark asked the hon. Minister of Agriculture, Land and Fisheries:

In light of rising rice prices and several outstanding payments owed to rice farmers by the National Flour Mills, can the Minister state when will said payments be made?

Mr. Vice-President: Minister of Agriculture, Land and Fisheries.

Hon. Members: [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Kazim Hosein): Thank you very much, Mr. Vice-President. Mr. Vice-President, while Ministry of Agriculture, Land and Fisheries is responsible for paddy coarse owed to rice farmers, these payments are directly made by the National Flour Mills. In February 2022, the National Flour Mills met with affected farmers and efficiently addressed issues related to delays in payment. At this meeting a decision was taken to make all payments for paddy coarse to farmers within 30 days of receipt of invoices.

Mr. Vice-President, I am pleased to inform this hon. House that currently, National Flour Mills has held up its commitment to the farmers and no outstanding balances for paddy coarse currently exist.

Hon. Members: [*Desk thumping*]

Sen. Mark: Thank you, Mr. Vice-President. Thank you very much, Minister.

Mr. Vice-President: Sen. Mark, question 97.

**Challenges Faced in Obtaining Firearm Users Employee Certificates
(Steps Taken to Address)**

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

In light of the challenges faced by trained security officers in obtaining their Firearm Users Employee Certificates, what steps, if any, are being taken to address this situation?

Mr. Vice-President: Minister of National Security.

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you very much, Mr. Vice-President. Mr. Vice-President, according to information received from the Commissioner of Police, the operations of the firearms section of the Trinidad and Tobago Police Service were suspended in September 2021 as a result of an audit and criminal investigation being conducted by the Financial Investigation Branch of the Trinidad and Tobago Police Service, the Criminal Investigations Department of the Trinidad and Tobago Police Service, and the Professional Standards Bureau, which looks after internal serious allegations of the Trinidad and Tobago Police Service, Mr. Vice-President.

Notwithstanding this, on completion of some aspects of these enquiries the supplemental section of the unit was reopened for business on—or in February 2022. In this regard, applications for Firearm Users Employees Certificate that do not fall within the area of suspicious transactions are currently being reviewed for prompt processing. I thank you, Mr. Vice-President.

Hon. Members: [*Desk thumping*]

Mr. Vice-President: Sen. Mark.

Sen. Mark: Could the Minister indicate to this hon. Senate whether he is aware that the inability of trained security officers to obtain Firearm Users Employees Certificates is in fact having a very negative impact on their ability, and their

organization's ability, to provide top class security service to their clients? Can the Minister indicate whether he is aware of this particular reality?

Mr. Vice-President: Minister of National Security.

Hon. F. Hinds: Mr. Vice-President, the grant and processing of those grants of Firearm Users Licences and all the other permits and licenses within the ambit of the Firearms Act of Trinidad and Tobago, Mr. Vice-President, do have economic and financial implications. But the audit of which I spoke was absolutely necessary as a tremendous amount of suspicious financial activity surrounded it. And, as a consequence, it became necessary to implement the audit and the series of investigations that I have properly and truthfully described. And that was necessary, Mr. Vice-President, and notwithstanding the inconvenience or inconveniences that such suspension might have caused, the bigger picture of dealing with the possibility of crime and criminality in respect of the firearms regime required, and continues to require, the attention of law enforcement, and is of concern to all of the people of Trinidad and Tobago.

Mr. Vice-President: Sen. Mark.

Sen. Mark: Can I ask the Minister through you, whether he can indicate to this hon. Senate any time frame whatsoever for addressing what can be described as the backlog of Firearm Users Employees Certificate? When will that, Mr. Vice-President, be addressed, the backlog?

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

Sen. Mark: Mr. Vice-President, is the Minister aware that MTS, a very important State entity and agency, is suffering enormously as a result of this setback? And in those circumstances, can the Minister indicate to MTS and to other agencies; you know, some kind of—

Mr. Vice-President: Sen. Mark.

Sen. Mark: Um-hmm.

Mr. Vice-President: That question was answered in your first supplemental. You are now on your last supplemental.

Sen. Mark: Well, may I go on to my next question, Sir? I will go on to the next question.

**Beetham Gardens Sewer Pipeline Project
(Detailed Breakdown of Cost)**

100. Sen. Wade Mark asked the hon. Minister of Public Utilities:

Can the Minister provide a detailed breakdown of the \$14.1 million cost incurred by WASA in conducting repairs to the Beetham Gardens sewer pipeline project?

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

The Minister of Trade and Industry (Sen. the Hon. Paula Gopee-Scoon):

Thank you very much, Mr. Vice-President. Mr. Vice-President, the Water and Sewerage Authority has advised that the repairs to the Beetham Gardens sewer pipeline project which entailed the rerouting of 626 feet of 44 inches ductile iron pipe along Main Street and CCC Boulevard, together with the installation of three manholes, 19 feet, 21 feet, and 26 feet in depth respectively were implemented over a six-month period from October 15th 2021 to April 10th 2022.

The cost incurred for the repairs inclusive of road restoration was \$14,435,638.90 broken down as follows:

- Rental of heavy equipment including excavators, backhoes, dump trucks, Hiab cranes, trash pumps, water trucks, \$7,720,024.11.
- Labour cost for employees, three shifts working 24/7 for 120 days, \$3,710,558.79.

- Materials, including materials for restoration of road and pavement on Main Street and CCC Boulevard; repair; rebuild drain on CCC Boulevard and Main Street; replacement of fence and gate at Beetham Gardens Primary School; excavate and mobilize approximately 85,000 cubic feet of river wash for backfill; replace sewer connections for Beetham Gardens Primary School; HDC pensioners quarters; an Anglican church; and repairs to CCC wall; and adjoining drain on the eastern side \$2,455,056; and
- Miscellaneous, consisted mainly of wages paid to workers employed on the project from the Beetham community, \$550,000. Thank you.

Mr. Vice-President: Sen. Mark.

Sen. Mark: Mr. Vice-President, I do not know if the Minister is in a position to indicate to this Senate as it relates to rentals amounting to \$7 million, inclusive of heavy equipment, whether the Minister is in a position to share with this Senate the agencies, or companies, or organizations that were involved in this particular exercise that amounted to the \$7 million?

Mr. Vice-President: Sen. Mark, the question was fully answered as to the breakdown of the \$14.1 million.

Sen. Mark: Yes. I know it was answered but I am just asking whether the Minister could share with us any information on this matter of the rentals.

Mr. Vice-President: Sen. Mark, that question does not arise.

Sen. Mark: Thank you, Mr. Vice-President. I am guided, thank you.

MISCELLANEOUS PROVISIONS (LOCAL GOVERNMENT REFORM)

BILL, 2020

[Second Day]

Order read for resuming adjourned debate on question [May 31, 2022]:

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That the Bill be now read a second time.

Question again proposed.

Mr. Vice-President: Hon. Members, we have had nine speakers thus far including the mover of the Motion of this Bill. Any Members wishing to join the debate may do so at this time. Sen. Seepersad.

Hon. Members: [*Desk thumping*]

Sen. Charrisse Seepersad: Mr. Vice-President, thank you for the opportunity to contribute to the debate on the Bill, the Miscellaneous Provisions Local Government Reform Bill, 2020.

It has been already established that local government falls under the Ministry of Rural Development and Local Government, which functions as a coordinating agency who guides assist municipal corporations in the provision of community services such as infrastructure development, disaster management, and public health, and sanitation. The Municipal Corporations Act 21 of 1990, proclaimed in 1991, replaced the county council system with 14 municipal corporations, that is, two city corporations, three borough corporations, and nine regional corporations.

Local government in Tobago is governed by the Tobago House of Assembly Act. Therefore, the last time the major reform was done to the structure and functions of local government was 32 years ago. The Miscellaneous Provisions Local Government Reform Bill 2020 seeks to standardize the distributed system of local government and provide for a more self-financing and stricter governance as generally obtained in modern businesses enterprises.

While standardization lends itself to simplification of what is now local government business units, the municipalities and services required by these organizations are, by and large, discrete. The sizes, demographics, and needs of municipal corporations are very different, and in this case, one cap does not and

cannot fit all.

The municipal and executive councils of these restructured organizations will therefore require adequate expertise and autonomy and be flexible and agile as any modern business unit in providing the community services under its remit. While the Minister for Rural Development and Local Government continues to exercise overarching oversight of a municipal corporation's demonstrated performance, accountability, responsibility, and transparency in the past are woeful to say the least.

Change management in organizations takes time, and are seldom successful if all players are not on board and change management expertise and help are absent. Proclamation of the Act therefore must be followed by a well-defined and crafted implement plan. However, of critical importance is the acceptance by those elected, recruited, and appointed to manage the needs of communities in an efficient and timely manner while ensuring the public's purse is put to good use and not abused.

Mr. Vice-President, so far, a modern, efficient, and properly resourced local government system continues to be an elusive goal. The corporations cannot deliver services to the public in an efficient, timely, and cost effective manner. The major impediments include: inadequate funding, an inefficient administrative structure that is clogged with bureaucracy, low employee productivity, and a lack of any real financial accountability, and corporate governance. While local government is the lowest tier of public administration, its importance cannot be underestimated since it delivers services not only at the grass roots level, but to the entire community which it serves. These services are of critical importance for national development.

The Bill proposes legislative amendments for local government

administration. The amendments largely relate to internal reorganization and streamlining of the management structure of municipal corporations; clauses 11, 12, 17, 21, 22, 24, 25, 27, 31, 33 and 34. With some transfer of authority to the chief executive officer, clause 38. Councillors and aldermen will no longer be part time but will be appointed to full time positions and compensated accordingly; clause 17.

In clauses 35A to 35J, the responsibility of all corporations are now expanded to include:

“finance, planning and allocation of resources...”

Corporate resources included:

“...human resources...registry and records management...

“...internal audit;

...sport and youth development;

...recreation grounds and public spaces;

...public health, sanitation, and the environment...

...community development and social services;

...municipal police...

...disaster management...

...spatial planning and building...”—inspection

“...infrastructure development and...”—management

Mr. Vice-President, this Bill’s most substantial element of change and emphasis relate to property taxes. Under the old land and building taxes system, approximately \$200 million were collected annually. This paltry amount is because of inefficiencies in the system including low property valuations, annual rateable values dating back in some instances to the 1950s, and households are not included in the valuation role.

In Part V, clause 76 to 81 of the Bill deals with property tax. The municipal corporations will collect and retain all the property taxes for residential properties within its municipality. The funds will not be passed to the Board of Inland Revenue, as was the case with the land and building taxes. It is estimated that \$500 million will be collected annually from residential property owners across all regions.

In reviewing the residential population data for the various regions, I found that some areas such as Point Fortin, Port of Spain, and San Fernando have significantly lower residential populations than areas such as Couva/Tabaquite/Talparo and Tunapuna/Piarco. Therefore, until the commercial and industrial property taxes are implemented, the Government needs to ensure that the areas with lower residential populations are adequately funded so that they can fill their expanded mandates.

10.30 a.m.

Other relevant sections relating to financial accountability and governance include, section 109 annual estimates and corporation fund and collection of fees rates and taxes. All receipts, earnings and accruals of the corporation fund will not be paid into the Consolidated Fund but will be retained for the purposes of the corporation fund.

Accounts and audits of the corporation, section 113. This section deals with external audits and the appointment of external auditor.

Mr. Vice-President, currently the financial accountability of municipal corporations is not satisfactory; 93 per cent of the corporations have not submitted audited financial statements to the Parliament for more than five years. The statistics are as follows:

- Point Fortin regional corporation, 2000 to 2021, 22 years outstanding;
- Arima Borough Corporation, 2008 to 2021, 14 years outstanding;
- Couva/Tabaquite/Talparo and Diego Martin Regional Corporations, and the San Fernando City Corporation, 2009 to 2021, 13 years outstanding.
- Port of Spain City Corporation, Mayaro and Tunapuna Regional Corporations, 2010 to 2021, 12 years outstanding;
- Chaguanas Borough Corporation, Sangre Grande and Siparia Regional Corporations, 2014 to 2021, eight years outstanding;
- Penal/Debe Regional Corporation, 2015 to 2021, seven years outstanding;
- San Juan/Laventille Regional Corporation, 2016 to 2021, six years outstanding; and
- Princes Town Regional Corporation, 2019 to 2021, three years outstanding.

Mr. Vice-President, this describes the woeful state of governance in the municipal corporations and accountability of those charged with managing public funds. This Bill proposes to entrust these corporations with funds collected from property taxes with little real financial oversight. Given the statistics that I have recounted before, the corporations have demonstrated that they are not accountable and evidently there are no consequences.

In my view, our system of governments cannot be relied on to hold anyone accountable for the use of public funds. To bring the provisions of this Bill to life, the Government must ensure that all corporations are adequately staffed and resourced. Pertinent and adequate policies and procedures must also be in place

and strictly monitored and enforced by the Ministries of Finance, and Rural Development and Local Government, and other relevant authorities.

Local government corporations must not only operate lawfully and ethically, but they need to work hard to avoid and ensure that even the appearance of impropriety is not apparent. Accountability should be a concern for all local government employees, not just those elected, and require strict standards and procedures to promote ethical behaviour.

While the Bill proposes increased penalties and fines for misdemeanor in public office, for example, sections 43, 121, 197 and 199, core values such as, integrity, equality and transparency must be the foundation for every decision and policy.

I agree that many changes proposed in the Bill, while late in coming, are necessary and can improve and enhance the services to communities. However, Mr. Vice-President, I still have misgivings that without strict adherence to professionalism, responsibility, accountability and transparency, good governance will be sacrificed together with essential services that the communities and Trinidad and Tobago require and need to be resilient to develop and grow. Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Dillon-Remy.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Maria Dillon-Remy: Thank you, Mr. Vice-President, for allowing me to have a short contribution on this very, shall I say, earth shattering, earthquake-type Bill that is being placed before this honourable House to bring forth significant changes to the way we govern ourselves in Trinidad and Tobago.

I noted the Minister of Rural Development and Local Government in his piloting of the Bill spoke about the number of years that Trinidad and Tobago has been grappling with these changes; Trinidad and Tobago, since 59 years of independence, its quest to secure meaningful local government reform and that has persisted without much success. It is therefore a great privilege for me to see that the Local Government Reform Bill is at this stage in the Parliament. Like the singer Sam Cooke sang:

“It’s been a long...time in coming.”

And, like him, there are many of us that hoarded hope that a change would come.

Mr. Vice-President, I noted with keen focus—I have been following the debate on the reception of the report of the Joint Select Committee on this matter and also noted the contributions and concerns that were made within the Minority Report. I listened intently for proper answers or the types of answers that the Government would give to the very questions. I will be listening—not I have been, because they are in the Senate, the answers are still to be given—to the answers that will be given for the many concerns that have been expressed by the persons who have so far participated in this debate. For instance, Sen. Seepersad’s concern just now—just a while ago about what would happen in terms of the finances is also one of my great concerns. With so much authority and autonomy being given to the local government over their own affairs, there must be proper management to go with it. The business of the people and their money and their quality of life is serious business, and the Bill will affect all three.

I must commend all who have contributed to the in-depth work that went into constructing the Bill. However, there are three concerns that are still at the fore of my mind. I would start with the first and that has to do—I was really concerned about the municipal—medical—section 43 that—section 42 of the Bill

that talks about the municipal—medical officer. Section—just one second—the Municipal Director of Health. I was concerned about what would happen in this great, now corporate body with autonomous functioning and as it relates to what will happen in terms of healthcare. And I am saying that because I noted what happened during the management of the COVID-19 pandemic, where it was very obvious to me that there were gaps between what was happening with the regional health authorities and their link with the Ministry of Health, particularly in terms of data gathering and bringing timely data to the Ministry of Health for timely making of decisions.

And with the regional corporations now, having this great autonomy with a municipal medical officer, what would have been the interaction between that person working within the—in these 14 corporations or those persons, those medical officers, what will be their interaction with the Chief Medical Officer of health? And I am saying that because as it relates to zoonosis and other diseases, there must be a close connection. And I was really happy—I did not see it before but I only saw it recently that section 43 of the—42 and 43 of the Bill does deal with that and I am saying it is very important.

I say that too because within the Tobago House of Assembly Act, where you have the County Medical Officer of Health reporting to the Chief Medical Officer, we have had issues, particularly as it has related to diseases of public health concern where the County Medical Officer of Health did not necessarily have to report to the Secretary of Health as it was at that point in time. So, I am very happy to see that this Bill has taken note of that and has put into place something for that.

Mr. Vice-President, the concern about the property tax, as already mentioned, and what would happen in terms of how the regional corporations are going to manage and deal with the spending of property tax, it is my hope that

there would be systems put in place to ensure that the additional funding that will be given to the regional health authorities would end up in the execution of the functions of the authority and not just building big structures.

I am saying this because, again, I looked at what has happened with the Ministry of Health in the regional health authorities' diversification into regional health authorities. You have many regional health authorities, there are four in Trinidad and one in Tobago, and each regional health authority is built up with a very great structure, which is what is going to happen here with the 14 municipalities. They will have their finance people, they will have their health people, they will have many persons and many departments in each of the regional corporations and in order to carry out their functions, they will have to have persons who have the capacity and who are paid appropriately. So, my understanding is that these 14 corporations are now—you are going to have a big spending in terms of putting 14 structures in place to ensure that they carry out their duties.

And, Mr. Vice-President, my main concern is where would the funding come to ensure that the roads are fixed, the drains are cleared? All the things that are necessary for the function of the corporation, who is going to monitor this? I see most of the areas are going to be—well, they have to get their funding, and not just funding, but the report to the Minister of Finance. Is it going to be that the Minister of Finance or the Ministry of Finance is going to ensure that the structures that are put in are lean and effective, in terms of managing the great—managing the situation that they will have before them? I am concerned about these 14 corporate bodies now which will be put into place with so much autonomy. How will they manage that and, at the same time, make sure that we are putting into

practice, let us say, making sure that the burgesses of all these authorities get the service that they need?

I am also concerned about the change management structure and I noted that Sen. Teemal had a suggestion. And I also heard recently Sen. Seepersad talking about the structure that will need to be put in place to ensure that there is proper transition from where we are now to something that is better.

You see, because it is very easy to put very nice Bills into place, Mr. Vice-President, and we can do that very well. So, you will have a nice structure here and according to this Bill, we will be having all these corporations with fancy structures, doing lots of stuff. But when the rubber hits the road, what are we going to get? And I am just suggesting that we ensure that what is put in place from the beginning, tries to set up these authorities to make sure that they will work. And one of the things that needs to be done is making sure that they have the appropriate transition structure.

Mr. Vice-President, the third area I would mention, of concern, is that I do hear—I heard it from the Minister in piloting and I heard it from several of the other Members who would have spoken. And it is the comparison between the Tobago House of Assembly legislation and the Local Government Reform Bill. Mr. Vice-President, I think I understand what is being said but I would like to ensure that nobody goes away thinking that what is happening in terms of the regional corporations is the same as what has happened and what will happen in the future in terms of the Tobago House of Assembly legislation that is still to be—the debate is to be completed and that Act is to be proclaimed.

I am saying this because we are talking here about two different systems. It is Trinidad and Tobago, two islands, one nation. And the arrangement for Trinidad and Tobago right now is that Tobago will have its government, an island

government, yes, under Trinidad and Tobago but—and that is not the same for the local governments. The local governments are all within Trinidad and they will be managing their areas but they would not be the same as the House of Assembly.

So, I am just putting that out there because I really do not think that it is the same and that thinking is the same thinking that we would have had at the time when Tobago was considered a county and we have moved away from that now. So, while I understand what is being said, it is not the same. And I must remind us that the proposed THA Bill envisions two islands working alongside each other, similar to the St. Kitts/Nevis model and not a subset system of a large universal system. Therefore, I do not accept wholeheartedly the comparison between Tobago House of Assembly legislation and the Local Government Reform Bill.

Mr. Vice-President, I am looking forward to the time when we will be going through the clauses of the Bill because I do think there are many things here that need to be addressed. And I would just like to say that I do support the concept of the changes that are needed for the local government to function efficiently, but I am saying again that the concerns must be taken. I thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Deonarine.

Hon. Senators: [*Desk thumping*]

Sen. Amrita Deonarine: Thank you, Mr. Vice-President, for the opportunity to contribute to this Miscellaneous Provisions (Local Governmental Reform) Bill before the House today.

Mr. Vice-President, I first of all want to commend the excellent work of the Joint Select Committee on this Bill. It is evident that extensive work went into hammering out some of the critical issues that have pervaded local government in the past. You could see that many areas that cause local government on the whole

to be underperforming was well thought out and informed by expert advice that builds on years and years of work. This is fundamental legislation before us today and it is an achievement to reach at this point after decades of groundwork.

The objective of this Bill, Mr. Vice-President, is to upgrade the system of governance within 14 regional corporations. How is this going to be done? It is going to be done by granting the municipal corporations more autonomy. How are they granted more autonomy? In multiple ways. In the way in which they manage finances; the way in which they conduct budgeting; the way in which they manage their general affairs with respect to the hiring and firing of staff, just to name a few.

But, Mr. Vice-President, with autonomy comes greater responsibility. While this increased autonomy gives the municipal corporations the freedom to handle their affairs, accountability would hold them responsible for results and for actions that produce results. And in order to get these results, there must be elements of fiscal self-management embedded in the governance framework.

Now, there has been a lot of discussion on the too involved role of the Minister of Finance. So, let us look at how the Minister of Finance is involved as it spreads across various parts of the Bill. The Minister of Finance considers the budget approved by the municipal council. He or she would approve the annual estimates and make any such amendments to the estimates as considered expedient. The municipal councils must have—municipal corporations must have accounting frameworks as approved by the Minister of Finance. The organizational structure is approved by the Minister of Finance in conjunction with the Minister of Rural Development and Local Government. The receipt of grants and technical assistance from international donors and international organizations are also

approved by the Minister of Finance, the signatories for checks and vouchers, and also the approval of borrowing.

Now, Mr. Vice-President, I think this involvement is especially important. And let me explain clearly why. And Sen. Seepersad did an excellent job at demonstrating how chronically flawed the financial management of regional corporations have been in the past. And since the track record of regional corporations, especially when it comes to the management of state funds represented in the timeliness of their financial accounts, their bookkeeping, their audited financial statements, many regional corporations fall short.

Now, Sen. Seepersad gave a timeline on the audited financial statements for the 14 regional corporations. What I have before me is the report from the Auditor General for these 14 municipal corporations and how timely they have been in laying in this Parliament their financial statements. Three regional corporations are basically up to date. We have Chaguanas, Princes Town, Mayaro/Rio Claro, with Chaguanas' latest Auditor's Report on the Financial Statements being 2020; Princes Town, 2019; and Mayaro/Rio Claro being 2019. Before I continue describing these statistics, let me just put on the record that I received assistance from the parliamentary library in confirming this information and receiving the documentation of this information.

You have some regional corporations, Mr. Vice-President, San Fernando, Diego Martin, Couva/Tabaquite/Talparo, whose audited financial statements have been outstanding for some 11 years. The most extreme cases that I discovered were Arima regional corporation, where there were—I just did not find any report. And also, Arima regional corporation, the last was 2007, and Point Fortin, where no report was found.

Now, when you look at the—let us go a little bit further. When you look at the Auditor General's Report for 2021, there are multiple regional corporations that are in violation of section 50 of the Financial Regulations, which states that:

“...Every receiver of revenue shall keep a cash book in which all receipts and payments shall be entered without delay.”

The Auditor General's 2021 Report indicated that many regional corporations do not keep cash books. And that is for millions of dollars that is being spent in recurrent expenditure and development under the Development Programme. And when these cash books do exist, in some instances, because there are regional corporations who have their cash books very well maintained, there are some of them that are not maintaining these cash books properly. And, you know, Mr. Vice-President, the Auditor General cannot really compel regional corporations to do anything other than state the areas in which the regulations and the accounting practices are being violated. They cannot compel them to, you know, keep your cash book up to date. There is no penalty, there is no fine.

And I am outlining this information, Mr. Vice-President, because I am very sure that the Government is aware of this and hence the reason there are so many areas that the Minister of Finance is involved and is responsible for approving, especially when it comes to the financial management. And I think this was deliberate for the purpose of building capacity—with the hope of building capacity in these regional corporations for fiscal self-management when it comes to the development of budgets; when it comes to the approval of annual estimates, especially the development of accounting frameworks and so on.

Now, these—it has—and I have made this point in the past, especially when we had the mid-year review just recently passed in this House. There tends to be a normalcy because this is not something that happens only within regional

corporations. It is something that also happens at the state enterprise level. So, there is this normalcy of not staying up to date with your audited financial statements within the public sector. And what this Bill does, Mr. Vice-President, is give more autonomy. And what I am saying is that we cannot be giving more autonomy to these regional corporations, especially giving them a critical revenue collection function, that is the collection of property taxes, and the necessary accountability mechanisms and respective penalties for violating such are not in place. So, I wholeheartedly support Sen. Richards' recommendation. There needs to be some sort of provision in the law where they are held accountable to a higher account, where audited financial statements and all other financial statements are concerned.

So, let me go to clause—okay. So, let me be careful how I am referring this—Part V of the Bill, section 81, part (a)—subsection (a). This clause amends section 108 of Municipal Corporations Act, which provides for the council to prepare and submit to the Minister of Finance for approval annual estimates of:

- “(a) capital expenditure and the financing thereof; and
- (b) an income and expenditure budget,

for the financial year commencing on the 1st October...”

Now, when the increased amount of autonomy and knowledge that this first time—that this decentralized system is going to be implemented across the board with multiple accounting frameworks—because each one of the municipal corporations would have their respective accounting framework that is going to be approved by the Minister of Finance, there are going to be 14 corporation funds, that is the fund in which property taxes are—revenue collected from property taxes goes into, and no more than I think it is seven or eight divisions, then I think this section needs to

be further defined because it is a lot of responsibility that these regional corporations must be accountable for.

Now—so, I am submitting that this section be further defined to include: budgeted statement of financial position; budgeted cash flow statement; an operational budget; a capital budget; and a strategic plan for the period of four years which includes, statements of objectives, the nature and scope of activities to be undertaken, the justification for capital expenditure which would account for performance targets and the various objectives that is being sought by the regional corporation.

11.00 a.m.

So, I am submitting that this section be further defined to include: budgeted statement of financial position, budgeted cash flow statement, an operational budget, a capital budget and a strategic plan for the period of four years, which includes statements of objectives, the nature and scope of activities to be undertaken, the justification for capital expenditure, which would account for performance targets and the various objectives that are being sought by the regional corporations. Now, I want to single out the strategic plan, because mention is made of the finance division that is going to be established in the Bill, the finance resource allocation division, I believe it is. They would assist with the strategic plan, but nowhere in the Bill it is mentioned clearly who exactly does the strategic plan, and I think that needs to be further defined under the functions of the Executive Council, because I think it is hinted there under part (b) of the functions of the Executive Council, but the wording is not precise and it is not clear.

Mr. Vice-President, there are some areas that I do not think are justified for the Minister of Finance to be involved and, therefore, perhaps it is my

misunderstanding and, therefore, I seek clarification and these are two areas. One, the Minister of Finance in consultation with the Chief Personnel Officer determines the remuneration of the mayor, the aldermen and the councillors. That is the first area. And the second area deals with the Minister of Finance approves licence to trade and vendors and determines the licence fees. Now, I am not too sure why the Minister of Finance have to get involved in the business of determining the wages and so on of the mayor, aldermen and councillors. Yeah. I do not know. If it is for the sake of standardization across all regional corporations, it is not clear. So, I think if that is the reason why the Minister of Finance has to be involved, because he is the one who would have information across all regional corporations on the value of funds in the Corporation Fund, which is the fund in which these persons would be paid from, I am not too sure if that is the reason. It is not clear. I seek clarification, Mr. Vice-President.

Continuing on Part V of the Bill, the amendment to section 77 of the Municipal Corporations Act:

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

Now, I ask the question: Why can we not be specific to whom in the Municipal Corporation this information is being sent to? Because later down in the Bill, it indicates—the Bill demonstrates well, you know, well, the regional corporation, all staff in the regional corporation, shall keep this information confidential. But why in the first place is all staff open to receive this information? Should it not be restricted to only certain levels of authority within the regional corporation? Because I do not see what business the Monitoring and Evaluation Division, the Public Health and Sanitation Division, for example, have with—what business

they have with accessing taxpayer information? I do not see the reason for which they would have to access taxpayer information, because this is specific taxpayer information: names, addresses, their previously assessed taxes. This is very confidential information. Regardless of there being a clause saying that how, yes, well everybody needs to sign an oath of secrecy and whatnot, I think the Bill should be specific to whom this information is being revealed to or provided to. And I suggest that this responsibility goes to the Municipal Council, the Executive Council and the division responsible for finance, planning and allocation of resources.

Moving on to the amendment to section 78 of the Municipal Corporations Act, to collect property tax within the municipality which shall be retained in a Corporation Fund of the Municipal Corporation. So, I establish that already. We are going to have 14 separate corporation funds. My comment here is that this is going to be administratively very expensive. Now, let me stick a pin here, Mr. Vice-President. I say this is going to be very administratively expensive, because I am hoping that the intention is not to have these 14 corporation funds be operating in silos, and if they are to not operate in silos, tax administration systems must be integrated with the Board of Inland Revenue and the Ministry of Finance.

In addition, each regional corporation would now need to have a budget and financial management system implemented. If this is not done, when operationalized, it is very possible that the deficiencies in local government may very well get worse than what it is right now, before you see any sort of improvements take place, because you cannot have these 14 regional corporations operating in silos.

I, too, like previous speakers, Mr. Vice-President, liked the recommendation coming out of the draft policy with respect to revenue generated from property tax

and have it be collected in a pool and appropriate formulas derived to redistribute the funds based on a commercial and industrial index. I would have also preferred that a fund be established for the maintenance of schools. This is separate from the Corporation Fund, because everything goes into the Corporation Fund, and from there you dip into there to do everything that falls under the roles and the functions of the regional corporations.

Now, without this index, because the Bill before us does not bring forth this indexing which the property taxes collected will be redistributed, and in the absence on that then, I think, what should have been in this Bill is a clear formula to guide the Minister of Finance to determine its allocation from central Government to the regional corporations. Because right now I am not too sure what is the criteria or formula that is used to allocate funds, government funds, to the regional corporations. And I say this because you have areas with significantly lower population densities and Sen. Seepersad made mention of this point as well.

The number of households and the lower population densities means that the number of households that would contribute to the residential property taxes, for example, in areas like Point Fortin, Mayaro/Rio Claro and Sangre Grande, to name a few, it will be lower, the amount of revenues collected. And it automatically means that it would have lower amounts of funds for investment and development in the regional corporations unless there is something fixed within the Bill that says that, you know, well, the Minister of Finance will come in according to a formula and supplement, so that no level of inequality will exist across regional corporations.

So, the implementation of the property tax will certainly assist in cash flow. Let me stick a pin here. Now, this Bill—I am speaking about the implementation of the property tax, not the whole matter of whether we should have the property

tax or not, because my thoughts on that, I would reserve for another time. But the implementation of the property tax will certainly assist in the cash flow for different regional corporations. And, as I said, there would be some regional corporations that would be chronically—may very well continue to be underfunded.

It is not as simple as saying—because I listened to the debate in the House of Representatives, as we commonly refer to as the other place, and I heard the Minister of Finance indicate that there is an estimate of around \$400 million to be collected from property tax initially—well, you know, we estimate 400 million to be collected from property tax and then have it evenly distributed across regional corporation. Because when you look at population densities, as Sen. Seepersad would have indicated, and you allocate—and I looked at the data from the 2011 census, which gave information on the number of dwelling units in each regional corporation. And according to that data, you have areas such as Mayaro/Rio Claro that the number of dwelling units is 3 per cent—accounts for 3 per cent of all dwelling units in Trinidad and Tobago. You have Sangre Grande, 6 per cent. You have Arima, 3 per cent.

So, if it is \$400 million that is going to be collected on an annual basis, you are talking about, by rough calculation, you are talking about 11 million addition that a low-populated area such as Mayaro/Rio Claro would get \$11 million, while Tunapuna/Piarco which is densely populated would get like around \$68 million. Right? So, automatically, some regional corporations would be at a disadvantage. And we also have to consider the fact that a significant chunk of property tax collected from residential properties may very well end up going towards the payment of outstanding bills. We saw what happened with the recent Finance Bill that we debated in here, paying long outstanding bills.

So, what I am saying is that it may very well be absorbed into the operational aspects of the corporation; cleaning drains, maybe building a few more box drains, which I admit may very well help with flooding. But to reach to the point where the property tax would allow these regional corporations greater or more significant—greater ability to make any significant capital investment to enhance local development, I am not too sure. And without a formula to guide the Minister of Finance on how he supplements, then it means that some corporations may run the risk of continuing to be underfunded. Some other funding options provided for under the amendment of section 109, such as borrowing, is not yet feasible and it is recommended in the short to medium-term that this option not be explored, because there are so many financial management issues that need to be solved, that need to be fixed. The administrative and fiscal self-management capacity and capability to manage capital investments would be at an embryonic stage upon the passage and the full proclamation of this legislation.

So, Mr. Vice-President I want to move on to whole subject of citizen participation, and I want to look at how citizen participation is taken into consideration in this Bill. When you look at clause 37(4) it says that:

“A Municipal Corporation 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.”

Sen. Richards raised this point and he alluded to the fact that the word “may” should not be there and I fully agree with him.

But let us look at other aspects of the Bill in conjunction with this clause, in which citizen complaints and participation takes place. The Municipal Council represents the interest and concerns of the burgesses. That is in their roles and responsibilities. They are also responsible for bringing grievances and service

delivery requests of the public to the relevant divisions of the corporations. The Municipal Council is also responsible for seeking redress on behalf of the members of the public who present legitimate claims of maladministration. All of these are commendable.

Section 35(e) under the division which is responsible for Public Health Sanitation and the Environment, they shall be responsible for investigating public health complaints and abating of nuances; 35(h) the Division of Spatial Planning and Building Inspectorate shall be responsible for investigating complaints and enforcing, planning laws and regulations. Mr. Vice-President, my comment on this is that most of what I have just mentioned currently exists, apart from 37(4) which states that:

“The corporation may hold quarterly meetings...”

I think we really missed an opportunity, in this legislation, to incorporate more citizen participation in local government.

When I kept hearing about local government—and I did not read the Bill until when I knew the committee was finished with it works—I really look forward to seeing something being provided for the creation of citizen participation committees to engage citizens in the selection and monitoring of public projects and so on. I look forward to seeing committees comprising of representatives of NGOs, community-based organizations, the establishment of citizen information centres. All in an effort to get citizens and stakeholders to be more involved in the decision-making process with greater transparency and accountability. Now, I know the Minister of Rural Development and Local Government indicated that we are adopting a just-start philosophy, and I hope that these things are in the near foresight and will be presented at some point.

Now, as I come to a close end, Mr. Vice-President, let us address the

question in everybody's mind. Is this reform going to work? And my answer is that a lot would depend on the transition steps involved in operationalizing this. I would have preferred that the roll out of this new governance framework commence with pilot municipal corporations. We select a few, we start with them, we roll out the governance framework and then we see what happens. Take it one step at a time. Select pilot corporations, develop a core capacity to manage their own budget and financial systems. See how it works, capture the lessons learned, make the necessary changes and then roll out to the entire 14 corporations. But that is not what is being proposed, and I am open to hearing why something like that would not work.

Sen. Teemal made an excellent suggestion on the recommendation of a transition coordination task force which I, too, would also like to support. I think a transition team made up of the Ministry of Finance, the Ministry of Rural Development and Local Government should be taken into serious consideration. I will also encourage the Minister of Finance to reach out to multi-lateral development banks for technical assistance or even a loan in operationalizing this decentralized model of local government.

It is a complicated task that can be cumbersome and go into the wrong direction very, very easily. Jamaica, Suriname, Columbia and Brazil have all recognized the complexity involved with decentralizing local government and sought assistance from multi-lateral lending agencies when undergoing this exercise. It does not have to be borrowing a huge amount of funds. It could just be reaching out for guidance to get grants, to demonstrate across the board, what is the best and most suitable way to go about implementing this.

I suspect the transition and implementation plans have not yet been decided on. Thus far, we have not heard a timeline on the roll out of this new governance

structure. How long it is going to take? We have not heard how much it is going to cost. How much the implementation of this framework proposed here in this Bill is going to cost? How long proclamation is going to be done? Is it going to be partial proclamation or full proclamation? All of these things are critical information that should be brought to light at this point, Mr. Vice-President. Because from how I see it, a lot work has to be done: installing core financial and tax systems; strengthening internal auditing capacity; providing human resource training; providing appropriate software and hardware; providing equipment and rehabilitating offices, and capital investment; capacity building. All of these things have to be done, Mr. Vice-President.

So, my concluding remarks, Mr. Vice-President, is that the operationalization of the core institutional building systems with respect to administration, planning, budgeting and financial management and local revenue generation to make this reform work is crucial to strengthen capabilities in local government, so that they become more efficient and accountable as providers of services to citizens. I thank you, Mr. Vice-President.

Hon. Member: [*Desk thumping*]

Sen. Damian Lyder: Thank you, Mr. Vice-President. And, Mr. Vice-President, we are here to debate the Bill which the Government touts as their approach to this so-called local government reform. And, Mr. Vice-President, even though I am coming very low in the batting line up, I do appreciate the opportunity to contribute to what I consider to be quite an important piece of legislation before us. But in going through clause by clause in this Bill, there are several sections that stick out to me like a sore thumb that failed to meet the standard for meaningful improvement to the administration of local government.

Mr. Vice-President, there are clauses, for instance, that amplify the

overarching powers of not only the Minister of Local Government and Rural Development, but also the Minister of Finance, featuring again. And I heard several Senators before me speak about these overarching powers, once again, falling on the hands of the Minister of Finance. And what they did not mention is that these are overarching powers that are given to the Executive which is the political arm of the State, Mr. Vice-President.

I recall hearing my colleague, Minister West, the hon. Minister West, proclaim that these legislation changes will assist in making decision-making more efficient. But what the Minister failed to point out is the potential risks of political interference in the delivery of goods and services to a politically diverse population. And I am not casting any aspersions, merely simply saying it opens the door for the possibility of political interference.

Mr. Vice-President, I also found some difficulties in the manner in which these regional corporations will be funded similar to Sen. Deonarine and some of the other Independent Senators. I heard them speak about the issues with funding. And, in particular, when we look at clause 10, under the Property Tax Act amendments, so this is where I see some issues.

Mr. Vice-President, I noticed that the Government has not spoken today, so I may respond to one of last speakers on last week—one of the last unanswered Government Members. And see Sen. Hislop is here with us and he made his maiden contribution and, you know, during his contribution, he dedicated a significant amount of his time to extol the benefits of the THA system of administration that this Bill borrows so much from, according to the Senator. And I want to congratulate my colleague, of course, on delivering what would be his maiden contribution, and I indulge my colleagues here today to allow me to submit for the purposes of the *Hansard* an explanation as to why what this Bill envisions

runs against the goodness that Sen. Hislop would have experienced in Tobago.

I appreciate Sen. Hislop's honesty and his forthrightness and the lack of fear in speaking truth even if some of his Trinidadian colleagues may frown on it now. And what truths am I speaking about? You see, Sen. Hislop described how efficient the THA was in delivering goods and services. The Senator went so far as to state, by example, the fact that Trinidadians come across to Tobago and they all experience and I quote, and I quote Sen. Hislop:

“...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.”

But using this truthful example, I could tell you I, myself, went across to Tobago and I agree with Sen. Hislop on how beautiful Tobago is, and seeing the work that has been done over the last 40 years by two different administrations, but even more so now seeing the great rapid improvements, the vision and the proper planning by the current administration after the people of Tobago found the foresight to put this administration in. So this example by Sen. Hislop serves as an admission that Trinidadians have unanimously agreed that local government in Trinidad, by comparison, has been an abject failure for the last seven years under this PNM administration and for the almost 44 years of the 60 years since 1962 Independence of Trinidad and Tobago.

11.30 a.m.

When we see the drains that are all clogged up throughout this country,

pavements broken, garbage piling up because of lack of funding—we heard this lack of funding said earlier—local roads falling apart, lack of resources given to councillors, leaks, we see the roads, we see the entire infrastructure falling apart in Trinidad, it is no wonder they say those things when they go Tobago. When we see these things, it is no wonder Trinidadians say, “Local government is failing.”

You see, Mr. Vice-President, I want to clear something up for my colleague, Sen. Hislop, and those others on the other side. You see, in an effort to allow Tobago full autonomy, a formula was established in law to facilitate a certain percentage of the national budget to be allocated to the THA. And the UNC is indeed in support of strengthening Tobago autonomy, so we have supported this. Why has the Government not established a similar formula in this Bill to allow for greater autonomy of local government as they preach today?

Mr. Vice-President, local government for the whole of Trinidad gets \$1.5 billion or less than 3 per cent of the budget. In Couva, the Couva corporation or in Port of Spain—different constituencies belonging to the PNM and the UNC, so we are not being biased. Whenever you get a little drizzle, massive floods form in the city of Port of Spain and should they have gotten more resources, we would not see garbage floating by the stores on Frederick Street.

Mr. Vice-President, Couva/Tabaquite/Talparo Regional Corporation has a population of 178,000 people. Yet, they—their allocation between 2016 and 2020 was a meagre \$110 million. Obviously, Mr. Vice-President, with such a paltry sum not much in the way of delivery can be expected. It is as if they have turned around the old saying and are now declaring the corporations, “To whom not much is given, not much is expected.” But we are here to talk about local government reform and Sen. Hislop mirrored Tobago. But Port of Spain is the capital city of our country, a PNM stronghold. So, if Sen. Hislop wants to talk about mirror, I say

to him, again I repeat, when it rains, the city floods due to a lack of garbage collection so the drains are being clogged. That is a local government feature. And all they get in Port of Spain is \$230 million. That is what they get. Those are facts.

Let us look—one more, before I move on. Let us look at the Sangre Grande Corporation where the voters alone are 60,000 persons. What are they getting, Mr. Vice-President? They are getting under \$80 million. You see, this proportionate spend results in gaps in governance, lack of resources meeting the burgesses and the general underdevelopment, near abandonment here in Trinidad. So, Sen. Hislop, when we look to compare the splendour and the true splendour of Tobago and you want to compare it with Trinidad, then this Bill is deficient because it lacks the provision in this Bill for a mandatory minimum allocation from local government in Trinidad to be subdivided by corporation based on a metric of population size and development needs, as well as a quarterly disbursement that we see in the THA. I see no quarterly disbursement here in this Bill.

Municipal corporations only obtain about 3 per cent of total expenditure. So, maybe the drafters of this Bill would consider an increase to 10 per cent or a fixed 10 per cent to bring them closer in levels with what is needed to ensure service delivery. So, from what I see in this Bill before I move on, Mr. Vice-President, is that they are setting up the corporations in Trinidad for failure. And property tax, as mentioned in this Bill, for residential land alone will not help this. You noticed I said residential land alone, eh? And I will get back to that later in my contribution, Mr. Vice-President.

Mr. Vice-President, but there was a lot of talk about funding. And in clause 3 this Bills treats with amendments to the Municipal Corporations Act that outlines funding and management of funds in the corporation. And on the topic of funding and to build upon what I stated earlier about the lack of funding in Couva, Port of

Spain, Sangre Grande, to name a few, I again heard Sen. Hislop state—I looked at the *Hansard* where he states what we have is a local government system that lacks funding. So, Mr. Vice-President, this is not even the Opposition saying this, not even the Independent Bench is saying this. The Government themselves is admitting to the lack of funding. This is the fault of the Government because it is the Government that must provide funds to the corporations, not the Opposition.

Sen. Hislop made it clear that the responsibility for local government is being moved from the Minister of Rural Development and Local Government. He said that because I am going to quote what he said. I read the *Hansard*, and I quote his following:

“...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.”

So, through you, Mr. Vice-President, to my good friend, Minister Al-Rawi, this would come as very sad news as the responsibility for local government is indeed being moved away from the Minister of Rural Development and Local Government in this Bill according to Sen. Hislop.

But where my colleague, Sen. Hislop, kind of got it wrong is that it is not that the corporations are being empowered. They are not. What, in fact, is happening is that the Minister of Finance will be holding the purse strings. And as the old adage goes, “Who pays the piper calls the tune.”

Furthermore, the Minister of Finance, from this Bill, has the right to decide or to approve on organizational structure in the corporation in clause 33H. And I heard Sen. Deonarine right before me, glanced over this, glanced over this and I will show you my—

Sen. Gopee-Scoon: On a point of order, 53(1)(b).

Mr. Vice-President: 53(1)(b) upheld. Sen. Lyder, we have heard this articulated at length last week. Please keep your debate to more relevant and urgent matters.

Sen. D. Lyder: Thank you, Mr. Vice-President. Respectfully, Mr. Vice-President, I believe I am permitted to respond to Sen. Hislop and that is exactly what I am doing here right now. I made reference to what Sen. Hislop has stated and I am responding to him directly here now. So, though they may have some that may have been repeated, I have the liberty to respond to Sen. Hislop and I thank you for allowing me to move forward.

So, under 33H—and I will show in my contribution when I go through the relevant clauses. I heard Sen. Hislop speak to the establishment of the executive council in sections 33 to 35 in this Bill and the construct of the corporation with the executive council. He said from the list of divisions, and I quote:

“...this gives the corporations the management structure to more effectively deliver goods and services.”

That was quoted by Sen. Hislop. I am responding to that.

And it is not that I have a problem with, you know. It is not that I have a problem with this. The problem I have is: Who will be vested with the power to decide the structure in the corporations according to the same section 33? So, when I read in section 33H, it states clearly:

“(1) A Corporation shall establish its organisational structure in accordance with the Divisions established under section 35A...”

And may:

“(2)...with the approval of the Minister with responsibility for finance in consultation with the Minister review...”—the—“organisational structure.”

That is there in 33H.

So I ask myself: Why is power being vested in the Executive, the political

arm of the State? Nobody speaks about the political arm of the State. They speak about the Minister. But they do not speak about the political arm of the State. We in the Opposition will speak about the political arm of the State.

You see, this places significant powers under the Minister of Finance. Why not instead seek approval from the Statutory Service Commission or the Chief Personnel Officer? Does this not open the opportunity for the Minister of Finance or the Minister the opportunity—and I am not speaking directly towards any Minister—any Minister of Finance or any Minister of Rural Development and Local Government, does this not give them opportunity to undermine corporations that may not be under their partisan corporation? This can result in the squeezing out non-partisan corporations. So, I am not disparaging any Minister here. But you only have to look at the THA Act of 1996 to know that the Minister of Finance or the Minister of Rural Development and Local Government does not decide the organizational structure nor do they have the right to influence the expenditure after the budget allocation has been passed in Parliament. So, I cannot see why the Minister of Finance holds dominion in this regard in the local government.

Mr. Vice-President, also, as I stated earlier, the THA gets releases on a quarterly basis from the Minister of Finance based on budget allocations. I looked in this Bill and there are no mechanisms for quarterly releases from the Minister of Finance for the municipal corporations. Yet, we want them to be autonomous. In the end what we are seeing in 33H gives the Minister of Finance overarching powers. This Bill opens the door for serious political interference to non-partisan corporations. You know what this is akin to? This comes as though—this comes like the owner of Manchester United who is going to decide who is going to play on the line-up for Chelsea against Manchester or if we want to use a local example—I am not seeing my good friend, the Minister of Tourism, Culture and

the Arts, here. But it comes like asking Desperadoes to decide who will be the frontline players for Renegades in Panorama. That is what it comes like. One can only imagine what the structure in Sangre Grande would look like if this law is put into effect now, seeing that the Sangre Grande marginal is safely in the hands of the Government's Opposition. I will move on now.

Mr. Vice-President, when we look at the functions of the corporation in section 37 regarding receiving external assistance to pursue its development agenda, section 37(2)(c) states:

“...a Corporation may—”

- (c) obtain, subject to the approval of the Minister with responsibility for finance...”—here he features again—“from international donors any grant and of technical assistance.”

So, where an international donor or partner wants to give a 10 million, a 15 million to a corporation—for example, if the Chaguanas diaspora wants to send some finance to help to develop the Chaguanas corporation, they need to get the approval of the Minister of Finance to be able to access these funds. Why must the Minister of Finance be involved in this transaction? This is a duly elected body. Why does a political appointee have to approve these matters? Why is that? Why did they not give it to apolitical person such as the head of the FIU or the Central Bank? Any Minister of Finance being a politician can easily block a non-partisan corporation from receiving and benefitting from funds and technical assistance. It can happen.

We see many instances of technical assistance being rendered by external bodies via the municipal corporations. A case in the point was the interventions by the US military in Cedros, Mayaro and Point Fortin a couple years before. In partnership with the Siparia, Mayaro and Point Fortin municipal corporation, many

citizens benefitted from free spectacles, from surgeries and other medical attention from their intervention. Are you saying to me, Mr. Vice-President, that if any Minister is not in agreement with corporation on this, they can lose the opportunity to partner with external donors, causing citizens to lose in the process? That has to be wrong. This once more opens the door wide open to the risk of political interference that can affect the lives of thousands, if not in some but in all 14 corporations.

Mr. Vice-President, 37(3), here is another one.

“Notwithstanding subsection (1), the Minister may, where he determines necessary in the public interest, take responsibility for the delivery of services in respect of the matters set out in the Thirteenth Schedule.”

Now, I have a problem here with this section, Mr. Vice-President, and if you will indulge me and permit me to give a small example. What if the UNC or rather, I should say, when the UNC wins a new corporation in the upcoming local government elections—I am calling no Minister’s name and no corporation. But what if the UNC wins another corporation hypothetically and what if the current Minister of Rural Development and Local Government of the day, not today, of the day is the Minister of Rural Development and Local Government—so he sits in his seat as an MP with an opposing corporation. What if that happens? And what can possibly happen? In advance of the next general elections he can starve certain electoral districts of funding and resources. It is a possibility. And this is not to disparage or impute motives on any Minister because it can be any Minister who can engage in this kind of behaviour because this clause paves the way, once again, for the heavy political arm of the State to possibly engage in political interference. So, why should the Minister who toes a party line be the officer responsible and have the ability to unilaterally engage in the delivery of goods and services as he

sees fit? Is that local government autonomy or is that further centralization? What is worse is that the Minister can direct the resources of the corporation based on this clause.

Again, what if the corporation outlines 30 million under this budget to determine—to this budget to determine, according to the Thirteenth Schedule, to improve garbage collection and waste disposal in particular areas but the Minister of Rural Development and Local Government at the time decides that he will decide how half of this money is dispensed with and which community receives it under his remit? Not only does it reek of political interference, eh, the municipal corporation should not be looking over their shoulders at every turn to see the Minister of Rural Development and Local Government taking away. How does the saying go? Shall take away from what the Parliament giveth in their budget allocation? And you know what they say about taking away what you give, right? You can get a “cat-boil”. “Ah doh” want to see any of my friends on the other side get a “cat-boil”. It is not a nice sight.

Mr. Vice-President, let us look at the Thirteenth Schedule. Clause 3 in paragraph five—sorry, subsection (3) in paragraph (s), section 37(3), is especially dangerous when we consider the wide range of responsibilities detailed in the Thirteenth Schedule of this Bill. There are 15 areas that a Minister can affect by taking over responsibility for delivery in a municipal corporation. I will just give you a couple of examples:

“(a) Construction and maintenance of local roads...and bridges;”

This is a major bugbear of virtually every burgess at the local government level.

If the Minister has the power to appoint onto himself a percentage of the projects, this responsibility can disrupt the lives of citizens and derail the agenda of the corporation at the time because they have a finite budget, Mr. Vice-President.

This can derail their budget.

Let us look at another one. Drainage maintenance is the second responsibility under the regional corporation. And as we experience this now downpour that comes within the rainy season, this is on the utmost minds of every citizen today. Why should the Minister be given the authority to usurp the powers of the corporation in this regard? This is not local government reform as I said. This is local government impairment. This is the recentralization of local government.

This singular section 37 will do more harm to local government than this Government has done in the past seven years being in office. Because whilst from the rhetoric of the spokespersons from the PNM, it sounds as if reform is coming, what instead we are observing is the reclamation of powers that were devolved from central government to the municipalities decades ago and power specifically into the hands of the Minister of Finance and to a lesser extent, the Minister of Rural Development and Local Government.

This incursion into Thirteenth Schedule results in this Government taking back control from the villager in Sangre Grande who entered local government to better his community; from the southerner in Vistabella who wanted better roads and drainage; from the burgesses in St. Mary's, Moruga who answered the call to action to serve their community. This Bill, in my humble opinion, will be the end of local government as we know it because with the Minister in charge, key decisions will be made from Balisier House. This is where the key decisions are going to be made.

Mr. Vice-President, again, when I looked at the fifth responsibility:

“(e) Development and maintenance of recreational grounds...

(f)...and cremation sites...”—it confuses me.

How can a Minister sitting in Port of Spain understand the local needs of citizens and children in Sangre Grande and Princes Town, especially when we remember what happened when during the pandemic the Government, the central government, shut down the cremation sites and stopped open fire cremation? It caused a lot of confusion. But, you know, in every bad basket of apples there is one good apple. You will always find one.

And, you know, I must say on the other side there was one Minister who took it upon himself to ‘buss de gate open’. I am not calling “no” names but I am happy that that was done to allow the cremations. But the list goes on and I would not have the time to delve into every single section. I will just list them briefly so that the country can understand the seriousness of the powers that will be taken away from the local government.

So, the other areas in the Thirteenth Schedule as I briefly look:

- “(c) Local health, food inspection, general sanitation, rodent control, vector control and canine control;
- (d) Garbage collection and disposal;
- (f) Development and maintenance of cemeteries, crematorium and cremation sites;
- (g) Markets and abattoirs;
- (h) Disaster management;”

Listen to this. Listen to this list:

- “(i) Building inspectorate and municipal spatial planning;
- (j) Collection disposal of faecal waste;”

You all remember the faecal waste that was spewing out by the Beetham?

- “(j) Collection...”

—in Port of Spain that is, eh.

- “(j) Collection and disposal...”—sorry.
- “(k) Distribution of truck borne water;
- (l) Local economic development;
- (m) Ensuring clean environment within a municipality;
- (n) Repairs and maintenance of Government and Government assisted Schools; and
- (o) Promotion of local tourism, sports and culture...”—when we see the sporting grounds falling apart.

All of the above, the Minister will have the power take over responsibility if so desired. So, this is not local government autonomy. So, when I hear my goodly colleague, Sen. Hislop, state that local government is not being moved from the Minister of Rural Development and Local Government to the Minister of Finance, but to the municipal corporations and to the people—that is what he said. It is not consistent with what is clearly outlined that demonstrates the power will be retained by the political directorate in central government. And whoever—and no, I really enjoyed his contribution. That part—I suspect somebody had to have written that part for him. So, whoever wrote that part of the contribution for Sen. Hislop it would have served him a lot better to read section 37 of the Bill.

Mr. Vice-President, we continue to see this. The clauses I have cited once again is a clear example of the Government including, in law, provisions that create the potential for political interference in the delivery of goods and services in this country. We saw it in the TT Special Economic Zones where the Minister could grant licences. We saw it and observed it in the gutting of the procurement legislation where the Minister of Finance can decide on any given moment what to remove from the purview of the independent procurement regulator. We saw it in those. There were a number of other Bills in my short time in this Senate, even in

my maiden contribution we saw where the Minister had the right to appoint a chief veterinary officer. These are examples and now we come here in this local government Bill.

So, I want to endorse what my colleagues—the sentiments of my colleagues in the other place, that this Bill proposes local government reform, in my opinion, is a mamaguy. This PNM Government has neglected local government reform and there is proof of it. After waiting in vain for the PNM from 2001 to 2010 to bring local government reform, despite not calling elections and claiming that changes were eminent to come, it was not until 2010 to 2015, when the People's Partnership Government led by Kamla Persad-Bissessar brought reform to local government. This is when proportional representation was introduced for the first time. It was done by Kamla Persad-Bissessar where a party, by getting 25 per cent of the vote, will secure one alderman making a space for wider representation in the municipal corporations. This created a minority voice in several corporations and gives hope to the smaller parties that they too can sit at a table. And that is why we have an alderman in Diego Martin today. Kamla Persad-Bissessar gave local government councillors offices, administrative assistants. Councillors had VAT exemptions on their vehicles. But today they are under threat of being evicted from their offices as the Government is not supplying the funds to pay rent on a timely basis. That is what we are seeing today. And, of course, the PNM will tout of many papers they brought from 2005 to 2009, but with no meaningful reform.

Mr. Vice-President, I want to tackle one more issue before I close off. When we look at clause 3, at paragraph (ak), the Bill seek to insert section 78 which provides for the responsibility of the corporation to collect residential property taxes, and it states:

“78. (1) A Municipal Corporation shall be responsible for the collection of

property taxes in relation to residential land within its Municipality.

(2) Where a Municipal Corporation collects property taxes on residential land in its Municipality, it shall retain such taxes in its Corporation Fund established under section 109.”

So, the Government is giving the municipal corporations access only to residential property tax; only. So, what happens to the corporation tax when it is implemented for commercial properties, for agriculture, for industrial properties? What happens to the corporation? I scoured through the Bill and when I was nearing completion of the Bill, I saw where it states, and I quote in clause 10 of the Bill, which seeks to amend the Property Tax Act, Chap. 76:04:

“New subsection (3) would provide that the Minister of Finance may, by Order, declare...”

So, here we see the power of Minister of Finance again featuring, unbelievable.

“...declare if agricultural, industrial or commercial taxes may be collected by the Municipal Corporations and what percentages may be retained.”

So, it is to his whim and fancy.

So, the Government is boasting about collecting residential tax but they are quietly chucking under clause 10 that the Minister may collect taxes for agriculture, for commercial and for industrial. I almost feel as though the Government is trying to slip it by us but I found it. And I have a serious problem with this.

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

Sen. D. Lyder: Thank you. It is clear to me that the Government is seeking to have full control over the large sums of property tax that are being collected from the industrial and commercial and agriculture estates. It is very much the same—so, in very much the same way that they are boasting about a \$300 million that will be

coming in from residential, why do you not let us know how many millions are expected to come in from the industrial, from the commercial and the agriculture? Let us know. Do not come to the Senate and make the population believe that property tax is being thrown back in.

So, I submit to this Senate that this is important because the corporation, like property tax, should be receiving either the full or, at minimum, a fixed percentage of the taxes collected for agriculture, commercial and residential.

12.00 noon

You see, Mr. Vice-President, in many residential areas, there are commercial properties, there are industrial areas, not necessarily parks, but there are factories, there is agriculture in neighbourhoods. And so, many of the heavy equipment, trucks, could be destroying the roads, polluting the environment and all the ills that come with business and industry. So, why should the Government get access to the funds, to all, all, all that are needed by local government bodies to service their burgesses?

I can give you an example of the inability of local government to service the burgesses in El Socorro, in Point Lisas, Grande, the list goes on, all through the length and breadth of the country. And there are industrial and commercial businesses that, admittedly, they pay their fair share of tax to the State but they are being blamed for the heavy equipment damaging the local roads. But I say that the blame falls squarely on this Government for failing to patch the potholes, and repair and maintain those secondary roads around the businesses. This failure is not the fault of the corporation but of a government that simply has lost the script where local government is concerned.

You see, according to clause 10, Mr. Vice-President, the Finance Minister, having the power to determine which taxes the corporation gets access to, to his

discretion. This Minister's overreach could take all the industrial, commercial taxes in San Fernando and determine that it should be used in the San Fernando corporation, where at the same time there is the possibility for the Minister to debar and keep all the taxes from the Couva corporation; keep them from using some of the taxes from commercial, industrial and agricultural estates that contribute towards the depletion of the resources. Point Fortin will have significant revenues from Atlantic LNG. Who decides whether they get the taxes or not? The Minister of Finance. So, there should be an independent valuation done based on the corporation's needs. The corporation's needs should be paramount here, Mr. Vice-President. They should have the priority to have the funds first and there should be a better assessment of the funds needed apart from the say-so of the Finance Minister.

Mr. Vice-President, the Government would have the citizens believe that allowing local government corporations to have access to revenue collected via property tax would provide meaningful relief to the corporation. But I will just correct this for the record. You see, the issue with regional corporations is that they spend 1.5 billion each year on average in reoccurring expenditure via transfers and subsidies. And from the Ministry of Rural Development and Local Government, the revenue from property tax targeted to be a mere 300 million is not even going to cover a quarter of this reoccurring expenditure for the municipal corporations. The percentage even reduces when we add capital expenditure that ranges from about a 150 to 250 million for corporations in Trinidad in total. So, this is wholly unacceptable, Mr. Vice-President, and we call on the Government to stop misleading the population on local government.

Now, of course, let me get it clear, the UNC does not support property tax at this time. But if you are going to burden the citizens with this and burden the

people with that, at least put it back to the people so the people would have a better quality of life, Mr. Vice-President.

And as I close, this Bill is nothing more than a cosmetic attempt to mirror the Tobago House of Assembly. I have demonstrated clearly to this Senate that this Bill does not put the power of local government in the hands of the corporations. Rather, it has further centralized local government. And while muting my good friend, the Minister of Rural Development and Local Government, has now put great powers into the hands of the Minister of Finance to micromanage the affairs of the municipal corporations. What is worse is that it opens the floodgates to the possibility of political interference which has long become the mantra of this PNM Government. And as such, we in the United National Congress cannot support this Bill, will not support this Bill, as we seek to defend the interest of the citizens and burgesses throughout all, all, all 14 corporations. And I thank you.

Hon. Senators: [*Desk thumping*]

ARRANGEMENT OF BUSINESS

Mr. Vice-President: Hon. Senators, I crave your indulgence to revert to Item 3.

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I wish to advise that the President of the Senate, Sen. The Hon. Christine Kangaloo has requested leave of absence.

SENATOR'S 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. MICHAEL SEALES

WHEREAS Senator the Honourable Christine Kangaloo is incapable of performing her duties as a Senator by reasons of illness:

NOW THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advise of the acting Prime Minister, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, MICHAEL SEALES to be a member of the Senate temporarily, with effect from the 7th June, 2022 and continuing during the absence of Senator the Honourable Christine Kangaloo by reason of illness.

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 7th day of June, 2022."

OATH OF ALLEGIANCE

Senator Michael Seales took and subscribed the Oath of Allegiance as required by law.

MISCELLANEOUS PROVISIONS (LOCAL GOVERNMENT REFORM) BILL, 2020

Mr. Vice-President: Minister of Agriculture, Land and Fisheries.

Hon. Senators: [*Desk thumping*]

Minister of Agriculture, Land and Fisheries (Sen. The Hon. Kazim Hosein):

UNREVISED

Thank you very much, Mr. Vice-President, for the opportunity to stand before this House and contribute on this ongoing debate on the Miscellaneous Provisions (Local Government Reform) Bill, 2020. Service to mankind is service to God and there is no better time for the legislation to be passed than now.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: Mr. Vice-President, today is a very historic day for me personally. And I must say I have worked with all mayors and chairmen, vice-chairmen, councillors, aldermen for over six years, and I am sure that all these mayors, all chairmen, all councillors and vice-chairmen who have gone before are very excited to have this Bill come forward today, and especially at this time in the history of this country.

Mr. Vice-President, before I actually begin my contribution, I want to thank two—a former Prime Minister who has passed away, may his soul rest in peace, and our present Prime Minister Dr. Keith Rowley. First I want to thank Mr. Patrick Manning for giving me the opportunity to serve as a councillor for over 10 years.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: I want to also thank our present Prime Minister for bringing this Bill at the right time. And I want to thank him for giving me the opportunity to serve as a mayor of the second city in Trinidad, San Fernando, and also giving me the opportunity to serve as the Minister of Rural Development and Local Government for approximately five years and four months.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: I took these roles very, very responsible. Mr. Vice-President, I would like to say to the people who are listening and the people who are watching on television something about myself because I have served over 40 years in local government. I think nobody in this House has ever served that

time in local government.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: Mr. Vice-President, I was the first person who created history in San Fernando when my father served as the last mayor of the borough of San Fernando, and I became the mayor of the City of San Fernando. So, it was history created. Nowhere in the Caribbean that never happened.

As I said, 40 years of service to the people. I served at the administrative arm where I worked at the San Fernando City Corporation for over, close to, 40 years. I worked on the policy arm where I served as, you know—as I told this House, I served as a councillor, an alderman, mayor, and then the Minister of Rural Development and Local Government. And I could tell you, and I could tell the public, and everyone knows, there is a lot of bureaucracy in getting things done at all municipal corporations. One of the most important factors is the lack of funding which has always been a key issue that impacted service and delivery.

Mr. Vice-President, I would like to take this opportunity to thank a former Minister of Rural Development and Local Government, Mrs. Hazel Manning, who presented the Draft White Paper on Local Government Reform in 2009.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: And that year I was a councillor in San Fernando, holding steadfast to the vision to ensure that communities can receive quality service through local government. Mr. Vice-President, I want to pay special tribute to one of my colleagues who has gone to the great beyond, former Sen. Franklin Khan.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: He laid the foundation for me as a local government practitioner and also local government Minister. As you all know, 15

consultations—this was said many times before—15 public consultations were held across the length and breadth of Trinidad and Tobago, and we saw over 8,000 members of the public taking part in these consultations.

Mr. Vice-President, I would also like to pay homage and special tribute to the present Minister of Rural Development and Local Government. He has the ability in legislative matters and I know he has the capability because he started already, he is on the ground. Every weekend I see him on the ground. And I am sure that he will take up the baton that I gave him, and he will do better than me.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: He understands local government. And, Mr. Vice-President, local government is about the people. And if you cannot connect with the people then you should not be in local government.

The reformation and modernization of local government systems have always been a priority item on this Government's agenda. The Miscellaneous Provisions (Local Government Reform) Bill, 2020 is a groundbreaking legislation, and primarily seeks to put the necessary systems and structure in place to strengthen the institutional, operational and administrative framework of local government which will impact every household in Trinidad.

Mr. Vice-President, local government reform has been on the agenda for decades but meaningful change has been limited to date. Permit me to return to the history books so I can give the public and, by extension, the House an idea how long this legislation has been in existence. And I would not call all the dates, but I would call a few dates. This started 430 years ago in 1952. The earliest manifestation of local government by the Spanish colonists was the establishment of the Cabildo in the capital town of St. Joseph; 176 years ago, in 1846, the San Fernando Borough Council was established; 134 years, in 1888, Arima Borough

Council was founded by the Royal Charter; 55 years ago, in 1967, post-independence era, the Sinanan Committee, under Dr. Eric Williams, was tasked with reforming local government. They found that there was a need for greater prominence of local government in national development, decentralization of key functions of local government bodies and the need to empower communities by promoting their autonomy and self-determination. Forty two years ago, in 1980, we saw the abolition of the Tobago Council and the introduction of a more autonomous Tobago House of Assembly.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: Thirty-nine years ago, in 1983, there was another attempt by the PNM administration, which published the Draft Policy on Community Development and Local Government Reform. Thirty years ago the PNM won the 1992 local government elections and pledged greater autonomy for municipal corporations, hence the amendments to the Municipal Corporations Act of 1991 were undertaken, reducing the number of regions to nine, resulting in 14 municipal corporations we have now. Twenty years ago, in 2002, under the PNM administration, we engaged in extensive consultation through all municipalities. And during the period, lastly, between 2004 and 2010, several policy documents were developed attempting to take much needed steps forward, which includes the following: one, a Green Paper in 2004; a Draft White Paper in 2006; a Green Paper on Roles and Responsibilities in 2008; a Draft White Paper in 2009, signalling an important pathway to modernization and transformation of local government.

Mr. Vice-President, as the Bill is before us, we seek to amend nine pieces of legislation and will contain 11 clauses. It encapsulates the recommendation and comments from public consultations and key stakeholders, and to seek to provide an effective and efficient local government system for all citizens.

Mr. Vice-President, in the 10 pillars of local government reform, local government system is a key to improving service delivery, ensuring greater governance and accountability, empowering communities, and driving economic and growth development at all local levels. As such, with the proclamation of the Bill, the municipal corporations will be revolutionized, thereby accelerating the current system through the 10 pillars, which was said before but I want to repeat it one more, with your permission, Mr. Vice-President: security of funding; executive authority; new responsibilities; local contractors; more effective municipal policing; development control; infrastructure works; disaster management; involvement of civil society; and regional development plans.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: Improvement and restructuring through these pillars will provide the framework we need to facilitate greater stakeholder involvement, participation, decision-making and dispensing of social services, while fostering greater productivity and accountability.

Mr. Vice-President, I would like to expand on a few of these pillars to enforce—reinforce my support on this Bill. Mr. Vice-President, I would like to—and when I come here to talk, I spoke about six years ago, and I wanted to let the people of this country know, especially the young people and the ones who are coming out of school, and who want to get into serving the people of this country. I started off in local government and I started cleaning the office of a former Prime Minister, Patrick Manning. That is where I started off. And there is no shame in where I started off. I also started as a daily-paid worker and one of my colleagues was telling me last week he also start off as a checker, which was one of his first jobs. Many of us started as a checker when we now started. I worked with the rubbish truck. I used to give out tools to the people who worked on the rubbish

truck. And there is no shame in me saying this, because if I could reach where I reached today, anybody who works cleaning a drain—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein:—who is working as a checker, as a daily paid—I worked as a daily-paid worker for years. My life was in daily paid. As a matter of fact, I enjoyed working as a daily paid for so much—when I was offered to go on the staff, I refused because you had to wait too long for your money. Daily paid is every fortnight, staff is every month. I was so indulged in my work. My father was the Mayor of San Fernando and I was a shop steward in the Contractors and General Workers Trade Union at that time, and they had a protest on the promenade in San Fernando, and I was holding a placard saying, “The mayor must go,” and that is my father.

Hon. Senators: [*Laughter*]

Sen. The Hon. K. Hosein: And I could not go home that night—

Hon. Senators: [*Laughter*]

Sen. The Hon. K. Hosein: —but my mother opened the backdoor for me to come up the step. And I want to thank my mother for supporting me.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: She actually married a mayor and she made a mayor.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: And last week Saturday, me and my mother celebrated our birthdays together. Born on the same day.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: And I want to encourage you all, this is local government reform too, to take care of your mothers, and your fathers, and your children.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: Because if you cannot do that you are not in local government. Because you have to set an example. If you want to represent people, you have to treat home first.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: Mr. Vice-President, the first pillar of security of funding, as we all know the challenges the municipal corporations face, residential property tax will allow the corporations to collect residential land property taxes and to retain taxes in their corporation fund to assist with the burden of financial restrictions.

Mr. Vice-President, property tax is not new and needs no clarification. I remember, Mr. Vice-President, when I was a child going to primary school, I used to go with my father, walking down Coffee Street, into the Town Hall, saving his money, and every month we will pay our property tax. I am sure many of you all have that experience. The Property Tax Act, 2009 is the existing law that governs the obligation to pay taxes and clause 3, paragraph (am) of the Bill simply provides a mechanism whereby the corporation's revenue can be enhanced on an annual basis by the collection of such taxes, thereby alleviating persistent funding challenges which hinder the corporation's development. Mr. Vice-President, this secure line of funding will be greatly benefiting to all municipal corporations, enabling them to deliver goods and services to the public in an efficient, timely and cost-effective manner.

Executive authority: the passing of this Bill will give municipal corporations the level of autonomy similar to that of the Tobago House of Assembly. It will allow municipal corporations to establish its organizational structure. These divisions under section 35A include:

- “(a) corporation services;
- (b) finance, planning and allocation...
- (c) internal audit;
- (d) sport and youth...
- (e) recreation grounds...
- (f) public health, sanitation and...environment;
- (g) spatial planning...building inspectorate;
- (h) monitoring and evaluation;
- (j) municipal police;
- (k) infrastructure development...maintenance;
- (l) disaster management...”

Mr. Vice-President, the Committee also proposes to amend section 33H(2) of the Bill and make it mandatory that any review of this organization’s structure would be subject to the approval of the Minister of Finance and the Minister responsible for Rural Development and Local Government, given their respective role.

Municipal council and executive council: And I would urge everybody to get a copy of this Act in the public because this will determine you knowing the council after this reform and before this reform. The executive council and municipal council are separate and distinct, governing an administrative structure designed to work in tandem to achieve the efficient and effective functioning of the corporation. These amendments will seek councillors and aldermen roles expanding for relevant divisions in the exercise of their powers. They shall be individually and collectively responsible to the municipal corporations.

In this structure, the Chief Executive Officer fulfils the roles similar to a Permanent Secretary or rather an accounting officer so that they can even have greater checks and balances.

Terms of councillors and aldermen: the Committee proposes to amend section 11, paragraph (c), subsection (3), to vary the terms of office of councillors from three years to four years. The importance of continuity: it is crucial for local government representatives to become full-time officeholders.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. K. Hosein: Even now, no matter time or day, burgesses will reach out to their councillors for assistance with water challenges, garbage collection, flooding issues, and so much more. Now, Mr. Vice-President, there is no better time than to say this, local government representatives are one of the hardest working representatives we have in this country.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. K. Hosein: Whether you come from Diego Martin, Point Fortin, Penal/Debe, Mayaro, these local government representatives work very, very hard; very hard, I must say so. They are there for every event. In time of death, in time of recreation, they are there. They give of their time, they give of their money and I want to recognize these hardworking councillors.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. K. Hosein: At this point too, Mr. Vice-President, I want to recognize the role of the administrative arm from the corporations, which will be the CEO, the monthly-paid staff, the daily-paid staff. And I have a passion for the daily paid because I worked there and I understand them. Sometimes they said the monthly paid will look down at us as daily paid, but they need us to have a job. They need us to have a job. If you have no daily paid, you will have no monthly paid.

So, I want to commend all these hard-working public officers, career public servants, as I call them, for ensuring that the citizens of this country benefit from

the goods and services offered to the community. I want to recognize the reference of honorarium in clause 3, paragraph (e)—would be replaced by remuneration which:

“...such remuneration as may be determined by the Minister...in consultation with the Chief Personnel Officer.”

The specific guidance from the NIB regarding the insurability of these officers was also duly noted. Section 17(2) also speaks to mayors, aldermen and councillors of a corporation fund being set up for their remunerations.

12.30 p.m.

The fund will comprise of appropriations by Parliament from the Consolidated Fund, revenue from fees, charges, fines and taxes, including property tax. And last here we have the new responsibilities, local government bodies will be responsible for expanding to the dispensing of social services and the support maintenance of schools and other services that impact the local communities. Now, corporations usually help all schools but it will be more effective now and all social services will be embedded for these responsibilities.

Local contractors. Mr. Vice-President, I can speak at length of the advantages of this pillar for the burgesses. Contractors will be engaged from the communities, they will come from the communities—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein:—where works are expected to take place and persons from the community will be hired by the said contractor to undertake the works. The power is in the hands of the burgesses. This is what this Bill is going to do, give you the people the decision of power making and sharing.

More effective municipal policing. Mr. Vice-President, I took a vested interest in the Trinidad and Tobago Municipal Police during my tenure as the

former Minister of Rural Development and Local Government. With the reform of local government, the gap between the community and the officers of the law will be closed. I have the data of how many officers we have now and how much they intend to get, but at the end of the day there will be 100 in each municipal corporation and 200 in Port of Spain City Corporation.

Mr. Vice-President, these municipal police should be engaged in the community, interacting with the churches, with the NGOs, with the schools, because they are seen as community policing. They have other rules for them but municipal police was engaged for and should be interacting with all communities in the community and getting to know the people who are in the community. Whether you belong to the church, the temple, the mosque, wherever, whether they have community councils, community—whatever is in the community the municipal police should be doing that more. When I was there they were actively involved and I want to commend the municipal police today—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein:—for the job they have been doing throughout this country headed by Mr. Sagramsingh, the father of our Senator here today.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: He takes his work very seriously. We have serious people in the municipal police. We have Mr. Santana in San Fernando and we have Mr. Mohammed in Port of Spain, and all the ranks of the police officers throughout. We have a person by the name of Mr. Belford who does all the training and recruitment. People do not know what goes on behind the municipal police you know. You just see them out there but you do not know what they are doing. They do a lot of hard work.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: They do a lot of hard work. So I want to commend the municipal police officers throughout the country and I urge them to continue to keep up the good work that you all doing on behalf of the people of this country. You notice I am saying—everything I say I say it on behalf of the people of this country, because we are all here on behalf of the people of this country.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: They put us there and they expect us to do what they want. I am saying that, I always say it, and I would not hesitate to say it again, I got advice from a former Prime Minister and he told me this will take me through my political career. And he said: Young Kazim, God give you two ears and one mouth for a reason, you hear more and you talk less—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein:—and get the job done. And you will get the job done as a local government representative.

Civil society. Mr. Vice-President, communities will be encouraged to meaningful participation in decision-making. As I said these things will involve the community and the community will be involved whether you are building a drain, whether you are seeing about a park, the community will have the say now. And there is an important role for a committee at all municipal corporations and I want to urge all corporations who are not doing it, to start do it. There is a committee called the Regional Coordinating Committee which involves stakeholders from WASA, HDC, T&TEC, CEPEP, TTPS, wherever you have a major stakeholder these people come and meet once a month with the corporations.

Now these meetings are very important because people come with HDC matters to a councillor but the councillor has nothing to do with HDC. But with these committee meetings they will be able to assist the community by meeting

once a month at this very important meeting. And I urge all corporations who are not meeting to start meeting so you will be able to serve the community you represent more effectively. You have people from the fire service, you have people from all over, all stakeholders and there you will get your answers because they come, they take your complaints and they go back and they get it solved for you in a matter of time.

Mr. Vice-President, I want to commend the Joint Select Committee because I was a member for the first term and the second term and the Bill was introduced in the House on two occasions. I would like to take this opportunity to thank Members on both sides for their invaluable insights and contributions as well as the rich discourse that ensued during the deliberations of the Bill.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: I must say that personally it was a very rewarding learning experience for me as one of which I remain eternally grateful for years to come. I must say that from the very outset this Committee adopted a very purposed and structured approach to the task ahead. And, I do not want to go into details but there were 10 meetings, nine were—we had public stakeholders, 40 written submissions, everybody was involved, whether you are a vendor; whether you are a fisherman; whether you are selling clothes; whether you are selling in the market; whether you belong to the National Insurance Board; the Water and Sewerage Authority; the public administration. Everybody was represented there, so everybody had a say what was taking place and could have commented in these two Committees.

Mr. Vice-President, I want to take this opportunity to say thank you to a team of people and I would start by thanking one Mrs. Ida Eversley—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein:—of the Chief Parliamentary Counsel Department for her invaluable support and commitment.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: As well as members of the Ministry of Rural Development and Local Government headed by the Permanent Secretary and all the members of the working staff at the Ministry of Rural Development and Local Government and especially I want to mention Mrs. Annalean Inniss who heads the legal department at the Ministry of Rural Development and Local Government. There were a lot of NGOs, CBOs, state agencies, everybody was involved and everybody played an important role in making sure this Bill reached the stage where it reached today.

In concluding, Mr. Vice-President, and I might finish before, but I could talk whole day on local government reform, that is my life.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein: The citizens of this country are ready and waiting for this reform. You could go to any corner of this country, some people might say no on one side but they will say yes on the next side because they want it to happen. I have been talking to them for over six years, I have been to every statutory meeting in this country, I have been to every single corporation, the 14 corporations, does not matter where you are, rural or urban and everybody wants this reform. There might be a lot of—some tweaks to it but the bottom line, they want the reform. It can break free of the bureaucracy that hinders implementation and that cripples their progress. And speaking on bureaucracy I want to say here today that while working at the San Fernando City Corporation and it happened when I came as the Minister, I have observed that in the building department in 14 corporations in this country some things have to be straightened out.

Plans cannot take so long to pass. People want development in this country. You cannot and you must not—things that are happening where you must use somebody from the corporation to draw a plan, that should not be so. You are free to choose whomever you want to draw a plan for you. The plan must not be altered by the people who work at the corporation. I am saying this without fear or favour because I get complaints, it is a fact and it happens. More importantly, the CEOs have a responsibility and the council, which is your policy arm, should ensure this does not happen and hold the public to ransom. Because people take loans and they want their plans passed, and it takes so long and they hold it up for small and petty reasons. So I am urging all the corporations to ensure that this department, the building department which falls under the engineering department you all take a serious look at it and ensure that it does not happen and it does not continue. The reform will help stop this, you know, that is why some people just do not want the reform, but they will have it.

In closing, I must reaffirm my support to the recommendations of the Joint Select Committee on the Miscellaneous Provision (Local Government Reform) Bill, 2020. I look forward to seeing the results and the fruits of this labour of this very, very, important Bill today. I want to thank you, Mr. Vice-President, thank all the Members on my side, the opposite side, the Independents, because I have heard your views and I could concur with some of them, and I want to thank the people of this country, the people of this country—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. K. Hosein:—who reached out to their local government representatives and under this reform they will be able to reach out to them in a more fruitful way. May God bless all of us, may God bless Trinidad and Tobago, may God bless all local government representatives, whether you are an

administrative arm, policy arm, and continue to guide us with good health and long life. Thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Thompson-Ahye.

Sen. Hazel Thompson-Ahye: Thank you, Mr. Vice-President, for affording me this opportunity to join the debate on the Miscellaneous Provisions (Local Government Reform) Act, 2020.

It is always good, you know, to come after a good man.

Hon. Senators: [*Desk thumping*]

Sen. H. Thompson-Ahye: And—now I said coming, I did not say go—one who was born into local government; nurtured in local government; worked in local government and indeed “Mr. Local Government”. A good family man and I was surprised when I first join the Parliament and he said, you know, we are family, but we will not share how we are family.

Hon. Senators: [*Laughter*]

Sen. H. Thompson-Ahye: Mr. Vice-President, we live in a democracy. Democracy has been famously described by President Abraham Lincoln in his well-known Gettysburg address as:

“...government of the people, by the people”—and—“for the people...”

Hon. Senators: [*Desk thumping*]

Sen. H. Thompson-Ahye: Democracy is about power of the people, self-determination and self-government and empowerment. But it is not every one who holds the view of the importance of involvement of people, about people taking responsibility for their own governance. Long ago the Mighty Striker sang:

“Some want a zephyr motor car

Others want a piece of land

...Dorothy loss she man

She want to complain to Doctoh Williams.”

What Striker was saying is that we want the Government to do everything for us, even solve our intimate relationship problems. Local government calls for the involvement of all of our people in solving our problems. Fifty-two years after thousands of young people marched in the streets of Port of Spain and the plains of Caroni with fist of rage crying, “power to the people”. This Bill is attempting to give power to the people and there is power in the people. We proved that in my own neck of the woods when we bought our homes in the late 1970s and early 1980s and found that the clauses in our contract which had enticed us to purchase with expectations of infrastructure were empty promises. We established a residents association and we fought for a school; for play parks; open spaces; football fields with spectator stands and the men even planted trees along the boulevard to beautify our area.

At first we had no meeting spaces of our own, but we walked with chairs and met sometimes in my garage, other residents’ living room and dining room wherever we could until the school was built and we began to meet there and we accomplished much. Residents were committed to the cause even fanatic. I had to use my mediation skills when the psychologist in the group complained angrily that another resident, a lawyer, later a magistrate, had awakened him at 3:00 a.m. to share another one of his brilliant ideas for improvement of the community.

This Bill as the title clearly states is about reform of local government. The word reform is generally considered a positive word. It usually connotes change with a view to improvement of a person or an institution. In this case it is an institution, local government, that is being reformed. So this Bill in effect promises to improve the laws governing and impacting local government to achieve a more

efficient and effective system of governance with people at the centre of governance. I say generally, because when the word “reform” is used in Trinidad and Tobago it does not always evoke a feeling of hope that people or things will get better. On the contrary, it arouses a degree of cynicism at times, evidenced by a “steups” and uttering such as, “huh, same ole, same ole, waste ah time, that and God face you would not see”, even before the proposed changes are implemented. But I am a merchant of hope and will not despair.

I am sure we all agree that local government reform is needed and that is long in coming. But will this Bill achieve the desired reform? It is taking us in the right direction? It depends on whom you listen to. Does it involve a wide enough cross-section of the people to be a judge people centered? The Government is confident that the responses to these questions are in the affirmative. Sen. Hislop saw his potential for building local capacity by engaging local contractors and described the Bill as a live changing piece of legislation. Was it the euphoria of a maiden presentation I wonder? No, that was not kind, I apologize.

The Opposition strongly refused Sen. Hislop’s description of the Bill. Sen. John described the Bill as convoluted and vague and spoke of geographical discrimination and felt that there had not been enough consultation. This is a point to which I will return. My fellow Independent Senator, for example, Sen. Richards pleaded for relief in property tax for certain categories, such as retirees. There is precedent in Barbados Revenue Authority Act which allows a 60 percent rebate on property tax to retirees 60 years of age or older who are in receipt of a pension and live in Barbados for at least 180 consecutive days of the year. The pensioner must also occupy the house for permanent habitation exclusively, have no tenant or do not have a business operating on that property. Sen. Richards proposed a range of taxes to suit particular circumstances and gave concrete examples.

Sen. Teemal largely batted in his crease of engineering and spoke of extreme frustration with the slow building inspection process and the avenues for corruption engendered thereby. Sen. West gave such a glowing account of the benefits of the Bill that she had me mesmerized. She earned every cent of her salary and seemed to be on the mark, pun intended. She forced me to reread the Bill to see if we had the same version. However, I would still like greater clarity on section 109 to inform me what sums, and especially from where, maybe disbursed by central government to the corporation fund as spoken of in clause 78.

I cannot over-emphasize the importance of local government. It has been described variously by the Thorn Commission on local governance which was commissioned by the Barbados Government in 2021 as the institutional structure required to facilitate citizens' intervention in national and local affairs. And a paper by the University of Pretoria described the role and purpose of local government as:

“...a crucial aspect of the process of democratization and intensification of mass participation in the decision-making process.”

You will not find a definition of local government in the Bill as that term went out of fashion when we enacted our original Municipal Corporations Act and created a system of cities, boroughs and regional corporations with mayors, aldermen and councillors. In keeping with the new status of local government personnel we now have in clause 3, instead of “City Clerk and Town Clerk” the more hifalutin term of “Chief Executive Officer”. And in keeping with the title and more onerous duties, clause 3(e) and (g) provide for mayors, aldermen, and councillors to receive remuneration rather than honoraria. And clause (o) provides for a pension scheme. I have no problem with those arrangements.

Mr. Vice-President, clause 3(m) establishes the councils of a corporation

namely a municipal council which deals with broad policy and oversight and it is a decision-making body and the executive council which is the implementing body and sets out their respective responsibilities. Now I am concerned about the limited number of persons who may comprise the executive council, no more than eight persons and the wide range of responsibilities assigned to this body and would wish to be assured that this issue has been thoroughly considered. Is the range of responsibilities uniformed across the various corporations or can one corporation have a particular responsibility and then another corporation decides it is not important in their scheme of things? For example, I remember these signs that was important to do certain cultural projects that are directly relevant to its First Peoples. An issue to be probed by the JSC on Human Right Equality and Diversity in two days' time, while Tunapuna/Piarco may find that it is irrelevant to its special needs.

I observed that clause 3(n)(iii) (a) provides for the corporation to:

“employ such persons as it considers necessary for the due performance of its functions”

And hope that that power would not be honoured more in the breach than in the observance.

Far too often there are departments of Government which cannot carry out their functions effectively and efficiently because “they”—and I quote—“do not have enough staff”. We have even heard that cry at the level of government departments who appeared before the Joint Select Committee on Finance and Legal Affairs. The list of responsibilities enumerated which in section 35 (a) to (j) and section 37 (a) of the Municipal Corporations Act are, you know, the responsibilities are tremendous, the list is long. But I hope it is not daunting and we would be back to square one.

Mr. Vice-President, may I remind for the umpteenth time those who bring draft laws to this Senate that the word “de-pen-dants” when it refers to people the noun is spelt with an “a”. When you describe a state of dependency it is used as an adjective, it is spelt with an “e”, dependent. Please therefore correct (b) and (c). Part V of the Bill deals with property tax. I have already alluded to that and endorse the suggestions of my colleague Sen. Richards that the provisions could be carefully reviewed to offer relief where necessary and repeat my request for further clarity on section 109 as set out in clause 78.

The other observations I have made on grammar I will deal with it at the committee stage. It has been four years I have been saying one does not use comprise of, but comprises or composed of, but there seem some people have grappled that expression to their bosom in hooves of steel. “Ah” well, thank God SEA is over so the students will not be misled.

Mr. Vice-President, if I had not read this Bill and in particular the Thirteenth Schedule I would not have known that a municipal corporation has responsibility for development and maintenance of cemeteries, crematoriums and cremation sites, especially cemeteries. I suggest they visit the cemetery at Holy Trinity Catholic Church in Arouca to understand what a well maintained cemetery would look like. I am grateful for the provision which seek to upgrade the burial ground regulations. So we hope that when next year November one and November two come around the persons employed with the authority, with the various corporations will not be pointing you to go and let this one to clean up your cemetery ground because it would have been done.

Now I did say I will return to the point made by Sen. John about consultation. I am concerned and wish to be advice as to the nature of the relationship between the corporations and the local village councils and resident

association. How do they meet? When do they meet? On what issues can they and will they confer? Mr. Vice-President, when you see that the corporation has responsibility for schools in their area, I wonder if there was any consultation with schools and the students. Barbados does not have a local government system but the Thorn Commission on local governance had among its terms of reference to consider it with all—consult with all government agencies, with private sector agencies, and non-governmental organizations, with trade unions, secondary and tertiary institutions and the public.

It would certainly help if the Ministry of Education, you know, would be able to identify persons from various institutions, educational institutions, who can be a part of this governance process. If you have the corporations near to the schools because they are monitoring—when the Ministry of Education announces the start of term, they would not have to go personally to the school or wait for the schools to inform them about what schools are in a state of readiness, because there would be such an interaction between the corporations and the schools that they would be able to advise early o'clock what needs to be done and they would have been doing what needs to be done.

And also the police, community police, it really would give new meaning to community police so that they would be close to the schools, not to arrest students, but to assist them. They would become like friends of the schools so that when we have situations occurring with students who are acting out the police would be able in conjunction with the schools, the community police who are specially trained in restorative justice to find out what is happening with that child, not what is wrong with you, but what is happening with you to see how we could assist the child before it reaches a critical level where we have to consider arrest.

1.00 p.m.

So these relationships are very important. Remember that children have a voice. We spend a lot of money educating secondary school students. Allow them an avenue to use that voice for the betterment of the community. Local government is about relationship, and if there is a relationship, one can involve themselves in solving problems with children even before they reach critical situation. Mr. Vice-President, all citizens have a collective responsibility to play a part, no matter how small, in the proper governance of our country, at both national and local level. I would strongly suggest that we seek always, and have under constant review, various methods of engaging citizens of all ages, all creeds and races, and not forgetting those with special needs, adults and children with special needs, to see how we could assist them to become the best citizens that they can be. So in this worthy and laudable goal of taking responsibility of building the best Trinidad and Tobago that we can, we have to consider all citizens. May God bless our multiracial, multi-religious and multicultural country.

It is an event we are embarking on an exciting journey in our history where there are many opportunities but there are challenges to build a new society. Only today I received a long WhatsApp message from the Mayaro community telling me that they consider that they are neglected by the Government and the Opposition. So, we have one segment of the society feeling that way, we ought to see how we can engage, how we can help. The point was made that there is not equity, and how best can we address that question of equity in the society. So we are about building a new society, a new nation, one of national unity. Again, may God bless our multiracial, multi-religious and multicultural country. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Jayanti Lutchmedial.

Sen. Jayanti Lutchmedial: Thank you, Mr. Vice-President, for the opportunity to contribute on this debate today. Mr. Vice-President, we are here to discuss a very important matter because the issue of reform at the local government level, or at any level really, it sets the tone and context for our development as a country. Local government—and I spent some time chatting with some of my colleagues who are in local government including my own councillor and others you know, who gave me the little tagline that they said, “This is every life of every citizen every day, that is what we are about.” And that is essentially what local government means. So I started to think about local government in my own life and I would think about the last thing you do when you go to bed at night, a lot of us, you put out your garbage. That is local government. There is a role there. When I drive out of my driveway in the morning, first thing to go and get my doubles on what we called the Cross in San Fernando, and I go down into a pothole that I could potentially pop my neck in, that is local government because nobody is fixing the pothole in the road. And so you see the impact of local government in every sphere, every segment of your life, every day, and that is why the issue of reform is one to be taken very seriously.

Mr. Vice-President, our local government structure, two city corporations, three borough corporations and the nine regional corporations, have a number of responsibilities including public health, the secondary roads, drains, watercourses, markets, recreation grounds and all of the other things listed as we see in the Thirteenth Schedule put forward in the Bill. So whether you live in a rural area or in the city, or whether you are a stay-at-home/work- from-home parent, or you are lawyer, doctor, a politician, engineer, whatever it is, you require the delivery of certain goods and services and basic utilities which could only come through local

government.

Now the Minister says when piloting the Bill that this is about empowering the people of Trinidad and Tobago in a better system of governing themselves. And, Mr. Vice-President, dare to dream really is a good tagline for this Government. Because, a lot of what they are doing is really just selling dreams, and much of what they have promised so far in the entire package of legislation that we have seen since in the last at least two years I have been here, has been really a lot of dreams because a lot it just fails to materialized. And I really do sometimes wonder when we hear about this just start approach if this is a just start of reform, or if it is just start to campaign for local government elections later on this year because this Bill really does not delivery any substantial reform. What this Bill is bringing here today is just that, campaigning to say that we have passed local government reform so we have something to talk about because we need to start campaigning with local government election due this year.

The Bill promises, like a lot of the long list of dreams perhaps, to—it may very well join that list of things that have not yet been implemented, and we talk all the time about the implementation deficit that we face when it comes to legislation in this country. That is the biggest obstacle being faced when it comes to our development. So somehow in part of this dream that is being sold to us today, we are told that local government issues—and I am grateful to a very experienced local government practitioner, Minister Hosein, for pointing out two of the biggest issues that local government faces, funding and bureaucracy, and nothing in this Bill addresses either. Nothing! Nothing is going to change the fact that you have disparities in your allocation of resources between regional corporations. Nothing is going to change in this Bill about the fact that—in fact, I think it might make it worse because of the structure that they have at the formula or a lack of a formula

being used here when it comes to the collection of taxes, property tax in particular.

The Bill will actually create more inequity by that formula and the proposals contained there in the property tax, and I will get to that in a very short while. So all the dreams and that we are here to discuss today, I think it might turn out to be some nightmares for some people when it comes to if they really do implement this and the way that it is implemented. But when it comes to meaningful change, changes that will actually impact the day-to-day life of citizens—as I explained, every single day you wake up in the morning, you walk out, you step beyond the boundary of your house, local government has a role to play in it. And what will change for the citizens of this country by this Bill? I could say not very much. No significant policy change. Nothing whatsoever. And what we are seeing though is a commitment by the Government to something that we have seen them being committed to from day one, which is to insert political institutions which ought not to have political influence.

We are seeing the insertion of something called an Executive Council to exert political influence in the administration and the day-to-day running of our local government authorities, and that, with the greatest of respect, Mr. Vice-President, is something that we cannot stand for and that we really do object to. Because when you have elected representatives sitting on a municipal council and you are saying that the municipal council would have a certain role but then you are creating an executive council, you are silencing the voice of the minority and I think many persons have spoken to that before. But just to give you an idea of it, there are only I think six of the 14 regional bodies which are purely controlled by one political party or the other. All of the others there is a mixture.

So I am not going to say that you know we expect it to happen here, we expect it to happen there, whatever, but you will have, for example, in

Chaguanas—let me use the Chaguanas Borough Corporation as an example. You have one electoral district held by a PNM councillor. Does that PNM councillor not have a right to have a say in certain decisions that could be made with respect to the running of the corporation? Does it not affect that person's burgesses? In San Fernando where I live, I live in one of the three areas currently under the UNC—so they are in the minority. We have a minority council—and I see it every day how difficult is it for them to perhaps get things done, but they try and they work together. What this structure is going to do is really create a situation where that minority, whoever it may be, in whichever corporation it is, they are really going to suffer. And not them personally, but the people who elected them, and who voted for them, and who put them there. Because the actual day-to-day running—and you have someone now, a CEO—and a CEO is essentially the equivalent of a Permanent Secretary.

And when Bill was being piloted you know there was the—they drew the comparison the Executive Council being like a Cabinet. So they said, “Okay, we will have the municipal council, that will be like a Parliament.” And the Government wants to tell us that this one-sided politically coloured creature called the Executive Council will be somehow more efficient and it will be like having 14 little Cabinets all over the country, and that is somehow preferable to what exists now and preferable to having the councils as they presently exist, meeting and having discussions and setting the work programmes, and so on, of the corporations. Mr. Vice-President, we have a Cabinet now that is failing miserably in delivering goods and services to the people of Trinidad and Tobago. How 14 little Cabinets all over in every corporation is going to help that? It will not. It will not change anything.

The same problems that you hear about in central government, the Minister

made reference, he said, “Everybody is complaining the CEO is not listening.” Well I have heard many Ministers over time complain “the PS doh listen”. But you know there is a reason why CEOs and PSs do not have to listen to politicians, and Ministers, or mayors, and people who change with every electoral cycle. It is because they have that insulation. That is the beauty of the public service. That is the beauty of having people who are there independent not being beholden unto any political party or person for their appointment and their position, and they could act according to the rules and the regulations and all of the systems that are there that are in place.

So what you are going to have now by virtue of this Bill is an encroachment on the role and the function of the Chief Executive Officer who will now be forced to abide by this Executive Council, who will have the Executive Council getting directly involved in the day-to-day management, and the Executive Council is essentially going to be appointed by whoever has the majority of the seats in that particular corporation. And those who are in the minority will simply be side-lined and have no voice, and the voice is not the voice of that particular person but the voice of all of their burgesses.

Now, again, if you do not address administrative structures within regional corporations or city corporations, then having an Executive Council changes nothing because you have the same issues. Let me give you an example of an issue. My area is called an extended boundary. There are two extended boundary areas in the City of San Fernando. Because of that, everything is contracted. We do not have what you call wards, and that is a serious issue because with the deployment of—so everything down from the picking up of the garbage to cleaning drains, to whatever it is, it has to be contracted, and there is a multiplicity of issues that come with that and it is all because of some little administrative arrangement that needs

to take place and that ought to be fixed and should be fixed easier. Things like that being fixed will make a meaningful impact on local government. Not establishing an Executive Council where the elected politician gets to now interfere in the work that is properly under the remit of the Chief Executive Officer. That is like saying you are appointing a Parliamentary Secretary, for example, who is like a junior Minister. So you have your Minister, you have a junior Minister, and the junior Minister can take over the job of the PS in a Ministry. How does that make any sense? How is that right? How can we sit back and think that that has any merit whatsoever?

Mr. Vice-President, I know that the other side they like to—you know they will chuckle and “sniggle” when Sen. Mark talks about dictatorship, and so on, but we are seeing it right here. I had to go back and look at the *Hansard* because I was not sure that I was hearing correctly when the Minister in the Ministry of the Attorney General, Sen. Sagrarsingh-Sooklal, in speaking about the Executive Council, she called it a revolutionary milestone, and this is what the Minister had to say:

“The inclusion of minority political representation will not be consonant with the spirit and intention of this policy for local government reform... To include a minority would be damaging...”—to—“...it...”—and—“...pose...”—a—“...probable challenges to the objective of an executive council.”

And the Minister went on to say:

“Right in this Senate we see the predicament that we face in sometimes passing law and getting the support of the Opposition.”

So what the Government want is an Opposition that is either silent or rollover. That is what they want. And they want to just eliminate the voice of Opposition all

together from any regional corporation. And the Minister go on to say:

“...this is why the remit is given to the mayor or chairman...to determine the composition of the Executive Council...”

In—“...my respectful submission...one of the reasons...in this particular council we do not have that minority representation...

...the Executive Council is the administrative arm of the corporation, the inclusion of a minority would usher...major complexities, specifically where other parties exist on that particular political trajectory.”

Mr. Vice-President, what the Government has stood here and said is that in the day-to-day administration of our local government agencies, our local government bodies, we do not want to hear nothing from the minority. They could sit there like— So you know what it is going to boil down to at the local government level now because of this Bill?—exactly what we have here. The Opposition could have its say but the Government will have its way. The Opposition could sit down here and we can talk, and we can talk, and we could put forward our concerns, and we can hope that the population is listening, because that is what the people who are not on the Executive Council, that is basically what they will do. They will be able to sit at the municipal council and say what they want, and participate in decisions if they are in the minority. As I said before and I will use San Fernando as the example, I think it is six to three or something like.

So if it comes to a vote obviously they are in the minority, but then you have there, the ones who have the majority in the corporation will now possibly be part of the day-to-day administrative running of the organization, and they can execute decisions without those decisions even being brought before the municipal councils. So persons who are in the minority may not even understand or know some of the decisions being implemented by this Executive Council at an

administrative level and that is a danger to democracy, and it has no place in a system where we are trying to— You know the UNC pushed proportional representation because we were trying to increase the level of democratic input into local government, and what you have here is the removal of democracy from the administration and the running of our local government institutions, Mr. Vice-President. So I know that several other speakers would have raised that issue of the Executive Council, and I think it is worth repeating some of the concerns because it really is a serious issue to be considered when we are moving forward with this local government Bill.

The other thing I want to say is that when we speak about local government reform—and this is why I call it just start the campaign because if you are really serious about local government reform, Mr. Vice-President, I would have thought that we would have seen something about constitutional reform. There is nothing in our Constitution that speaks to local government. Local government is not given recognition in the highest law of the land, and if we are really serious about reform and really serious about giving local government the prominence and the importance that it deserves, then that would have been a good starting point; and we do not have to look very far for that. I looked just to Guyana, for example. It is in their Constitution, and I really do find that the way that they set out the system of local government in their Constitution to be very interesting. They talked about, you know, what the Parliament may provide for and so on, how it is to be divided.

Even when you have elections for local government as set out in the Constitution of Guyana, the duties of—they call them “local democratic organs”, and all of this is set out in their Constitution. So that you would not have a situation like what we had under the former PNM administration where local

government elections were just willy-nilly delayed for six years, and people's right to vote for their elected representative at the local government level was simply taken away from them by simple majority. So if you are really serious about local government reform that is where you start. That is where you start. Not taking away the minority and pushing them to the side and say, "Yes, we are having an Executive Council that will basically run the corporation and you know. You three who are in Opposition sit down there and stay quiet." That is not reform. That is taking us back to—I do not know what it is. I do not think we ever had a situation where we have been so regressive in our thinking.

Sen. Gopee-Scoon: Point of order of please. 33(1)—[*Inaudible*]

Mr. Vice-President: Sen. Lutchmedial, let us try to stick to matters directly to the Bill at hand.

Sen. J. Lutchmedial: Well yes. Mr. Vice-President, I think that is directly at that. Anyway let me give another example of constitutional recognition of local government, again Jamaica. In the Jamaican Constitution they do not go as in-depth into the elections, and so on, but they talk about—and I found this to be very interesting—they talked about what the Parliament can do. Not the Minister of Finance like what we have now in this Bill in terms of the role of designating and making provisions for municipal government as they call it. But the Parliament can make provisions for how moneys are being spent, and generation and expenditure of revenues, and assigning functions relating to the manner of the local authorities, and the holding of the elections and so on. So right here in our region we are seeing that you have that constitutional recognition given to local government and, as I said before; that is perhaps where I would have liked to see local government reform really start if we are saying that is so important and we want to give it the importance that it deserves.

Now the other matter I want to touch on which think a lot of speakers have spoken about is property tax, and I do not think I could say much more except I will agree with what most of the speakers said about the inequality that can arise simply because of the difference in population density. When you pull out one type of tax, residential tax, to be collected by the local government, then you give a disproportionate amount of revenue to areas that are concentrated as residential versus agricultural versus commercial. But at the end of the day the services to be provided—and again I will just have to use San Fernando as an example—we have some areas that are very residential, high density residential areas, we also have a big commercial area, but the city corporation has to service everybody. They are picking up everybody's garbage, they have to fix roads for everybody to drive on, commercial vehicles are utilizing the same roads that residential areas are using. So when the Minister now holds the power to allocate the resources it could lead to a lot of disparity and inequality, which is the biggest complaint that people have about local government, again not solved by this Bill but perhaps made worse by the provisions included here.

I want to ask one issue and perhaps it could be clarified by the Minister in his winding up. I have seen a provision here whereby the roles, the preparation of the roles by the Board of Inland Revenue will be shared with the local authority that collect the taxes and I maintain what every speaker on our Bench has said before. I am opposed to property tax, blanket, not even at this time. Just opposed. But in the event that someone does not pay their property tax, there are a number of enforcement measures contained in the Property Tax Act which is the law. It is fine. Who is responsible for the enforcement? It will be the Board of Inland Revenue as far as I could see because I have not seen any amendment here that would vest the enforcement of all the different things that you can do under the

Property Tax Act to enforce against person's property, and so on, if they refuse to pay their property tax. Again, you are creating a lot of bureaucracy because the regional corporation is now responsible for collecting the tax and can keep it. They will now have to send or have a mechanism through which they can alert the Board of Inland Revenue, I presume, that someone has not been paying their taxes, what is the period of time? And there is a process to be followed. You do not just automatically do something.

You know you have several difference processes involved in that enforcement of the Property Tax Act. Who is going to be responsible? How it is going to work? What are the mechanisms? Are they there? The interworking relationships of arms, and different units and bodies and Ministries and organizations in government in Trinidad and Tobago is a headache for anybody. Ask anybody, Government, Opposition, Independent, man on the street, anybody, north, south, east or west. I do not think there is anybody in this country who can say that they have found having to deal with various arms of the government to get something done, can say that it is an easy system or an easy process.

So this issue of property tax now and the enforcement, I understand they are saying, "Well okay, you collect the tax and you can spend it." It is one of the ways that they have sought to address the funding for the corporations, issuing fixed penalty notices by the municipal police and the collection of the residential property tax. But really, I do not see how it will work when it comes time for enforcement. What you may again have happening is a lot of inequity in terms of the enforcement going there.

The issue then I raised about the fixed penalty notices takes me to the issue of municipal police. Now when the Government issued the draft policy on local government you know they addressed a lot of things about municipal police.

Again, I think the Bill falls woefully short in really capitalizing on the potential for municipal police. I think I heard Sen. Thompson-Ahye talk about a role for municipal police in terms of what we are seeing now in the front page every day about school violence. I would personally think that patrolling in areas what used to be under the People's Partnership Government called Community Comfort Patrol. I know they tried to revitalize it sometime during the state of emergency and there were some—I think it lasted like two days or something like that and then it went out the window because there was some issue with private contractors and who knows what. But, the fact is municipal police, if you are attached to let us say a corporation that has again large or dense residential areas, crime is something seriously affecting residential communities right now as well as areas with a lot of agriculture, and we know that the praedial larceny unit is a little bit under-resourced and understaffed.

Now I heard the Minister speaking recently, I think it was early last month at a seminar somewhere, and he said that right now there are about 700 municipal police officers and by September we are getting 1,500. Okay. Well I would like to think that a seriously expanded role for those officers would be something that would very much serve the interest of the people. But you see the thing about it is that if you do not have integration between municipal police and your regular police officers, then you just kind of have no real strategy and direction in terms of dealing with crime and serious issues.

So in its own policy documents, the Government talked about utilizing municipal police in order to deal with gang violence, and I saw some other things like that. What you have introduced here now is that the Public Service Commissions and the Statutory Authorities Service Commission will have to liaise with the Commissioner of Police to appoint municipal police officers. So we are

hoping to more than double the amount according to the Minister in his public statements, double the amount of municipal police officers who are available, but you have even more hands stirring this pot of recruiting, and appointing and so on.

1.30 p.m.

And you know, it is strange because I recall standing right here in this Parliament where a motion was brought basically condemning Service Commissions and how inefficient they are and we cannot get anything done and I sit on so many different JSCs where Service Commissions appear before us and they said that you know they have vacancies for how many ever years and all of that. So, again, these promises of bringing this service commission and that service commission and who is going, one is dealing with discipline, the Commissioner of Police will be giving directions, somebody else has to consult with him in order to appoint. Added layers of bureaucracy in the appointment of municipal police rather than dealing with ways to utilize the resource to the benefit of the people of Trinidad and Tobago and that is what local government is about. It is about people. It is about people feeling safe. It is about people feeling that they are paying their taxes and getting something in return right there on the street that they live on, and that would not happen because of this Bill in any way.

Now, the issue of regulations, they said that the Public Service Commission and the Statutory Authorities Service Commission, I think they have to come together and make the regulations and so on and I remember there was a case involving municipal police officers that went all the way to the Privy Council and I think it is the first time I read a case where someone aptly—well the law lords in London —described a lot of what happens in Trinidad and Tobago, particularly at the level of government. They said left hand did not know what right hand was doing or I think they said in this case left hand knew that right hand was not doing

anything and vice versa. No regulations had been properly made for municipal police officers and the Privy Council held that that was a breach of their right to protection of the law.

By including two different Service Commissions here now to be involved in the regulation-making power under this Act, what are we hoping to accomplish by that? What is the thinking? I searched through the Minister's contribution, I did not get it quite clearly so I would like him if in his winding up he could tell us what is the thinking behind having two Service Commissions involved in the issue of municipal police officers because that is really the only substantial change we have seen here in this Bill as it pertains to municipal police. So while we complain bitterly about Service Commissions and their inefficiencies, we are now burdening the municipal police with some of those inefficiencies.

Mr. Vice-President, more and more, we are hearing people calling for the decentralization of power, not just at the local government level but at all levels of government and with respect to the rollout of services and so on and I will not—I think that Sen. Deonarine, Sen. Lyder and a few others went through in many ways about the centralization of power in this Bill with respect to the Minister of Finance. So I am not going to repeat all of it. I have a list here as well but I think Sen. Deonarine basically called out the same list that I have. I flagged it because I say again, when the magic bullet of local government reform is being sold from next week on a platform to campaign for local government elections due this year, we have to seriously ask ourselves what is the outcome when a Minister is going to say who can get funding and donations, when a Minister can now talk about the structures.

And I want to point out, in particular, of concern to me with the amendments made to sections 37 and 38 of this Bill. Mr. Vice-President, I think that what we

have done here is really placed the Minister in a position where he is overshadowing the work and the decision-making processes that would have normally resided in independent public servants and that is the short point. That is the short point and I do not know that that could even in any way begin to give any comfort to a population that is unhappy with the delivery of services by the local government corporations because you are now introducing that political element into local government delivery.

So, for example, one of the clauses that, you know, caused me to raise my eyebrows was the new 37(3) that:

“Notwithstanding subsection (1)...”

And subsection (1) deals with the corporation and their functions, the delivery in respect of the matter set out to the Thirteenth Schedule.

“...the Minister...where he determines necessary in the public interest, take responsibility for the delivery of services...”

So that would be the Minister of Local Government and then we go down the road a little bit more and you talk about the role of the CEO in section 38 and you say that you insert the executive council in what is subsection (e). So it will now read that:

The Chief Executive Officer is the chief administrative officer and chief accounting officer of the corporation

—as I said, like the Permanent Secretary. And he shall, (e):

...be responsible for in collaboration with the executive council the day to day operations of the corporation.

You have politicians sitting with the equivalent of a PS to run the day-to-day operations and then you have a Minister who can take control of any of the functions. That is not reform. That is a backward step in local government in my

respectful view, Mr. Vice-President.

Now I do not think that having regard to how many speakers who have spoken on this Bill so far that there is much more that I can add. I would just repeat what I said about real reform starting with constitutional reform for local government and recognition of local government in our Constitution and again, I would like to see some clarification perhaps provided by the winding up of this debate on the thinking behind the involvement of more people in the process of municipal police. How is that going to progress the vision that the Government says it has for municipal police and the role and function that they are supposed to play?

And I would like to find out about the enforcement of property tax, where that is going to lie, how it is going to work and what is going to be the relationship between the sharing of information, now the other way around, between the regional bodies and the Board of Inland Revenue who has, in my respectful view, and my reading of the law, and I stand to be corrected, has the responsibility to enforce the measures contained in the Property Tax Act. Because you know, as difficult a time as it is for everybody in this country right now, we hear that the Government continues to say that they are committed to implementing this property tax and imposing more taxes upon the people of Trinidad and Tobago and I think the people of Trinidad and Tobago ought to be very clear as to which organs of the State would be dealing with every aspect of property tax implementation and enforcement for the sake of clarity and for them to understand what they are dealing with. The law ought to be clear and ought to be understood by all persons who are affected by it. With those few words, Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: The Senate will be suspended for 45 minutes. We will resume at 2.20 p.m.

1.38 p.m.: *Sitting suspended.*

2.23 p.m.: *Sitting resumed.*

Mr. Vice-President: Minister of Family Development and Social Services.

Hon. Senators: [*Desk thumping*]

The Minister of Family Development and Social Services (Sen. The Hon. Donna Cox): Thank you, Mr. Vice-President. I am grateful for the opportunity to contribute to the Miscellaneous Provisions (Local Government Reform) Bill, 2020 and I offer my sincerest congratulations to all those who have worked so diligently to get us to this most momentous occasion in the history of local government reform in Trinidad and Tobago.

Mr. Vice-President, as my colleagues before me have indicated, we have been consulting and collaborating on local government reform in Trinidad and Tobago for a while now and if ever there was a time to give it the final stamp of approval, that is now. There is an unfortunate tendency for us to continue responding to the Opposition's continuous charade of shifting goalposts and this can only have one effect: the inability to enact sufficiently robust and progressive legislation that would lead to an enhancement in quality of life for our citizens.

I observed that Sen. Jayanti mentioned that the Government does not want to hear from the Opposition. At no point did I hear anyone say that because we have been listening. A minority report was submitted and the prevailing sentiment of that minority report, Mr. Vice-President, and indeed much of the commentary that has come from the Opposition Bench in recent times stems from an apparent inability to trust not just the people of Trinidad and Tobago but apparently to trust themselves as well. Nowhere was this more evident than in the recent debate to

replace one of the last remnants of our colonial past was something unique to our own experience. Mr. Vice-President, we are saying it is time to let go of our colonial past but yet the Members of the Opposition prefer that we hold on to it and we remain wedded and beholden to those wearing powdered wigs sitting thousands of miles away from us and the same is true for local government reform.

We have debated this for decades. We have consulted far and wide. The Parliament library is filled with white and green papers prepared and presented over the years. A million and one trees have been sacrificed to produce reams and reams of paper containing the fruits of those deliberations and consultation and yet we still have an Opposition that is insisting upon even more consultation. When will this charade end, Mr. Vice-President? Well as for me and my colleagues, the charade should end today.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Cox: Local government reform will become a reality and the people of Trinidad and Tobago must be the proud beneficiaries, because, Mr. Vice-President, all politics is local. Local government and its practitioners are what touches the lives of every day citizens on an everyday basis. From the time you open your eyes in the morning to the time you touch down and sleep at tonight, local government is at the heart of your every moment. I want to commend the Minister of Agriculture, you know his speech was very touching when he spoke about him being a councillor, an alderman, how he started in the corporation, to become a mayor, to become the Minister of Rural Development and Local Government and I want to congratulate him for his service to Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Cox: You see because it is local government that approves your building plans, that is responsible for garbage collection, cleaning of the drains

around your houses, spraying for mosquitoes and getting rid of other vermin. Local government is also responsible for the play parks and recreation grounds and even the cemeteries where we bury our loved ones. And it is for this reason that all of us should feel insulted by the ignorance displayed by some Members of the Opposition as they commented on the roles and functions of local government.

Mr. Vice-President, imagine a senior Member of the Opposition would go on record to say that local government is about CEPEP and stray dogs. And if that was not insensitive enough, I heard another one, who was at one point an alderman, describe local government as just getting your drains cleaned and the la basse people. As I perused the appendices that accompanied the JSC report, I could not help but come to the conclusion that there is some dissonance between the views expressed by some senior members of the UNC who I have just alluded to and to their own members on the ground. Because I want to speak about the written comments of the Chairman of the Sangre Grande Regional Corporation and the Chief Executive Officer of the Couva/Tabaquite/Talparo Regional Corporation, both of which are controlled by the Opposition, and their comments are instructive.

In the case of the Sangre Grande Regional Corporation Chairman, Anil Juteram, in written correspondence to the JSC, he stated and I quote:

We perused the updated amendments on the Miscellaneous Provisions (Local Government Reform) Bill, 2020 and considered all changes. We look forward to working with it when it is approved by the Parliament.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Cox: The CEO of the Couva/Tabaquite/Talparo Regional Corporation had this to say and I quote:

Please be informed that the Miscellaneous Provisions (Local Government Reform) Bill 2020 was reviewed by the Couva/Tabaquite/Talparo Regional

Corporation and upon in-depth perusal, it was derived that there are no comments to be made with respect to the Bill.

End of quote. And these comments can be found in Appendix II of your Committee's report. Mr. Vice-President, I compared these comments from the two UNC controlled corporations with the Opposition's minority report and simply ask all Members of the Opposition in this House to at least agree with the members of your party who see local government reform as a good thing and they are looking forward to it.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Cox: Mr. Vice-President, there many other UNC councillors who are in support of local government reform as I was told and they are silently supporting this Bill.

Today, I want to pay tribute to all the hard-working councillors and aldermen in our country—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Cox: —irrespective of their political affiliation who continue daily to service the needs of their burgesses. More often than not, they are the first ones on site. They are the ones who are better known by residents. They are the ones who are more accessible to the residents. Mr. Vice-President, I hasten to add that this is not an indictment on any Member of Parliament but merely an honest appreciation for the sterling work that is performed by those councillors and aldermen, often with little show for it.

And when I think of persons like Councillor Terry, also known as Martin Rondon, who has served the people of Toco/Matelot as a councillor for 25 years and I understand that he has served in the corporation for over 40 years. So I when I think about him demitting office without being able to benefit from a pension, it

pains me immensely. And Terry is not the only one. I am certain in every regional and borough corporation, there are numerous councillors, past and present, who have given their lifeblood to local government and who have retired or are about to retire and will go home with nothing but a handshake. And this is neither fair nor just and this Local Government Reform Bill before this House today has the ability to change that. We as Members of this august body have a golden opportunity by uttering one word, yes, to change the lives of our councillors and by extension the people they represent.

Mr. Vice-President, there are countless local government councillors labouring in the vineyards and this report and the accompanying Bill finally recognizes the immensity of their contribution. This Bill legitimatizes what already exists in reality and that is the employment of councillors on a full-time basis and now provides pathway for the brightest and the best that communities have to offer to see politics as a viable career. The end result of this is the creation of a position that offers some security of tenure, that offers a decent salary as opposed to the stipend currently paid to councillors and aldermen and the harmonization of the terms and conditions of those positions with that currently enjoyed by Secretaries and Assemblymen of the Tobago House of Assembly.

The Bill offers a clear organizational structure that would professionalize the operations of our regional and municipal corporations to the point where persons with specific qualifications and experience can now be appointed to the executive council and so add to the storehouse of creativity available to the constituents. The paradigm shifts that are contained in clause 3 of this Bill revolutionizes the way in which local government and its practitioners are treated. All of our local government councillors, upon completion of their tours of duties, go home without a pension because what they received during their terms of office was an

honorarium and not a negotiable remuneration package.

So for all the years that Terry Rondon has given to the burgesses of the Sangre Grande Regional Corporation and the constituents of Toco/Matelot to be specific, when he retires from the political realm, he does so with nothing except the good wishes and prayers of those whose lives he would have touched. Terry is not alone in this scenario as there are councillors on all sides of the political aisle to whom this travesty applies. The proposed legislation before us will at long last provide a remedy for that injustice.

In moving the term of office from three to four years as well, the Government harmonizes and flattens the curve existing between Assemblymen at the THA and local government councillors in Trinidad. The creation of an executive council that is separate and apart from the municipal council is also a feature of this Bill that pushes it squarely into the realm of a 21st Century politics. In determining the composition of the executive council, the mayor or chairman has the latitude to appoint persons with specific skills and competencies as secretaries to spearhead specific divisions, something which is not now possible.

I want to speak a little bit about financial autonomy. One of the most fundamental changes emanating out of the proposed Bill before us is to confer a financial autonomy on the regional and municipal corporations. The ability to retain specific taxes collected within the boundaries of the respective corporations, placing them in a position to determine their own spending and saving patterns. Mr. Vice-President, not only does this make sense on a very practical level but it also makes sense from a wider governmental perspective.

And I have heard my colleagues argue for example that this Government wants to get its hand on everything and to have its finger on every pie but this aspect of local government reform extricates central Government from that process

to a very large extent and places the onerous on the respective corporations. Additionally, the argument has advanced that this is a surreptitious and roundabout way of introducing property tax is both ridiculous and disingenuous because the Opposition Members speak through both sides of their mouth because the same ones who are arguing against the property tax and launched their infamous “Axe the Tax” campaign also saw the value in it and was going to implement it. Some Members stood up clearly and said that they do not support the property tax but I want to remind them, hear what the Minister of Finance, Mr. Larry Howai had to say during the 2013/2014 budget presentation and he said and I quote:

“Mr. Speaker...a land and building tax regime is a key pillar...in all modern tax systems. Recurrent land and building taxes meet all the conditions of a good and fair tax. The backbone of a successful land and building tax is the proper valuation of properties within a transparent framework...This will require the property rolls being brought up to date. I propose to phase in these taxes over the period 2014 - 2017...during which time the properties will be valued...and consultations will be held with all stakeholders.”

End of quote. And he also said and I quote:

“In phase 1, and effective immediately, we shall commence valuations of all industrial land, including plant and machinery, whether housed or unhoused, with a view to implement this tax by July 01, 2014. In phase 2, we will impose a tax on commercial properties and in phase 3 we will impose a tax on agricultural lands and on residential properties with a deductible allowance to provide relief to certain agriculture landowners and low-income homeowners.”

And that is end of quote. So, Mr. Vice-President, the then Minister of Finance, Mr. Howai, sought to hide the word “property” in some of what he was saying here by

saying “these taxes” and “this tax” or “a tax” so there is no denying that it is still property tax. You see, because at the end of the day, they cannot be trusted. Many of the members of the UNC, I understand who have properties in foreign countries religiously pay their property tax for their homes they own yet they are speaking against it in Trinidad and Tobago.

Mr. Vice-President, by carefully analysing the quantum of income regional and municipal corporations are likely to receive from property taxes, they are in a much better position to plan their annual work programmes to determine how many persons they can employ, how many projects they can undertake without having to receive any approval from central Government. So you see this level of fiscal independence will undoubtedly mute the annual cries of geographic discrimination emanating from the other side, leaving me to conclude that rather than rejoice at this development, they would prefer not to see it happen hence their refusal to support the committee’s final report.

There were some concerns about decentralization that was spoken about from Sen. Lutchmedial. The experience from jurisdictions around the world demonstrates in no significant way that decentralization of the decision-making process and devolution of authority when properly implemented is one of the most powerful and effective tools to reduce poverty and inequality, accelerate rural development and enhance the participation of citizens in their own development.

2.40 p.m.

Multiple studies of decentralization in Tanzania, Uganda, Indonesia, and India, among others, have all highlighted the positive impact that decentralized administrations can have on unlocking the potential of regions, improving services to people and stimulating citizen participation in decision-making. When administrative decentralization is matched with fiscal decentralization, Trinidad

and Tobago will be able to find the path to accelerated and sustained local development, bringing long-term benefits to citizens who live in all regional and municipal corporations. And this, Mr. Vice-President, is the best way to ensure that no one is left behind.

There is another critical area of decentralization for which the attached Bill provides a remedy. This is the area of staffing of the various corporations. This Government spends approximately \$2.4 billion on staffing for local government and it is not a matter or telling tales out of school to say that there is always the question of whether the citizens are receiving a sufficiently robust return on their investment.

And I am informed that most corporations are under-staffed, conservatively by 20 per cent because of the lengthy delays by the relevant service commissions appointing staff. I heard some Member spoke about the bureaucracy. This dysfunction has been institutionalized for years, and the underperformance of corporations has been normalized. The reform envisaged in the attached Bill before this Chamber closed the municipal council with the authority to hire additional staff deemed necessary for the proper execution of the sum of obligations now expected to be fulfilled by the corporation.

The consequent authority to discipline staff is also included in the 12th Schedule as well as the requirement to ensure that due process is followed in all cases of discipline.

Mr. Vice-President, there are approximately 750 municipal police officers on active duty across the length and breadth of this country. Additional persons are to be hired to increase the number to 1,500. In the existing structure of local government, municipal police officers receive instructions from the already beleaguered Chief Executive Officer of the respective corporation.

And Mr. Vice-President, you know, someone was telling me that as far as they are concerned the sole function of the majority of these trained municipal police officers is to watch the tractors and other vehicles lodged on the compounds of the various corporation. And these officers are not allowed to respond to like reports of domestic violence, larceny and other crimes in the community. So in other words, truth be told, some of them may just be operating as daylight security officers at most corporations. But within the context of the reform of local government, the municipal police will now be placed under the jurisdiction of the municipal council and will be heavily engaged in community policing, which is something we at the Ministry of Social Development and Family Services applaud.

Mr. Vice-President, about 35 per cent of the homicides committed in this country have their genesis in domestic violence and land disputes. Data from the National Domestic Violence Registry shows that assault by beating, verbal abuse, malicious damage and breach of protection orders are by far the most common offences associated with domestic violence. And these have increased by over 30 per cent in some cases. For example, assault by beating doubled in 2021, from 451 reported cases in 2019 to 522 in 2020 to 1,333 in 2021. And as of February this year, there is a figure of 187. But sadly, it must be noted that these are only reported cases by domestic violence victims. The reality is that there are numerous unreported cases.

So we are of the view that the devolution of those powers to the municipal council will result in the municipal police being more visible in the community and thus be able to make earlier interventions, therefore stemming the tide of familial murders. And we would see that even in our society today, there is a great increase in family violence, a great increase in family violence. A lot of murders that have been committed recently was family members against each other.

Municipal police officers visibly patrolling the community will have the opportunity, of course, to collaborate with the Trinidad and Tobago Police Service, to implement proactive strategies to combat domestic violence, family violence, school violence, juvenile delinquency, robberies, gang violence, drug use in communities. Thus to help maintain social disorder, and support in healthy and safe community. And through the specialized training they will receive in mediation, developing promoting and implementing strategies and programmes for public safety within their local district and for solving neighbourhood problems, they will be equipped to serve the burgesses of their municipal corporations.

So Mr. Vice-President, the Ministry of Social Development and Family Services is responsible for the protection and enhancement of the rights and dignities of the most vulnerable persons in our country. One such vulnerable group is street dwellers. The health and wellbeing of street dwellers continue to be of utmost importance to us. Street dwelling is a major issue in this country and in particular at the levels of the city and borough corporation. It, therefore, requires an integrative and collaborative approach. And I always say, I remind people that the Ministry of Social Development and Family Services on its own cannot move persons off the street. It requires a collaborative approach between the municipal corporations, the Ministry of Health, the Trinidad and Tobago Police Service, the mental health department. All of us have to come together to assist in moving persons off the streets, so I am very happy with regard to this Bill, with regard to the help of the municipal police.

Acknowledging this level of partnership is required. The municipal police can be actively utilized to help with the move along mechanism that would see street dwellers taken off the street, assessed, rehabilitated and transitioned back into society. And this type of partnership can result in the Government successfully

tackling the issue of homelessness in this country.

Under clause 3 of the Bill, municipal police will be given the legal right to issue tickets under the Motor Vehicle and Road Traffic Administration Act, and this is another significant aspect of policing and it provides an avenue that is available for the raising of funds through fines.

Mr. Vice-President, the final point I wish to raise with respect to the sweeping benefit of this proposed legislation confirms the potential for widening the digitalization net and therefore narrowing the digital divide existing in this country. Many of us are painfully aware of the slow pace in which requests for approvals move through the local government system. And this is so largely due to heavily manual processes, which many have taken years to perfect. The sheer weight of that bureaucracy, with its offspring of inefficiency and lengthy delays, it is haven for corrupt and breeding grounds for corruption. I mentioned that the Minister of Agriculture, Lands and Fisheries spoke a bit the bureaucracy also. Sen. Lutchmedial spoke about the bureaucracy, and this digitalization will assist in this process.

Through this digitalization, payments for permits, applications for planning, verification of works to be done, can be done online. So the market vendor would no longer have to go to the corporation to line up by a cashier only to realize the cashier did not come to work because of COVID-19. The home owner or contractor, anxious to get their building drawings approved, would also be able to have this done online, thus saving precious time and money. This also means that a greater number of persons can access an even wider range of services in quick time. This, Mr. Vice-President, is how this Government has approached local government reform, not in a piecemeal approach, but holistically and comprehensively. And we are bringing services closer to the people.

Mr. Vice-President, in closing, I just want to state that is only the People's National People's National Movement that has the vision and courage to advance groundbreaking local government reform.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Cox: Trinidad and Tobago's continued development as a modern, progressive, democratic and organized country will only occur when those entrusted with the responsibility of leadership are able to put aside partisan and parochial interest in favour of the common good.

Every Senator in this Chamber took a solemn oath to do all within their power to serve the citizens of Trinidad and Tobago. We have the opportunity at the conclusion of this debates to live out that oath and serve our country by supporting the adoption of this report. The time has come to emerge from the inefficiencies that has enveloped local government. The benefits that will accrue to the citizenry of this great Republic, through the adoption of this JSC report, far outweighs any perceived flaws in its construction. And, therefore, I urge all of us to give it our support. Thank you.

Mr. Vice-President: Sen. Josh Drayton.

Hon. Senators: [*Desk thumping*]

Sen. Josh Drayton: Thank you very much, Mr. Vice-President, for this opportunity to contribute to this debate on the Miscellaneous Provision of the Local Government Reform Bill. As one of the final speakers in this debate I wish to share some of my thoughts, without having to repeat much of what has gone before.

There are different schools of thought with respect to discussing administrative reform. One of those schools speak to structure. The other speaks to culture. For us today, there is this tight rope that we are going to walk, as to

whether instituting and appropriate structure would lead to change a specific kind of culture within local government. Some may say that this is a chicken and egg scenario. Which one do we do first?

When we speak of local government, typically there are two sub concepts that are used: local government as the institutional framework, the what; and local governance, as to the how. When we speak to local government, the institutional framework, we speak to the structures, as I would allude to later down in my contribution. When we speak to the how, we are really talking about concepts such as participatory democracy, deepening the connection between citizens and representatives.

We also speak about local relevance because each municipality or region would have some level of relevance to the community which they serve.

I also want to speak about accountability, which seems to be a common thread in the contributions so far, and how far we do go with accountability? There have been quite a bit of references made to corruption, abuse of resources, inefficiencies. And these have led to, of course, issues related to productivity, questions related to competency, and they affect the functioning of local government.

This Bill before us, to my mind, can be reduced to three main components and represent some good first-steps in being able to effectively execute local government reform. It is noteworthy that local government reform has had many iterations over the past decades, as alluded to by several Senators prior. And this step in no doubt, is one of several required for full transformation of local government. So it is in that context that I position my contribution. The key elements of this Bill, to my mind, relate to harmonization of the structure of municipalities, inclusion of the tax collection regime, and regional development

programme and related oversight.

With respect to the harmonization of the structure, type, we see a shift to the role and function of mayor, deputy mayor, again, alluded to by several speakers prior, and the establishment of an executive council, which has a similar structure function as a mini Cabinet, as we can call it. The focus of these executive secretaries range from the environment, to planning and specifically, there is one in corporate services. There is a conflict however, with respect to 33B in this legislation.

But before in go into 33B, I want us to note that—in 33B, the municipal corporation (j) is allowed to create and establish organizational structures for the corporation. But then when we skip ahead to the Executive Council, 33H(2), we see:

A Corporation shall, with the approval of the Minister with responsibility for finance, in consultation with the Minister with responsibility for finance in consultation, the Minister review its organisational structure.”

It is interesting to me because if we are saying that the whole entity, which is the municipal corporation, has the ability to create and establish its organizational structure for the corporation, why then do we have a situation where the Minister within the responsibility for finance has to review the organizational structure? It seems to me that, perhaps, some clarity needs to be provided there.

In terms of accountability, I was very curious as to some of the comments made by some Senators with respect to local government not having, in this proposal, an accountability mechanism. So, I will turn over to 69(5), where, and it starts with 4 and then goes into 5; that

“Every Corporation shall establish an Audit Committee”

Something that the previous legislation does not have and some of the roles and

functions of that audit committee include things such as

- “(a) risk management
- (b) internal controls;
- (d) compliance requirements;
- (e) internal audit;”

—and a very interesting (g) which says:

“(g) other relevant functions, including review of a Corporation’s governance arrangement, performance framework; relevant parliamentary committee reports and recommendation...”.

So, to me in my mind, there is an inclusion of an accountability mechanism to assist the municipalities in being able to address some of those gaps referred to in the Auditor General's reports or the lack of those reports.

However, I have a question related to that. Whose responsibility is it to ensure that there are reports submitted to the Auditor General? As we know, the Auditor General is a constitutionally-enshrined independent entity and reports to Parliament. So the question here is: With a lack of reporting by municipalities, and regional corporations, et cetera, who is responsible for this lack of reporting? Yes, there is a requirement for them to report, but who is responsible for monitoring and holding them to account? To me it seems as though that is a responsibility for Parliament, the Public Accounts Committee. So that is another question that, I guess we have to address as to why that committee may not have been efficiently functioning to ensure that these reports have been submitted.

I also appreciate the involvement of civil society into this specific audit committee. Looking at 5:

“The Audit Committee...shall comprise—”

And it goes further to speak to civil society organizations, and this is on:

“(c) two members from civil society or one from civil society and one from the Central Audit Unit of the Ministry of Finance...”

So, it seems as though you can have either two members of civil society, or at least one member from civil society and one from the Central Audit Committee of the Ministry of Finance.

That provides a good review mechanism for civil society involvement. The challenge that we may have, and this is putting on some civil society hats now, that civil society in some instances may not be as easily organized around some of these issues. So that then puts the challenge on civil society organizations to bring themselves to a place where they can arrange within the region, whether it is a community-based organization, or a faith-based, or an NGO or non-profit, to then create a mechanism independent of government in this instance and then propose a member. So, I think that how this person or entity is selected may need some working out, in terms of who will be the civil society representatives, how are they selected. But I do believe that this is an excellent opportunity for civil society, based on those regions, to arrange themselves in a way that can offer meaningful contribution to, in this instance, monitoring and evaluation of government activities.

I note that there have been several comments related to pushing the buck. The challenge, as I mentioned at the beginning, related to administrative reform, public sector reform and the like, is that it is a very long and slow process. It is not something that can be done immediately, unfortunately, because there are competing interests, groups, et cetera, that would have a part to play. And that is why, in this very brief contribution, I have summarized that this is good first steps, but I understand the balancing act, which is you are damned if you do not, and you are damned if you do. So the question is whether inaction is weighed the same way

as action. And, of course, that is what we would have to contemplate at the end of today, or at some point. But I think that a lot more could be done as things evolve.

Mention was made by Sen. Cox, related to the use of technology. Technology is one of the key areas that municipalities across the world, primarily in the Commonwealth, there is a group called the Commonwealth Local Government Forum. You can see quite a bit of their initiatives. And one of them is to use technology as a mapping tool to figure out where there are issues.

Years ago, it still is in existence, there was this app that was created called FixMyStreet, in the UK. And what it did was to put together geographical mapping with an accountability mechanism, i.e., if there was a pothole, that particular app allowed citizens to take a picture, have the geolocation placed on a publicly-available website and when that matter was addressed, it closes the loop. Yeah? The accountability loop. So, for me it is not always where we need to legislate citizen engagement. But there are activities that can be done to facilitate the co-creation of initiatives by citizens, as well as their representatives.

So that is one tool that you can use. There are several others. In Jamaica, also a couple years ago—so am I showing you how we probably need to catch up, and we will—they used open data tools again; geolocation tools, to identify various sporting facilities: cricket fields, football fields, et cetera. There was the map of Jamaica. You hover over each one of those facilities and you were able to tell several things. One, what condition it was in. You already had the location, so you can plug that in to, of course, your Waze, et cetera. Two, who was responsible for it? Because we do know there are issues of boundaries. Three, who to contact. So what that did again, it brought together government initiatives and citizens. So I think a lot can be done on the technological front, that is not in this Bill. And to play around I guess we have to figure out whether it is something that require

legislation, or whether it can be dealt with otherwise. So these are some of the initiatives.

There were concerns around a lack of a mechanism for citizens to interact with the municipalities. If we are to reflect on our experience here, what existing mechanisms do we have? Because, I think we have to be careful as to how much do we legislate the role of a councillor whose role is to represent and to facilitate that engagement. So, that town hall meetings and structures are important but there is also that need for councillors to continue to do their work. So I am on the fence with some of those recommendations related to how much we do legislate the role of representatives, and representatives in this instance being councillors, et cetera, but across the board. But I do believe that there is a role for, or mechanism required for citizen participation in various ways, which beyond as listed here, with respect to the audit committee.

So, in closing, I would like to say Mr. Vice-President, that it is a lengthy Bill. And I only got word on Friday, so I was able to do a bit of reading on it. But I think that based on what I have seen and some colleagues that I have consulted with, it is a good first step by the Government, but this should not be the only step or the final step. So with those few words, Mr. Vice-President, I thank you.

3.10 p.m.

Mr. Vice-President: Sen. Anil Roberts.

Hon. Senators: [*Desk thumping*]

Sen. Anil Roberts: Thank you, Mr. Vice-President. Once again, the PNM has gotten it wrong, because the vision of the PNM under their Prime Minister, Dr. Keith Christopher Rowley, is one of a new society where the population is told to wean themselves off of the Government. The Government is unable to serve them, to take care of them, and the society must take care of itself. And once again, this

Bill espouses that vision because here an attempt being made with all sorts of descriptions that do not pan out when you read the Bill about serving the people, and getting service to the citizens, and providing service. But the Bill puts more hands in the power of the Government than towards the people.

Have no fear. The United National Congress, when we remove this PNM Government, will serve the people and will get the local government reform correct.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: Because the vision of the UNC is about the people building from the ground up, not from the Cabinet down. All Government speakers here for the last two sessions have spoken about in-depth consultation. The problem is with the definition of consultation. The PNM's definition of consultation is to meet with thousands of people, take an inordinate amount of time, take copious notes, print lots of copies of statements made by citizens across Trinidad and Tobago, and then ignore everybody and do what "dem" want. That is not consultation. Consultation must be reflected in the end product for it to have any meaning.

It was a pleasure to listen to the hon. Minister of Social Development and Family Services in her contribution today. She tried to skillfully weave into her tapestry of her argument that there were members of the UNC who support this PNM legislation here today. And she used one example as the CEO of the Couva/Tabaquite/Talparo Corporation, not letting the population know that CEOs are not political appointed. CEOs are not politically affiliated. They are appointed by the institutions, and these institutions have been influenced by the PNM for 49 years.

The Minister of Social Development and Family Services also said that she heard some silent UNC support. Well that is amazing. There is a new Marvel

movie starring the Minister of Social Development and Family Services who can hear silence. That is a lovely one.

The land and building tax was being brought by the UNC, not the property tax. The hon. Minister of Social Development and Family Services quoted from the then Minister in the People's Partnership Government, Larry Howai, and while she quoted the correct words from the *Hansard*, she skillfully ignored the fact that there is a difference between a land and building tax. And the position that has remained constant of the United National Congress, that we stand firmly against the PNM property tax due to the inordinate, exorbitant, system that is used in an unfair and unequitable manner to create the tax per house. So the UNC is against your PNM tax, your punitive property tax, your oppressive, exorbitant tax. The UNC is for fair land and building taxes. So that is just to correct the record.

Furthermore, when the UNC in government—while no citizen ever enjoys or likes to pay a tax—when the UNC is in government the population is not vehemently opposed to paying taxes because the UNC government performs for the people, serves the people, creates jobs, improves infrastructure, and ensures that services improve, creates foreign direct investment, and the country moves forward in a safe organized manner. So people are more willing to pay tax, unlike a system right now under this PNM where nothing functions. Everything is in a state of collapse. So it is like West Indies cricket, “collapso cricket”.

They said that the UNC has houses in foreign countries. Well I am glad they know who has houses in foreign countries and they are so willing to pay taxes. I wonder if they know that their former Minister of National Security who was in New York trying to get a million dollar gift that was given to him, if he paid his property tax on the elder person who he took the million dollar apartment from in Manhattan?

Furthermore, if you are in a foreign country and you pay taxes, it is because in developed countries where the buses run they do not have potholes “bussing yuh tyres and yuh shocks” where you can get service, crime is not rampant, men not dancing with Uzis while you are laying flat on your back being robbed. Children not being stabbed in their face while going to school. In other countries, people are more willing to pay tax because they are not blighted with the PNM.

The hon. Minister of Social Development and Family Services said there are 756 municipal police. There being, the PNM has been in government seven years. But she has alerted the country to the fact that there is a shortage of some 700 police officers, and yet in seven years the PNM has done nothing to increase that complement. But they come here under the guise of the local government reform, pretending that this is necessary in order to increase police and the police officers out there to protect the people. This Bill is not necessary for the PNM to do that.

Maybe the Minister of Social Development and Family Services also should whisper the truth in the ear of the Minister of National Security when he is awake of course, because he insists that crime is down. Yet today, the honest Minister of Social Development and Family Services came and said that crime is unfortunately high and requires a lot of work, and needs more policing. The hon. Minister of Social Development and Family Services then said, with this local reform Bill we could have online services, we could get service on your plans, our outline approval and so on, online. Yet in this Government they cannot even do a tender for a central block in Port of Spain without a glitch, with only three companies—or really two, and one extra one putting in a bid. So how can the entire country depend on your online service when you cannot even do a tender process?

The PNM is an amazing phenomenon. It convinces people and members of the party to cannibalize themselves politically, economically, spiritually, and

administratively and love it while they doing it. Praise it and promote it. Here we have a demoted AG espousing the remarkable opportunity afforded him by his diminution.

Sen. Gopee-Scoon: 46(1).

Sen. Mark: But why you so jumpy?

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

Sen. A. Roberts: Thank you, Mr. Vice-President. Here we have a demoted AG espousing the remarkable opportunity afforded him by his diminution, and now arguing for his complete removal from the Cabinet while smiling and proudly sounding his own political demise. As I read from the *Newsday*.

Mr. Vice-President: Sen. Roberts.

Sen. A. Roberts: Yeah.

Mr. Vice-President: I beg for relevance and I bring up 46(1), Standing Order 46(1) as it applies to this Bill at hand.

Sen. A. Roberts: Well, Mr. Vice-President, this is taken, quoted, from the hon. Minister of Rural Development and Local Government after his contribution in the Local Government Bill where he is discussing in the *Newsday* what he presented last week. So I believe that it is relevant. Thank you, Sir. So *Newsday*, Wednesday June 1st, 2022.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: It says—well, it should say Minister of local government but:

“Al-Rawi on local government reform: I’m here to put myself out of a job”
First and foremost, that sentence espouses the PNM’s attitude. Here we are talking about devolution of power, and responsibility, and serving the burgesses and the citizens, but everything is about “I and myself”. But then to quote the hon. Minister of Rural Development and Local Government, he said:

“In accepting the role as Minister of Local Government and Rural Development, my gazetted responsibilities included a very important item. 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 and hand it over to the Ministry of Finance...”

And yet, Mr. Vice-President, this Government is coming here to tell the country that they have just devolved power, they have created opportunities for other.

They have removed a Minister who is passionate about—it does not have to be this specific Minister, but any Minister of Local Government, who is passionate about serving burgesses will be able to go in the Cabinet, anybody who understands our system, our Constitution, or first-past-the-post Westminster system, knows that it requires a Minister to go in Cabinet with Cabinet Notes and fight with passion for resources for his or her Ministry. To remove that Minister in itself puts local government at the mercy of whoever is the Minister of Finance. And in this case, with this Minister of Finance who just came in the mid-year review to say, “Oh, well we did not pay VAT, we did not pay bills because I chose not to pay them, we got a windfall now and we are now going to pay bills.” We can see that the corporations that are already starved for resources, without a Minister of local government to argue for the case in Cabinet, will be at a disadvantage as the Minister of Finance—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts:—could do with them as he pleases without any argument, without any discussion. And that could never be good for democracy, good for service, and good for the allocation of resources across Trinidad.

This Bill here, we are debating here, goes against the very spirit of decentralization, and contrary to the purpose and function of local government. In fact, the Bill should be renamed “a Bill designed to consolidate power in the hands of the Minister of Finance and extend his control of the corporations in the name of local government reform, and furthermore, whatever is left over shall be controlled by the Minister of local government.”

I was amazed today to hear such adjectives from Independent Senator Dr. Dillon-Remy as earth shattering, ground breaking, changing the way we do business, and then other adjectives from the Minister of Social Development and Family Services, revolutionary. I thought I had read the wrong Bill. I had to go and read it again in the caucus room to make sure that I had the correct Bill because none of these adjectives, even the hon. Minister of Local Government and Rural Development in his contribution had to admit, by situations beyond his control, that he was not happy with this Bill that he brought. That it is just a start, that because of the UNC’s lack of support he had to bring a watered down Bill, which it is better to start than to do something. That was the essence of the hon. Minister’s presentation. And I do not think that that can be determined or described as ground breaking and revolutionary. It can be described as capitulation.

According to the OECD:

“There can be various political, administrative and fiscal motives for decentralisation reforms. In some countries, decentralisation can be seen as a counter-reaction to previous strong centralisation and even authoritarianism (Hooghe et al. 2016[5]). In these countries, decentralisation has been, at least partly, a way to ensure that the democratisation development will not be reversed. In other countries, decentralisation has been a method to reform the public sector, for example, in order to improve the efficiency of public

services and thereby curbing the growth of government spending. Decentralisation of authority is also often expected result in more accountable...transparent public governance, lower corruption, higher political participation and policy innovation.”

This is what we would have intended during the consultative process. But the Bill, the end product that has come here today, does not decentralize, it does not devolve, it does not create an opportunity for those who are elected in local government and live in the areas to serve and have greater responsibility. It in fact puts more power into the hands of one Minister, the Minister of Finance. So unfortunately, the PNM has missed the mark by a mile.

When we talk about local government reform we should be able to read from the clauses and the 101 amendments, not the 101 Dalmatians that there should be political decentralization. The aims in general to devolve political decision-making power. That is the aim. But yet in this Bill we see the Minister of Finance, who is already powerful and all-encompassing, getting more power to deal directly with corporations.

There should also be administrative decentralization. This transfers operational responsibility from a higher level to a lower level of organization. In this Bill we do not see that. What we also see is another level of interference with an executive council that is to be appointed and politically interfered with to move and to maneuver while the burgesses, and the people, and the councillors, will have to scramble for less resources without a Ministry to fight on their behalf.

According to the World Bank:

“One does not decentralize the civil service as an end in itself -- one does so in order to provide services better, manage resources more efficiently, or support other general outcome goals. The civil service as a whole can be

seen as one of the main instruments with which the government fulfills its obligations. In the context of decentralization, this tool must often be reshaped in order to perform a new set of duties...”

But we are not reshaping. We are going backwards with this reform under the PNM.

We see this there is an extension of the term. councillor terms increase from three years to four years. Why? To exercise control for another year? I have not heard anyone explain in a rational meaningful way what was the purpose of this extension? The municipal council:

“33A. Corporation shall have a Municipal Council and an Executive Council.

33B. The Municipal Council of a Corporation shall be responsible for—”

And they go through a whole list:

“(a) making...laws...

(b) formulating broad strategies...

(c) exercising oversight...”—and so on.

And this is very interesting. This municipal council wields a tremendous amount of power and control over the duly elected local government representatives. And then this council is now faced with the awesome task of negotiating and discussing, approving budgets, and then going directly to the Minister of Finance without the buffer and support of a powerful Minister of local government. This does not auger well for resources getting to the people.

The property tax has been discussed but not in this manner. So I will bring one other level of the property tax and the corporation fund. This PNM Government has weaved an intricate web of oppression, control, and tyranny under

the guise of local government reform. Clause 77(1)

“The Board of Inland Revenue shall forward to each Municipal Corporation the names, addresses and assessed taxes of all taxpayers for residential land within the respective municipalities for the purpose of collection of the property taxes under section 78.”

But clause 108(6) states:

“Where estimates have been approved for use of a Corporation for a particular year and the Corporation is in receipt of sums collected from Property Taxes for use by the Corporation, the sums shall be off-set from releases due to the Corporation for that year.”

“Off-set”. That is a very interesting position.

This Government does not want to incentivize and motivate workers, aldermen, mayors. They want to penalize. So when they collect, if they collect, and they collect better than the BIR, and they get a higher percentage of tax revenue in, they would actually be penalized. One would think—and I hope that this Government who is asking for the Opposition’s support even though they do not need it because they watered down the Bill and just need a special majority, I hope that they would amend that to say that if you should reward corporations for good tax collection, and not take it away from their allocation, but add it so that they will be able to serve their constituents and their burgesses in a more meaningful manner.

“The Mayor, Aldermen and Councillors of a Corporation shall be paid out of the fund of a Corporation established under section 109.”

109 (1)A states:

“The moneys of a Corporation Fund under subsection (1) shall comprise of—

- (a) appropriations by Parliament from the Consolidated Fund;
- (b) revenue from fees, charges and fines and taxes, including property taxes collected and distributed in accordance with the Property Tax Act;
- (c) sums borrowed by the Corporation for the 48 Chap. 76:04 purpose of meeting of any of its obligations or discharging any of its functions;
- (d) such sums as are provided by foreign States, international organisations, multilateral or bi-lateral lending agencies corporations or private institutions for the exercise of any functions of the Corporation;
- (e) sums received by or owed to the Corporation in respect of—
 - (i) the performance of the functions or the exercise of its powers; or
 - (ii) interest or loans made to employees;
- (f) taxes received by the Corporation under section 78; and
- (g) such other sums or property which may in any manner become payable to, or vested in, the Corporation in respect of any matter incidental to its functions.”

The PNM Government has attempted to use this Bill to institutionalize a Machiavellian enforcement of taxation and oppression of the people of this country. The PNM, for seven years, has overseen what the Ministry of Finance calls the inefficiency of the BIR in promoting the politically influenced, recently passed, or sparked to life by the passage in the Senate the revenue authority. That was the argument of the PNM, that the BIR is so inefficient. The revenue authority is needed for the Minister to appoint a board and a general director, and all the

directors except one. But they must take their instruction from the PNM appointed board in collection of taxes.

But now the PNM says, in this callous property tax in a time of hardship, that they have now turned municipal corporations into tax collectors. Think about that for a moment. These clauses are created. I have created a system in which the corporations will be coerced to enforce the property tax payment and collection upon the population by making the councillors, aldermen and mayors dependent on said taxes for even their very salaries.

In fact, the very funding of the corporations themselves will be coming from the funds acquired through property tax collection as this Bill does a set-off from original allocations. And allocations which would have diminished because there is no Minister in the Cabinet to fight for the corporations.

So what are we doing here? We are creating a scenario where local government leaders, already starved of resources, are now dependent on this property tax, which the Opposition vehemently opposes in the PNM format, the PNM evaluation, and the PNM name. It is by its very nature oppressive. We are setting things in motion for all manner of abuses of power, and dogmatic enforcement of this tax collection on a decentralized level. So the only thing the PNM has managed to decentralize is oppression.

Essentially you the forcing this property tax on the people by wielding a big stick over the corporations by telling them, “Allyuh oppose the tax, allyuh doh want de tax, allyuh tell de people doh pay de tax. Well if yuh want yuh salary, if yuh want money for yuh corporation to serve yuh burgesses, here, look de list, go and collect de taxes.”

This is a devious plan to enable corruption and oppression at the grass roots level. Where are the checks and balances? Where is the accountability? Where is

the oversight to ensure that the collection process is fair, equitable, and just, and not fraught with corruption? That one person to make sure that one person is not being squeezed while another person is getting an ease up.

This Government has been a total failure at diversifying the economy, at generating wealth for this country, at creating different disparate revenue streams, at supporting the citizens of the country. The PNM has denied the people of this country their very patrimony. They are entirely devoid of the intellectual capital required to create and implement any successful strategic plan for economic recovery. All they know how to do is tax people, squeeze people, inflict hardship on people, and appoint Vasant to try and help them. They come here to do exactly that in the name of local government reform and the UNC cries shame. Stop, bring good legislation that is there for the people, to serve the people, and is about the people.

This Bill and:

“The Property Tax Act is amended—

(a) by inserting...

Notwithstanding subsection (1), tax on residential land shall be paid to the Municipal corporation in which the residential land is located.”

Very interesting.

So if your property falls within different municipalities, you have to file paperwork and pay taxes in each one. Is that an efficient process? We talk about the online, but when the hon. Minister of digitalization was appointed he did not even have a website for his Ministry. And you are talking about online. How can we get online when there is no online, when a tender cannot even be done efficiently by UDeCOTT for a hospital project?

So people with land in different corporations have to go and line up 14 separate times. Is that efficient or is that putting a burden on the tax payer already in a situation where once you get into a car in Trinidad and Tobago, you know you are going to lose at least a productive hour or two?

Confidentiality. Confidentiality of residential tax information. We are on record here as hearing a member of the PNM Government saying that citizens do not have a right to privacy, but confidentiality of residential tax information. How many people will now have access to individual citizen's personal financial information? In a time of kidnapping, robberies, extortion this is putting persons at further risk just for their own personal hard work and success for investing their earnings in property. We are now allowing a greater number of people access to personal records. We have actually Ministers in the court now trying to protect their personal information. We have leaked special branch investigations, FIU, we have ACIB information coming out. But yet the Government is going to create more avenues for the escape of private information of citizens. That cannot make sense. It does not make sense, and it is downright dangerous. And you come to put a Mickey Mouse clause here about confidentiality of information in 77(2) and 77(3), in a country where absolutely nothing remains confidential.

So you see, whether it is a special branch report, ACIB, FIU, merit list with absolutely no consequence whatsoever, this information gets out and people know about a list before it even reaches the President to intercept it. This is laughable, given that probably nobody here can say when was the last time any person was charged or faced punitive measures for leaking confidential information into the public domain. The public and rightfully so has no confidence.

Mr. Vice-President: Sen. Roberts.

Sen. Gopee-Scoon: Point of order 46(1).

Mr. Vice-President: 46(1) upheld on the terms of relevance to the debate.

3.40 p.m.

Sen. A. Roberts: Section 77(2), Mr. Vice-President, where this Government is, in this local government reform, Madam Minister of Trade and Industry, is saying that the taxes and the property taxes, people have to go to their corporations where the land exists, and therefore people's private information, instead of being held at the BIR or, in the future coming, the Revenue Authority, people's information will now be in a number of different corporations and different places. Therefore, the greater numbers of human beings will have access to people's private information, and therefore there is greater risk of leakage of people getting information that they should not have and putting the citizens at risk, Ma'am. So, I would like you to follow what I am saying.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: The public, and rightfully so, has no confidence in the Government's word. I mean, at the highest echelons, high-ranking PNM government officials go in courts of law in foreign lands and sign affidavits replete with total falsehoods while others claim—

Sen. Mitchell: 46(1), please.

Sen. A. Roberts: —to have never saw—

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

Mr. Vice-President: Sen. Roberts, this is the second time I am going to mention 46(1). I am asking you to keep your contribution tighter to the debate at hand. You going way off the mark by bringing too many wide connotations.

Sen. A. Roberts: Thank you for your guidance, Mr. Vice-President. Section 77(2):
“Where information is forwarded to a Municipal Corporation for the purpose of the collection of property taxes in relation to residential land, the

Municipal Corporation, the Council of the Municipal Corporation and staff of the Municipal Corporation shall keep...information confidential...”

Could we have confidence in that, Mr. Vice-President? All of those people are being told here by the PNM:

The—“...information forwarded to a Municipal Corporation for the purpose of the collection of property taxes in relation to residential land, the Municipal Corporation, the Council of the Municipal Corporation...”—
the—“staff of the Municipal Corporation...”

“Is best you give de gardener, de wacker man and de doubles man all of de people’s private information”.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: And you come to say in a clause that it shall be held confidential? Your Cabinet cannot even keep secrets from your meeting. “Everything does come out and the UNC does find out”.

“...not disclose such information unless authorized to do so under this Act.”

Section 3:

“A person...”—

Mr. Vice-President: Senator, we understand the point you are making.

Sen. A. Roberts: Yes.

Mr. Vice-President: We ask you to keep it a little tighter now—

Sen. A. Roberts: All right. Thank you very much.

Mr. Vice-President:—as you are closing on your wind up.

Sen. A. Roberts: “Oh goooooood”, time already? I was just beginning to enjoy myself. Section 108, draft estimates to be submitted:

“...to the Minister...”—of—“finance for his approval...”

And:

“...the Minister with responsibility for finance may make such amendments thereto as he may consider expedient.”

And this is what the PNM is coming to say is devolution and decentralization, when you have a Minister of Finance who could just determine without ever going to a corporation like “Penay/Debal” and saying he does not know how many people live in “Penay/Debal”, he has never been there. He does not know if “it have backhoe, if it need diesel”, how many people are there, but he will determine how much money the people of “Penay/Debal” get? That could never be right. That is not devolution, that is authoritarian, that is undemocratic and oppressive.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: As I said, Property Taxes Act, amended (3):

“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 what percentage...”—

Mr. Vice-President: Sen. Lyder, allow your colleague to contribute, please.

Sen. A. Roberts: The Minister of Finance could determine what taxes:

“...may be collected by the municipal corporations and what percentage of those taxes collected may be retained by the Municipal Corporation.”

This—right now, there is a Minister of Finance who does not pay VAT refunds unless he feels like it. He takes it as a strategy, as a zero interest loan, and only when there is a windfall from a war—

Sen. Mitchell: 46(6), please. Mr. Vice-President, 46(6).

Mr. Vice-President: Member Roberts, unless you have proof of this, we have to uphold 46(6).

Sen. A. Roberts: Of course they have proof, Mr. Vice-President. In the—

Mr. Vice-President: And keep it relevant.

Sen. A. Roberts: Yes, in the—

Mr. Vice-President: And keep it relevant.

Sen. A. Roberts: debate Mr. Vice-President, that we just had, if the hon. Minister of Tourism, Culture and the Arts would take the time to read the *Hansard*—

Sen. Mitchell: Mr. Vice-President—

Sen. A. Roberts:—of his honourable colleague.

Sen. Mitchell:—he is imputing improper motives; 46(6), please. And please, could you ask the Member to direct all his contribution to you? I do not want him speaking to me.

Sen. A. Roberts: Oh God.

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

Mr. Vice-President: Member Roberts, 46(6) upheld. Keep your contributions towards the debate with lack of conjecture and direct all to me—

Sen. A. Roberts: Thank you.

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

Sen. A. Roberts: Thank you, Mr. Vice-President. Emotions high in the sky. Poor fellas.

So, Mr. Vice-President, in the debate that we just had for the mid-year review, the hon. Minister of Finance showed that due to the windfall from the war in Ukraine, and between Ukraine and Russia, that he was now going to pay \$1.7 “b-b-billion” of VAT refunds. And he had shown and has shown over the last seven years—if the hon. Minister of Tourism, Culture and the Arts was paying attention, then he may have understood and then other Ministers would not run all over his portfolio to negotiate Sandals deals. But:

“(1) The Mayor, Aldermen and the Councillors shall be eligible for such remuneration as may be determined by the Minister with responsibility for finance in consultation with the Chief Personnel Officer.”

What the Minister of Finance in this Bill does not want to control, he then leaves for his colleague, the Minister of Rural Development and Local Government, to do so in schedule 13. It is amazing that this Local Government Reform Bill gives the control and choice to the Minister of Rural Development and Local Government, who it takes away out of the fight for resources, but when whatever scarce resources are managed to be scraped out by those who are left on their own to fight with the Minister of Finance, this Bill then says, the Minister of Rural Development and Local Government who did not help to get the resources could now come to a corporation and in 13 areas, including road and drain maintenance, could come and dictate where the money must go. That is authoritarian, that is oppressive, that is dictatorial.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: The hon. Minister of Rural Development and Local Government said in his presentation that this is a better way of the people governing themselves, that it is a dare to dream and just start philosophy. Well, really, this Local Government Reform Bill drowns dreams and takes us backward. They put more power into the—the hon. Minister said it will put more power into the local government hands but they have been a generational failure in the local government reform. They say that we consulted for three decades. However, it is this deaf, hardened PNM that has brought an oppressive, dictatorial Bill that ignored the views of thousands of people—300,000 on Facebook, according to the Minister of Rural Development and Local Government, yet they ignored the people, they ignored the people, they ignored the people.

Mr. Vice-President, soon this Government will be forced to call an election and the UNC, under Kamla Persad-Bissessar, stands ready to reform local government in a way that will serve the people—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts:—serve the people, serve the people. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Before I call on the next speaker, which should be about third to last, I just remind Members, if you have any amendments to make, please follow the—to the law, please—to the Bill, please submit it accordingly how it is supposed to be done, thank you. Hon. Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Mr. Vice-President. Mr. Vice-President, we are today assembled to engage in a meaningful discussion on a subject which transcends individual interest and which allows us to embrace the exchange of ideas and dreams—yes, dreams—on a concept which is at the very core of our existence, community.

In this exchange, Mr. Vice-President, we commit to the people's business, to pass the Miscellaneous Provisions (Local Government Reform) Bill, 2020. I use the word “transcend” deliberately for three reasons since that word means literally, quote:

To—“Be or go beyond the range or limits of (a field of activity, or conceptual sphere).”

Firstly, with this Bill, we endorse and are enriched by the lessons learned from the historical antecedents where we are to be of the well-meaning work accomplished

in the field of local government since the first post-independence Sinanan Committee, a history already well-articulated by our previous contributors to this debate.

Secondly, our being goes beyond our lessons learned from our history. I say “beyond” because whilst absorbing and paying respect to the Bill’s historical antecedents, the expanse of scope, the depth of reach and the degree of national consultation on this Bill is arguably unprecedented.

By expanse, I refer to the scope of the national legislation which is being overhauled. One only has to look at the long title of the Bill. It is:

“An Act to amend the Municipal Corporations Act...the Burial Grounds Act...the Cremation Act...Advertisements Regulation Act...the Recreation Grounds and Pastures Act...the Highways Act...the Dogs Act...the Property Taxes Act...and the Planning and Facilitation of Development Act...”

By expanse, I refer to the scope of national legislation which is being overhauled.

By depth of and degree, I refer, in particular, to the very comprehensive national consultation which is epitomized by the work of the Joint Select Committee whose report we have before us.

Thirdly, Mr. Vice-President, the conceptual sphere which this Bill engages and seeks to articulate is to do more than to just remove the red tape and bureaucracy that hinders, some may say, frustrates local government bodies from doing their work in an efficient and effective manner. The Bill outlines this Government’s vision to give significant and meaningful autonomy to municipalities by giving them the executive authority to manage and govern their affairs in the interest of and with meaningful participation of communities.

Safe to adopt, which I do, I need not repeat what has already been addressed by hon. Members on the Government side. But at the risk of seeming preferential, I take the opportunity today to salute and to adopt the comprehensive, meaningful and eloquent maiden remarks of Sen. Laurence Hislop—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC:—who treated us on our first occasion to a compelling treatise on the precedent set already for this Bill by the Tobago House of Assembly enabling legislative framework.

Some of the key features of this Bill, Mr. Vice-President, propose major cornerstones with the introduction of an executive council to supplement the existing municipal structures. There will now be provision for the following, for example, better appropriation, auditing and accountability of funds with the involvement of auditors in accordance with the new subsection 3A, safeguarding the wealth of the people for the people, with the Minister of Finance having authorization with the advice of the Auditor General to retain the services of an external auditor or—the Auditor General to perform audit activities of the corporation.

Another feature: the independent management of operations through new standing committees, analogous to joint select committees of the Parliament, importantly section 68(3) of the unofficial consolidation, which is page 41 of the Bill before us, quote: “A Council may appoint persons, not being members of Council, to any”—standing—“committee and such persons may take part in the deliberations of such”—standing—“committee but shall not vote.”

That is to say the members of civil society are being given an opportunity to participate meaningfully in the deliberations of those committees which will run the municipal corporations for the betterment of the community.

Another feature: the involvement of persons from the community, including the various civil society as part of the audit committee which persons can also be elected as the chairman of that committee as is provided for in section 69(5) and— subsection (5) and subsection (8) respectively. This empowers and demonstrates independent oversight of the management of funding from civil society.

The inclusion of chief officers who are to report directly to the chief executive officers of the corporations.

Funding to be sourced from among other places, property tax collections. A game changer, Mr. Vice-President, a game changer which the Opposition fears and why they will resist every move of this Government to get the property tax regime up and running. We have to pause and reflect on that. We pause and we reflect by the allowing of property tax to finance the activities of the municipal corporations. This is money being collected by the revenue authorities; the people's taxes, placed in the charge of the people, through their communities, to improve their access to and management of meaningful empowerment. That is why I have used the word "transcend". This Bill transcends most previous attempts at meaningful change within the communities.

Mr. Vice-President, a brief history of the Bill tells us that the Bill has been under development for quite some time. The first attempt at local government reform in our post-independent era was assigned to the Sinanan Committee 1965, whose main recommendations were:

1. The need for greater role and prominence of local government in the democratic and developmental processes;

2. The decentralization of key functions to local government;
3. The empowerment of communities to play more meaningful roles in the management of their assets.

The work of this committee led to the enactment of the County Councils Act, 1967. And we have continued since then to attempt to improve local governments enabling infrastructure.

In 1974, the Hugh Wooding constitution commission commenced to address constitutional reform at both local and central governmental authorities. In 1983, there was another attempt by the People's National Movement which published a Policy Paper on Community Development and Local Government Reform for public comment. Again, this Government was committed to promote greater participation in national government through local government authorities.

In 1989, the National Alliance for Reconstruction produced a policy paper outlining proposals. After public discussion, a Bill was drafted, debated and passed in Parliament in 1990, the Municipal Corporations Act 21 of 1990, which was proclaimed in 1991. That Act consolidated all the available local pieces of government election. When the People's National Movement returned to office in 1991, and with its success at the 1992 local government elections, that Act was amended by Act No. 8 of 1992 to now reflect two cities, three boroughs and nine regions.

The next major attempt at reform was in 2002 under People's National Movement which, again, engaged in extensive consultation throughout all municipalities. Subsequently, several policy documents were developed including a Draft White Paper in 2009. A Bill was also prepared, the Local Government Bill, 2010. And then, finally, in 2020, may it please you, Mr. Vice-President, the PNM Government brought forward the Miscellaneous Provisions (Local Government

Reform) Bill, 2020, which was sent to a joint select committee for consultation and amendments.

So, here we are today, Mr. Vice-President, the report of that Joint Select Committee. Several stakeholders have taken part in a very thorough national consultation process. The consultative process of people sharing ideas and listening to each other: the Arima Borough Corporation; the Auditor General's Department; Mayaro/Rio Claro Regional Corporation; Ministry of Finance, Board of Inland Revenue Division; Ministry of Finance, Valuation Division; Ministry of Planning and Development; Mr. Paul Richards, Independent Senator, whose contributions are always so well prepared, thoughtful and indicative of a commitment to national development; National Insurance Board of Trinidad and Tobago; the Penal/Debe corporation; the Point Fortin Borough Corporation; the Port of Spain City Corporation; the San Fernando City Corporation; the San Juan/Laventille Regional Corporation; the Siparia Regional Corporation; Statutory Authorities Service Commission; the Trinidad and Tobago Association of Local Government Authorities; and the Water and Sewerage Authority. That was the breadth and the depth of the national consultation and indeed it went further.

In that period, in 2002, when the Government had gone out for national consultation, we are reminded that there have been other reports and consultations done by a plethora of stakeholders. One such stakeholder is the NGO known as Trinidad and Tobago Citizens Agenda Network, TTCAN, whose coordinator, Mrs. Sheila Solomon, produced a comprehensive report, following consultations across the length and breadth of Trinidad and Tobago in 2003, giving detailed recommendations for the transformation of local government, including proposals for a citizens agenda, infrastructure and physical planning, human resources; participatory structure, including the legal framework and best practice for councils

and committees, and relations with central government. These recommendations, in fact, now form part of the current Bill before us and I have personally provided a copy of that report to the Minister for Rural Development and Local Government.

Mrs. Solomon's mantra was, among others, quote:

Serious listening produces understanding and an appreciation of how ideas can complement each other rather than conflict.

In everything that has been said in this debate and, in particular, in the work of the Joint Select Committee and its report which has been brought here today, that mantra remains true. In our engagement with each other, Mr. Vice-President, on this debate, we have heard from previous contributions of hon. Members on this side and, indeed, from Independent Senators. We have also heard from the Opposition.

Today, I have had the privilege to listen to the Minister of Agriculture, Land and Fisheries, Sen. Kazim Hosein, whose comprehensive understanding of an involvement in the reality of local government in practical terms speaks volumes for the substantive value of what this Bill means. I am humbled, Mr. Vice-President. Today, I sat and listen, I appreciated it and I was educated. I salute Sen. Hosein's contribution, and wholly and gratefully endorse it. Our national community of Trinidad and Tobago is in good hands and the road being charted by this Bill promises a meaningful and fruitful journey to citizen participation and empowerment.

Mr. Vice-President, the Committee recommended that its report be adopted. This was done on the 23rd of May 2022, in the House of Representatives. And so, we are here today. I ask your leave today to pay tribute to one of our founding fathers, Sir Hugh Wooding, who in another context, on the 18th of February, 1967, on the occasion of his acceptance of an honorary doctorate at the Mona Campus at

the University of the West Indies in Jamaica, said this, in words which today yet still ring clear and true in this conversation in which we are engaged:

The call is for community effort. No that democracy can survive, let alone triumph, which is not a cohesive community under law, a society of men and brethren working together with a common purpose and seeking the common good.

Mr. Vice-President, today we as a Parliament are entrusted with the constitutional authority and the mandate to pass the Miscellaneous Provisions (Local Government Reform) Bill, 2020. The time is now. We have been travelling this road since 1965. The process has been thorough and inclusive. It is imperative that we take the initiative to affirm the results and recommendations coming out of the process heralded by the report of the Joint Select Committee to supply our municipal corporations with the necessary tools to transcend and to operate and to function to the best of their ability. This is a fundamental step in empowerment for the peoples of Trinidad and Tobago in each of our communities and for our national community. Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Varma Deyalsingh.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Varma Deyalsingh: Thank you, Mr. Vice-President, for allowing me to participate on this Bill:

“An Act to amend the Municipal Corporations Act, Chap. 25:04, the Burial Grounds Act...the Cremations Act, Chap. 30:51, the Advertisements Regulation Act...the Recreation Grounds and Pastures Act...the Highways Act...Property Taxes...and Planning and Facilitation of Development Act...”

So, I am very pleased to be partaking in this discussion today. You see, Sir, the regional corporation plays a, what I might say, a real aspect in the person's life—day to day living. The fact that as mentioned by Sen. Lutchmedial that, you know, she steps out her house, the road is there, she goes buy her doubles, every aspect of our community starts with the regional cooperation. So, they definitely have such an important role to play. And as I am pleased that I live under the corporation—the Tunapuna/Piarco Regional Corporation and I must say, there are good things but there are also things in the community I see the need for improvement.

So, while I look at our community, I must say that we have been honoured to have the support of the Councillor Seema Ramsaran and also, we have Kwasi Robinson, the Chairman, also have been there and has given us a lot of support when we make any sort of representations that we need.

So, at this point, I may say, how does it affect me? Well, definitely, in my day to day running, you find that, you know—the garbage collection I look at, I look at the collection of the bush, you know, grass cuttings, I look at the cesspit collection, you know, when they coming to clean the cesspit. Those are things that affect people besides the roads, besides the drainage. So, I must say—I have to say, I am pleased about our garbage collection in our area, I am pleased to say about the collection of the bush. You always have guys coming and claiming that the load is too much and if you give them a little hundred extra, they would move it. So, we always have these little squabbles in our community when these persons in these trucks come and try to get a little more from the residents. But we do complain, we do have the ear and I must say we are pleased to have our councillor and our Member of Parliament of the area—Member Ameen and Mr. Robinson are also on our WhatsApp neighborhood chat.

So, this is something where anything can happen in our area, we have the ears of those persons. And this is, I think, the way that this Bill can actually give the members of the public a little more say, a little more, you know—reaching the ears of those persons to say, “Listen, things are not going right.” And if this—if that accomplishes—this is accomplished in the Bill, I think it would be a success.

However, there are still challenges with drainage. So, sometimes we have the drains in the area and it is sometimes, you know—you call the corporation and you may hear it is works department responsibility; another person may say, it is public health to come and clean the drains; a next person will come and say, well, CEPEP is just for the verge.

So, we have that difficulty, the neighbours have that difficulty, and it is there. And if the Minister is here today, so he would realize, and I am sure he realizes that, you know, that is some complaints. But I do not know if this Bill, giving more powers to the corporations would actually solve that for us. Because you will always have the idea—if there are too many cooks responsible for something one may point fingers and say, “It is not me, it is him.” And, you know, you will have that issue occurring and it is the residents there—the citizens who are actually caught up in this mess. So sometimes, these are things that we have to fix the drainage who is responsible, who will come out, who will do it, because you remember dengue season will be here soon.

The roads, we have known—we have heard about the roads. And again, when we call for the roads, we hear some roads would be under the Ministry of Works and Transport, other works will be to the corporation, then WASA will come and dig up the road and we will hear that WASA has a road repair programme.

So, there are all these entities but, yet still, we are missing the deliverance. So, three sets of entities for drains but each will have their own areas to clean; different persons for the roads but, again, there is the actual— each of them has their own territory. So, we need somehow to fix this and if the corporation could somehow, you know, liaise better with these entities, I think we would actually get some relief in the community.

4.10 p.m.

So, I am saying, even before Sen. Hislop made that claim that Tobago had this going for a while, I must say, I was always jealous of Tobago. When I go there and I see the place looking clean—the grass cut, I see the roads looking well—I have always said well, those persons there, they have something that we do not have here. They have probably a pride in their community, probably the mechanisms they have in place. And with all this Bill here, if this Bill is passed, I am saying, yes, there are benefits, but if we have the same persons working in the corporations with the same work ethics, I do not think we will go further. So, therefore, with this Bill has to come a mindset where we are now giving that responsibility to the workers there to act better, to perform better, because nonperformers may not be changing, they may not have any motive to change. And so, therefore, a failure may really be that same players, same work ethics and we may have the same sort of, you know, deliverables coming there where people may still be complaining.

So, when I looked a little further at this Bill, I want to just touch on a few aspects of it. I want to touch on the aspect that you would have made mention that 35I(d) states that the corporation would be responsible for the maintenance of government schools and also the maintenance of government schools and also any sort of school within their area, and we just wanted some clarification. Because

remember there is the maintenance training unit, the MTS, which goes in and provide cleaning services to the schools also. And I would wonder in what way they would get involved. Would they say well—I mean, is it that if the MTS would be not available or will they be pushed out of that—for the school cleaning programme—if we now have the corporations coming full up with their cleaning activities and maintenance. So, this is a question I wanted to find out. Who would be responsible for the schools?

So, therefore, definitely if persons will have a problem in the schools, that they go in and there is no sanitization, especially now that COVID is around and children are out in full, some parents may have concerns even before the COVID pandemic, about the state of the toilets in the schools. Some parents would have concerns about the water, the sanitization. Now, especially in the pandemic, we need to be clear. Is it the corporations in charge of making my children school a clean area? With the Government schools, is it the maintenance training unit? You see, if a child gets the virus in school and succumbs and the parent wants to take legal action, he may have to know, who should I direct it to? Could it be Ministry of Education? Could it be a cleaning company?

So I looked at 35J and A, where it looked at the disaster management. And, you know, the rainy season is here, floods will come about. In my area we have flooding. Thankfully, the bad weather we had recently, I might say, we did not have that level of flooding that we expected and I think that stands to the cleaning of the Guayamare River, but that has to be maintained.

So, while I am looking at the disaster management, something here that is very important, and what is important here is the fact that in a disaster you have the corporation now having that part to play. And a few years ago, with the ODPM, as a practitioner in mental health, we had made a motion that all our mentally ill

patients, we should have a sort of demographic mapping of them. You know, so in case of a disaster, in case there was even that blackout recently, you would know your population who is vulnerable. And this is where I think the corporation has a great part to play in this aspect of it.

You see, the corporation with their councillors should know their community. They should know who in a community lives alone, which elderly person, which blind person there. And that liaison with the councillors and having that disaster management unit, the ODPM be on track, so in case there is a flood you will know there is a home—there is an individual there may be mentally ill, may be trapped, may not be able to come out, a blind person living alone—and this I think is something that if we get this going properly, it would be to the benefit of our population.

I also want to make mention to the fact that the Minister of Social Development and Family Services, did come out in her contribution—excellent contribution. She is doing excellent work. I congratulate her—and while she mentioned domestic violence, I want to make a little plug there also. You see, we have had the Gender-Based Violence Unit, but we still have a gap where persons may have issues in their homes behind closed doors. Government would not be responsible for that. They would not know what is happening there. The crimes that are committed by domestic violence, they would not know, highly dependent on relatives actually warning us, highly dependent on co-workers saying that the woman is now isolated, highly dependent also on the neighbours.

So, therefore, I have always said we need a “macocious” society. We need a society of “macos”, who could look and say, hey, my neighbour is now fighting, they are quarrelling. It is causing a problem. By you being able to now call the municipal police, you might be able to get that police to come into that area more

often. Just a presence of a police officer come in and knocking at your door: “How are you? What is going on?” Could lead something to reach out for help to escape.

So, I support the measure, I support this venture what the Minister said that the municipal police could help. But remember, even before that we had community policing and somehow it dwindled away. It is still there in some areas. Then we had the community patrols. They used to pass and actually they were excellent in a sense that if you see somebody in the area, a strange car, you could call them as well as call a security company if you have one in your area. But all those grand plans were there but it fizzled out. So even though I am seeing that we even have the Gender-Based Violence Unit, we can also call, we can also reach out. To me, any additional help with the municipal police coming on board, I think, if you have more of them, they may be able to help this, and it is something I think the country would benefit from if it is handled in a proper manner where they would be able to spread out in the community.

I also would like to make mention to the fact that the Minister made mention that the municipal police may be able to help against the gang violence and whatnot. But I am thinking, they are not so equipped. The gangs now are so armed with such sophisticated weapons, if our municipal police are not armed properly, this is a dangerous venture for them. That should be left to the traditional police who will have their anti-gang units and the weapons to go after. The municipal police could be walking areas, see if there is a drug den, make reports also report to the normal police officer. So, just their presence around the community may give someone a degree of comfort.

The Minister also made mention, and also I think section 35H made mention where there has to be a division with the responsibility for community development and social services. So with the pandemic, with poverty, with

unemployment, we are seeing there is a great need to reach out to individuals, and if the corporation could now help or be of assistance to the central government, the family and social services, this aspect, they will definitely be able to reach other citizens who are in need.

I must say when the Minister touched on the aspect of homeless persons, I was a bit—it brought back memories, Mr. Vice-President. You see, it was I think it was when the NAR had now come into power, there was a body established at Riverside Plaza to deal with homeless. I was the doctor there that was appointed by, I think, Selwyn Richardson was the Minister at the time who appointed me and it was Mr. Solomon, Steve Solomon from the Catholic Church and also Krishna Maharaj, who was a psychologist. And our job really was to look at the homeless in Port of Spain, and we did everything like track those persons. We knew who had mental illness. We knew who needed medical attention. But when there was a change in Government that filtered away. So, therefore, this issue of social displaced persons is something for years, I have seen the country battling with it, trying to grapple with it, and definitely, if the regional corporations will now have a greater degree of ability to look at these homeless persons, map them out in the area—if you look at San Juan, Mr. Vice-President, on the Croisee, there are a lot of homeless persons there just lying down. People blame St. Ann's Hospital and say we are not picking them up. But the Minister knows, it is a legal issue, it is a medical issue. The laws may need to be changed. But I think even sleeping on the public space, the corporation with their municipal police could come and say: "Hey, get out of there", but we really have to provide homes. We really have to provide homes for the homeless. Just as how Riverside Plaza was an area, the corporations now in their planning, the money they get from property taxes, will have to factor in the fact that you could give us like a home where homeless people

could go out in the day, do what they have to do, but come back in the night, get a safe place, go have that. So we have to develop these in each corporation.

And while I make mention to this, Sir, is that the importance of the corporation in having a greater autonomy is something that they need to develop, because the Minister of Health and previous Ministers of Health, have also mentioned that they were going to deinstitutionalize the St. Ann's Hospital. St. Ann's Hospital has around 600 to 700 patients living in there, chronic long-stay patients. Some relatives do not want them. Sometimes they are there for years. Some of them will die there. It is a great cost for the taxpayers to be maintaining those individuals there. And, globally, the thrust has been to deinstitutionalize, to put persons back into the community where they belong.

So, there are two things with this: One, if suddenly we do not prepare, the corporations do not prepare places for these persons, and you have a lot of persons coming out there, you will end up in a state where New York had their persons going and living in boxes in the cities. So, therefore, definitely, the corporations will have to factor in the fact that—the Minister of Health has already mentioned this. The mental health team has already been looking to put persons in homes. But, as a community aspect, we do not want social distress where these persons now, the corporations now making the place look nice, tidying up, doing their best to make the community better, but you have persons walking out of these homes that we put them in outside, and going into the society causing distress. So this is something they will have to factor in in any sort of moneys that they receive.

Clause 7 speaks about the recreational grounds and having recreational grounds. And why I make mention to this is, in our chat, as I mentioned, we have a WhatsApp chat where there is the councillor J-lynn Roopnarine from the Curepe area. She had a distress call on the chat where the Knowles the Street Recreational

Grounds—I think it was on the holiday. I think it was April the 30th around there. She said thousands of persons descended on the ground. Persons called her and blamed her and said: How could you allow persons to have loud music, drinking alcohol? And remember the regulations on mask wearing was still there. So, she made mention that she was distressed because the neighbours around that Knowles Street Recreational Ground complained to her. They were saying she was to blame. And it ended up that, unfortunately, a lot of the individuals there were migrant population, a lot of Venezuelans were there, and they seemed to have caused distress to the residents on Knowles Street.

So, it was after this, after the Chairman of the Regional Corporation got involved, we realized that somehow there was a lapse, a mistake. People may have applied to use the ground for one reason, but were using it for a different reason. So the recreational grounds—the maintenance, the power to keep it in such a safe nice way for other people around not to cause a nuisance, is very important. And I mention this because with the mental distress people are having, people need safe areas, not safe areas from COVID, but safe areas where you can carry your families.

The Boardwalk in Carenage was something a dream. I had dreamt that, you know, you could go there, park up there, police would be there. You walk with your child, you feel safe, you come back, your car would not be stolen. So in each corporation, we have to now develop the mindset that we could provide safe places where you have guards. You have the municipal police there, I could go and picnic on the ground, not being fearful of somebody stealing my car or some socially displaced person coming to try to attack me or cause a nuisance.

So clause 7 with the recreational grounds, I am thinking, it is important to the new world we want to create to give people those spaces where they are safe

with their relatives, certain areas on the beaches people could have. You go in there without loud music. Certain areas like if there is a park, you know, you maintain it. And this is where, I think, it is important again for the corporations to realize the important role they play in maintaining these areas, recreational grounds, which could have an effect of helping persons deal with their stress, safe places where we can go. And I saw in the Eddie Hart Grounds, remember there is a place where you can go in the car park and you could buy food and you could go on the grounds and you can have a relatively safe area, but we need to maintain it where families can go without any fear of a crime happening.

So, I looked at now 35E, where we looked at the public health environment waste. And, you know, when I was younger, I remember Charlie was the cartoon character. Charlie was, you know that they pushed to get rid of garbage and to clear up the streets and whatnot. I see Charlie has now returned, you know. So I am seeing Charlie coming back in ads, and the message there is to try to get people to recycle, and the recycling initiatives are very important for the corporations. The fact that we had Charlie, we had Litter Wardens, all these things we had before, but we realize when there is a flood and we see what is happening in the drains, what is coming down, they sort of Styrofoam pollution, people dumping stuff, this role here where section 35E(2) speaks on their duty is to also hire Litter Wardens, we need more Litter Wardens, right through, to be looking at the area to be having the power to tell persons, pick up our derelict vehicles.

I must commend the Minister of Rural Development and Local Government recently where he had a clean-up campaign, where persons were allowed to push all their large rubbish and garbage outside. So people put mattresses and they put their fridge, old fridge, old stove. These are things we need to continue from time to time, because people will accumulate it and you are giving them an opportunity

where they can come. So I thank you Minister for that and it is something I am hoping every three months, six months, we could continue that initiative.

I also looked at 35E where we looked at the control of insects, rodents, very important. Because you see what I must say, you know—and the new portfolio also given to I think it is a Director of Health, very important role, because, you see, Mr. Vice-President, in my area where I live, we do have a problem with cats, dogs. You know, people dump cats and there is a lot of cats and cats will multiply and kittens and they get big. So, we have cats, we have dogs, stray dogs and we have rats. And, as you are well aware, with your medical background, Mr. Vice-President, in south now there is the outbreak of rabies. We would not want any sort of rabies to find its way—because I think the Minister of Agriculture, Land and Fisheries did mention the vampire bats are biting and giving cattle in south rabies. If that spreads to our community and dogs get rabies, you know, we would be in for some problems in our communities where we are now exposed to rabies via our dogs. So, therefore, rodents need control, because of the fact of leptospirosis being there.

And I must say, the new role given to the Director of Health, I guess we have somebody else now we could now go knocking on his door and say, listen—you know, even though, there was the health officer there before, I think the Director of Health there would be someone who we could now approach directly and say: “Hey, we need to have the rodents controlled and they do come. When we apply, we do get persons coming from the corporation putting rat traps. So, it is not to say it is not there. I think an issue people are complaining of now is the spraying that I think we made some applications to our councillor to see about spraying for mosquitoes. So, a very important role I have seen that the corporation has.

I also want to make mention of this that when you look at 35E(1), where the

corporation could investigate public health complaints, abating of nuisances. Now, this is something I am looking at. So a nuisance, we have noise pollution. Persons are complaining after the COVID is like the whole country gone wild. People would play music loud in the night. You are having parties sometimes occurring, persons cannot sleep and too actually, it is a public health issue. If I want to sleep at night and have my eight hours rest to be mentally fit next day, and you are getting that noise pollution in the area, if you have persons having—you know sometime on a long holiday, you want to rest, and you cannot rest in your own homes. So that level of noise pollution that we are seeing, that level of complaint—there was a body recently established, an NGO, to actually sort of whip up support against noise pollution. So, the corporation has to realize that they are closed by.

Now, I have spoken to the Commissioner of Police already and the EMA, and they seemed to have been a lack of the monitors, these noise devices to get the level of the sound. So, this important role for the health of persons who are trying to sleep—elderly persons who cannot sleep, persons who are studying, persons with babies, persons who have mental health who need their rest in their home, because your home is an area where you should choose to just get away from the world—the corporations may have to liaise with the EMA, liaise with the police officers, teach their municipal officers how to have these noises metres, how to measure it. And also I am hoping this is something that could, at least, help the population who has been complaining.

I also would like to make mention of 35E(b), which made mention of a corporation also would have to deal with the distribution of water in areas as requested subject to the water and sewerage Act. Now, there are some areas where there may be a shortage of water and sometimes, you know, WASA has given us a number to call if you want water to be delivered in tanks that they could come.

Sometimes you call, sometimes you do not get, sometimes it is challenging. So if the corporation could now take up this mantle again, where persons are without water for a certain period of time—I am certainly thinking water is such an essential service especially with COVID, you need water to wash your hands—the corporations could now come and step in to any sort of a gap that WASA has and not able to supply tank borne water to individuals.

An issue I have really, I would like to check on too, is 35F(j) speaks of the issuing of building approvals applications for land development, not more than 20 lots, you know, as considered for sample dwellings. Now, the approvals. This is something that I always had problems with in terms of—and I am talking about a practical aspect—you are driving down Curepe Main Road, you are driving down Aranguéz Main Road, those main roads are access points from the Southern Main Road to the highway. So, therefore, if they are blocked up, in cases of emergency, what are people to do? And sometimes, Mr. Vice-President, I have seen cars parked indiscriminately. So a car may park on one side of the road, a next one on the other side, and you have to kind of manoeuvre around cars and then traffic is coming in both directions. And we ask: Why were buildings given approval to have bars, to have supermarkets and they are not giving the parking spaces available and people park on the road? And this is something I am hoping the corporation would how come into play. If you are now giving people approvals, if you are now giving people applications to build certain areas, once it is on a main road, we have to have something better. Either they park on the side streets or you do not give approvals for buildings that are going to cause, again, social distress, again, people having to reach home, reach to school.

Another thing I may want to make mention is that in any sort of a planning, as Members here would know, you have to allocate a certain percentage of your

land to green space. And I have seen a lot of houses now, they simply cut all their grass, take their grass and concrete their whole place, cut down their trees. So, you are actually now in breach of this. And I think this is something for the global warming, this is something that we have to realize is going to affect us if we do not somehow look at that regulation and say, listen, you have to ensure that you have that green space, a certain part of your land, dedicated to greenery and this is something we have to get serious about.

Besides looking at the space in terms of the green space allowed—trees or grass, you know and not allowing people to cut it down and just make concrete jungles—we have unfortunate, Mr. Vice-President, where gates fell, sliding gates fell on children. We had unfortunate instances where persons has pools and children drown in the pools. And, you know, if we had a proper planning sort of a division, a home inspectorate, any person going to put a sliding gate should have to get the corporation permission, should have to do it in a particular way. Anyone who is going to have a pool, should have a barrier. There are certain regulations. You have to put barriers there, certain warnings, block it around with a fence. These are simple things that the corporations have to realize that—I have been counselling two families who gates fell on their children, you know, one recently and one years ago. These are disasters that we could avoid and the corporations could now have a way they could go in and inspect and say, listen, you put in a gate, you have to do it in a particular manner. You are thinking about a pool, you have to have that barrier. So, it is important. It is an important role they play for the safety of our children, that planning aspect, I am saying.

Again, a plea I want to make for the corporations, we need public toilets. You may go into Curepe Junction and you have no toilet. You need public bathrooms somewhere along the way for people. There is an elderly population

now. A gentleman who had prostate enlargement, he may now want to stop and use a washroom. So, it is simple. So we have to scatter that in the corporations at certain areas, and this is something I am hoping that they could take heed of in view of our aging population, who would need that facility.

I also took note of the Minister of Social Development and Family Services when she made the plea for Mr. Terry London, who is very active, involved over 40 years. So, I totally agree with her. All those councillors there, all those persons who served as Alderman, they should have a pension. They should have, as I am saying, they should have their jobs being paid excellent. We bother them all hours in the night. Ms. Seema Ramsaran is in our WhatsApp group, and neighbours will put a WhatsApp message about the cat missing or the parrot gone missing. Nonsense like that, you know, important to the neighbours, but you are waking up the councillors. So, you know, we have to realize that the councillors work 24 hours sometimes. They are there for our wellbeing. During the COVID pandemic, they distributed things. So they should be remunerated and I have no problem with them getting the remuneration, but with that comes responsibility. You have to be more responsible to what you are doing to the pleas of the people to the plights of people. The member, even our past first female Prime Minister, Mrs. Kamla Persad-Bissessar, she started and I think in the corporation. Past Attorney General, Garvin Nicholas, started in a corporation serving. So, you know, it serves as an area where they can progress to these national, you know, portfolios. And even when they were serving then, I am sure, we should have been able to give them that remuneration, because they are working hard and I have to welcome that move.

I also welcome clause 9, which looked at amending the dogs Act, section 8(5). Because remember recently in Real Spring, a police officer had to shoot a

dog coming in the road. So this officer jogging, took out his gun had to shoot this dog rushing him. Regrettably it happened. So, the persons have to have that responsibility. So this increase in fees to, you know, have your dog, you know, on a leash, if they are unleashed also without any sort of, you know—if you have your dogs, running around on the road and disturbing people, I welcome this.

4.40 p.m.

I also look at—I must make mention—the clause 68 mentions the standing committees and I think the standing committees are important to be visible so persons will know who they are. Who are those persons in the standing committees who may allow a party to be running for a few, you know, in a recreational area with noise pollution. Who are those persons in—

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

Dr. V. Deyalsingh: Thank you, Sir. You know, that you need to say planning going haywire. So we need to have a face to those people and clause 69 should have that, those committees especially the infrastructural, development, maintenance, public recreational grounds, public spaces, the planning, those persons, you know, responsible. If they are not doing their job properly, this will result in social distress and I think they should be there where persons can now ask them, why are you?—certain things are not running properly.

I must say clause 77 gave me concern, as it gave Sen. Roberts concern, where now you see your private information, taxpayers, the BIR will be giving it to the corporations. Now, some people work hard, some people buy property, some people have a lot of properties and, you know, we have to be careful with information. Remember some people have gone to banks, withdrawn money and got robbed. So imagine now if BIR information is now sitting in a corporation office where people could say, well you own five properties and you may be

targeted by criminals. So I share Sen. Roberts' concern for that.

I also felt uncomfortable with 109 where, you know, given the powers of the corporations to borrow and also to even to get moneys from foreign states and agencies. You know, right now it was made mention that the corporations are not up to mark in their bookkeeping. So definitely if they are going borrow money, how do we know if 14 corporations will borrow money, will do some airy-fairy project and the next minute it goes haywire and the taxpayers now will have to bear the brunt of this. So I am uncomfortable with persons who had given the history of not giving good financial accounts before to now be borrowing. I think we have to have some better scrutiny for this.

I must say though I would like to make mention that the Joint Select Committee, in my opinion, did an excellent job where they looked at certain aspects, they saw certain needs to improve, to strengthen. And in the hard work that they done I must commend them. I must say that even in the implementation now we realize the important job the corporation has with property tax.

Something I must mention, Mr. Vice-President, clause 10 serves that the property tax collected will go back into the community. But if it is a community like say Sangre Grande who may not have affluent house residences to get a great property tax, you may be continuing that cycle there where you are keeping that community down because it is not like to say, like you go Bay Shore and you are getting a lot of money in your property taxes. So you know, that system is somehow keeping that cycle of poverty unless we develop certain affluent areas in those communities where we can get more property tax.

So in conclusion I say Hazel—Member Sen. Thompson-Ahye's fear that how could we connect the NGOs to the corporations. We are already doing that with our WhatsApp group and I think hopefully this Bill will add and augment that

and we could get something better out of this. Thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Senators, we are suspending the Senate for 30 minutes. We will resume at 5.15 p.m.

4.43 p.m.: *Sitting suspended.*

5.15 p.m.: *Sitting resumed.*

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

Hon. Senators: [*Desk thumping*]

The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Thank you, Mr. Vice-President. Mr. Vice-President, it gives me great pleasure to wind up this debate on what I think to be one of the most important pieces of law that I have had the privilege of piloting.

Mr. Vice-President, the material before us is one that has received, as the record now shows, significant contribution. We have had decades of consideration of the law. I refer to the fact that it was the Exchequer and Audit Act in 1959 in its passage that really saw the recentralization of local government. Whereas the county councils had their proper function and a degree of almost full autonomy with the ability to manage all things that were within the respective counties, the Exchequer and Audit Act really was the single piece of law that brought life into central government managing all that was under the purview of local government.

Now, Mr. Vice-President, it is important to ask ourselves how has that worked for us? And if we are truthful about the experience I think that everybody in this august Chamber can agree with everyone on the outside of this Chamber that local government has not been allowed to perform in the fashion that we wish it to perform. It is why in piloting the Bill I started off by saying, dare to dream and just start.

Mr. Vice-President, I wish to thank the hon. Members of the Senate for their fulsome contributions across the three Benches. Because, Mr. Vice-President, even though one may be tempted to just simply castigate the Opposition and say look, they do not support so let us not speak to them, the fact is that the Opposition has brought proper reflection to some of the difficulties in local government.

The Members of the Independent Bench have brought some very targeted focus which I hope to address as well. But I wish to also thank my colleagues on the Government Bench and in particular today I wish to—

Hon. Senators: [*Desk thumping*]

Hon. F. Al-Rawi:—say to my learned friend, my colleague the Minister of Agriculture, Land and Fisheries the hon. Haji—Sen. Haji Kazim Hosein—

Hon. Senators: [*Desk thumping*]

Hon. F. Al-Rawi:—that he has left an indelible mark in the Ministry of Rural Development and Local Government and one that is very hard to even think of surpassing in his humility and in the exercise of his functions as a Minister—

Hon. Senators: [*Desk thumping*]

Hon. F. Al-Rawi:—in preparing us for today's debate. And I really genuinely reflect upon this, not because of the work that I have seen inside of the Ministry, but because each and every weekend I have the pleasure of working with a different corporation as we survey and clean Trinidad and Tobago in preparation for this law and everybody gives the same testimony of my colleague and friend my brother Kazim Hosein.

Mr. Vice-President, I wish to also thank the hon. Attorney General, Mr. Reginald Armour of Senior Counsel for targeting on the Government's side the purpose of today's law. And permit me one moment to reflect upon a quotation which I was going to give myself coming from the works of Sheila Solomon and

allow me to say, Mr. Vice-President, that in the treaties and work that I was privileged to receive and material which speaks to the power of listening, those words immortalized by Shelia Solomon in her written contributions to the development of Trinidad and Tobago, it is by no mistake that her son-in-law finds himself here as the Attorney General of the Republic of Trinidad and Tobago, Reginald Armour, because he too has taken up the mantel of public service. So permit, Mr. Vice-President, so say—

Hon. Senators: [*Desk thumping*]

Hon. F. Al-Rawi:—special thank you to the Solomon family, be it Frank Solomon, Denis Solomon, Sheila Solomon or the servants that they bore in their ways and forms across the panoply of Trinidad and Tobago's public service.

So, Mr. Vice-President, let us jump to the contributions and let us thematically arrange them. We heard our colleagues speak to a few issues which are in common. Number one, the issue of property tax. Number two, the role and function of the Minister of Finance. Number three, whether this is devolution of power or is it, in fact, centralization of power as it relates in particular to the role of the Minister of Finance. We also heard about the need for transitional measures. And then the fifth category that you can throw together is the specific tailor-made observations in respect of the laws as set out. Because, Mr. Vice-President, we are with several schedules in consideration. The Bill itself proposes amending nine laws and various regulations under those laws. But we are really looking at approximately 111 amendments. And those 111 amendments, the large part in clause 3 treats with the Municipal Corporations Act. So let us jump to the thematic areas as many Senators proposed that there was a degree of clarification required.

Let us start off with the issue of property taxes. Clause 3 of the Bill proposes a reintroduction of the concept of land and building taxes, now called property

taxes under our law, and those taxes are to find themselves in a re-institution of Part V of the Municipal Corporations Act. And Part V of the Municipal Corporations Act is where the old land and building taxes used to live as a feature of law. Part V substituted the inclusion of property tax. And several Members correctly observed that the Bill right now is proposing the corporations to receive the fruit of property tax. Members have reflected upon the fact that property tax in the new section 76 onward that we will add, that property tax under the Municipal Corporations Act, the new Part V, focuses upon residential taxes. And, yes, hon. Senators are correct, rural areas with sparse number of residents will be at a disadvantage from more urbanized or centralized areas. Let us put it into context.

A couple weekends ago I was in Streatham Lodge cemetery. 22 acres of cemetery with 230 CEPEP workers cutting grass that was 16 feet high. That cemetery represents the size of the borough of Arima. Let me repeat that. One cemetery at Streatham Lodge is the size of the entire Borough of Arima. So you are getting an idea of density. You look at the San Fernando City Corporation you will see a similar density. You look at Port of Spain. So, yes, let us accept that property tax from a residential purpose under Part V as it is proposed to be inserted after section 75 of the law pursuant to clause 3 says that you will get residential taxes.

But I want to remind, Mr. Vice-President, that the law specifically also proposes in clause 10 of the Bill before us, clause 10 as Sen. Lyder referred to it but albeit in a disparaging way, clause 10 is pellucidly clear in setting out the amendments to the Property Tax Act. And it is important therefore, Mr. Vice-President, when you look at the Property Tax Act, the Property Tax, No. 18 of 2009, was amended by Act No. 2 of 2015 and No. 6 of 2018. And I want to specifically refer to the fact that the Minister of Finance has the ability in the

Property Tax Act to also allow municipal corporations to achieve the collection of more than residential taxes. And specifically the Property Tax Act itself says, that the Minister of Finance can give to the corporations residential taxes, agricultural taxes, industrial taxes and commercial taxes, the four categories of taxes.

And that, Mr. Vice-President, is materially important to answer the submissions and enquiries of my learned colleagues here that said, well what do we do of disparity or inequality on the face of it where the Mayaro Regional Corporation may be of a geography such that they get 2 per cent on the dollar as opposed to the Port of Spain City Corporation that may get 50 cents on the dollar? And the answer is to be found therefore in the Property Tax Act itself clause 10 of this Bill amends the Property Tax Act. But very importantly, Mr. Vice-President, I want to point that section 109 of the Municipal Corporations Act which this Bill proposes to set up, section 109 of this Municipal Corporations Act provides for the statutory fund. And when we are looking at section 109 allow me to point out for the comfort of hon. Members, that the new (1A) subsection being inserted pursuant to this clause 3:

“...moneys of Corporation Fund under subsection...shall comprise—

- (b) revenue from fees, charges and fines and taxes, including property taxes collected and distributed in accordance with the Property Tax Act;”

Let me repeat that. Property taxes collected and distributed in accordance with the Property Tax Act.

If you go back to the Part V and you look at what is currently proposed, it is true that clauses 77, the new inserted 77, 78 provide for residential taxes but you must read this law in accordance with clause 10 which amends the Property Tax Act. And when you get to the Property Tax Act you will note, Mr. Vice-President,

that the Minister of Finance has the expressed statutory authority to provide for residential taxes, for property tax which comes from the commercial arena, comes from industrial arena and comes from the agricultural arena. And that therefore, is the springboard by which we can calibrate the equation. In other words then, the Minister of Finance has the proper ability to adjust the scales depending upon the sparsity of residential taxes.

Now, Mr. Vice-President, that is very important to observe in answering the second observation of hon. Members. Hon. Members raised the issue about the location or situation of the Minister of Finance in this Bill. The Opposition supports the view that the Minister of Finance represents a centralization, that the Minister of Finance would allow for politicization, that the Minister of Finance becomes all powerful. But in making those submissions, the Members of the Opposition failed to appreciate the Constitution of the Republic of Trinidad and Tobago and the laws by which we operate, the whole concept of the Ministry of Finance. We must read this law together with Exchequer and Audit Act. We must read this law together with the corporation sole Act. We must read this law in the clarity of the light that is shed by Constitution of the Republic of Trinidad and Tobago. So let us go to the Constitution.

The Constitution of Trinidad and Tobago sets out in chapter eight that there is a Consolidated Fund. Section 112 of the Constitution sets that up. You cannot spend a dollar out of the Consolidated Fund unless you appropriate moneys by way of an appropriation Bill every year; that section 112. You cannot spend a dollar that you do not have and therefore you have the ability to ask for more money in a supplementary appropriation which comes under section 113 of the Constitution. You have a contingency fund set up by section 115 of the Constitution. Parliament may authorize expenditure specifically under section 114 of the Constitution. Who

is present in all of these features of the Constitution? The Minister of Finance. Why? Because, hon. Senators, I invite you to consider in the whole-of-government reformation that we are about that we have to look at whole-of-government revenue. That is one of the underwriting principles of the Revenue Authority. That is one of the underwriting principles of the Ministry of Digital Transformation. That is the underwriting principle of value for money. But in consolidating money, the Minister of Finance has a role because the Budget Division at the Ministry of Finance has to look at what money is available to be spent where. Mr. Vice-President, we all know that very vivid local expression that we use, “champagne taste and mauby pocket”.

If we want to develop our country, we can have a wish list from now to kingdom comes. How are we going to pay for it?—is the essential aspect. So in this Bill proposing the introduction of the Minister of Finance, it is in line with whole-of-government ideology that we promote. But let us remind ourselves, if you look at section 109 of the existing Municipal Corporations Act under the power to borrow, the power to borrow is subject to the Minister of Finance’s approval. All that we are doing is harmonizing the structures appropriately.

Let us deal with another facet of the Minister of Finance that hon. Members asked for clarity on. Why, the Opposition asked, should the Minister of Finance be in the position where the body of the municipal corporation, that is, the municipal corporation itself established alongside the Executive Council. We have a municipal council, you have an Executive Council. Why should the terms and conditions for remuneration in section 17 of the Municipal Corporations Act, as it is proposed to be amended by clause 3E, as in echo, why should section 17(1) read, the Opposition asks, as follows:

“...Mayor, Aldermen, Councillors shall be eligible for such

remuneration as may be determined by the Minister with responsibility for finance in consultation with the Chief Personnel Officer.”

Members of the Opposition asks, well what about the SRC? Let me address this situation directly. Under section 120 of the Constitution, followed by section 121 of the Constitution we have the Salaries Review Commission. That is a fact. Members of Parliament, by way of example, have their terms and conditions and remunerations done by the SRC. How has that worked out? Members opposite complained that they are paid \$14,000 a month to do full time work because this is a lot of work. In the Senate, certainly I can say that this not a colonial part-time job that we are participating in. The SRC is required to present reports after an exercise that takes decades to have completed. If we are honest with ourselves, the SRC takes decades to complete its role. Compare what is on offer now in the amendments proposed by clause 3E where we say, the Minister of Finance and the CPO the Chief Personnel Officer shall set the terms and conditions, the remuneration.

The Chief Personnel Officer has two masters in terms of line responsibility. The Minister of Public Administration and the Minister of Finance. Why is that relevant here? Because, Mr. Vice-President, what we allow here is an ability to be more agile. The Minister of Finance, the Minister of Public Administration, create the job descriptions. They take the job descriptions through the human resource committee of the Government. The human resource committee of the Government retains external entities to advise on comparators for salaries. That goes to the Chief Personnel Officer. The Chief Personnel Officer looks at it across the spectrum and you are allowed therefore the liberty of moving much faster than the SRC can move and bringing it forward such that terms and conditions can be nimbly adjusted in accordance with job descriptions.

Is there precedence for that? Yes. There is precedence for that. Every position that is not prescribed by the SRC having authority, pursuant to section 121 of the Constitution, every position in government is done that way so there is ample precedent. Sen. Dillon-Remy asked the question about whether we were going to be able to pay for the services because we want to have proper participation by people who are competent to act and therefore, one assumes that you have to have fair remuneration in terms of making it attractive for people to want to serve in these functions. Why serve otherwise?

And I am saying that, clause 3E provides a recommendation for the involvement of the Minister of Finance which there is precedent for, which there is ample rational reason for because we are saying now, it is an alternative exercise other than selecting the SRC as a mechanism because the SRC takes too long. And what else is the problem with SRC? The SRC is a recommendation to the Cabinet. If the Cabinet does not accept the recommendation, it does not pass. It is not circularized by the Minister of Finance and it never sees the light of day. So, Mr. Vice-President, that is an important position for the role and location of the Minister of Finance.

Hon. Members also asked about whether this was centralization. And Sen. Roberts was mocking in saying that I had referred to the fact that the gazetted responsibilities given to me includes the responsibility to wind up the affairs of the Ministry in which I am in. Let me explain the position of the Minister of Finance versus the Minister of Rural Development and Local Government. The Bill seeks to bifurcate certain responsibilities. Matters that concern the financial output, matters in respect of which we need to have a degree of congruity, matters which say, let us line it up on a whole-of-government business for financing, the power to borrow, organizational structures. All of these things where the Minister of Finance

has location is not something far different from what exists in the rest of government. Look at the THA by way of example. And I will come as matter of point to Sen. Dillon-Remy's position on the THA and its comparator and I will clarify that in a moment.

5.40 p.m.

But look at the THA. The Minister of Finance has the responsibility to receive the budgets that come from the THA on an annual basis. That budget is then put into the Ministry of Finance. There is a formula for a minimum percentage that the THA gets that is subject to the dispute resolution mechanisms set out in the THA Act, but it is the Minister of Finance that effectively is the hand in law that provides the money to the THA.

We are proposing exactly the same measures here, that the budget is produced by each corporation, it is sent to the Minister of Finance—if you look to the amendments that we propose, the Minister of Finance considers those aspects. The Minister of Finance has the ability under the Property Tax Act to adjust, to give more, to calibrate the equation, to add from residential alone to the other categories available. But the Minister of Finance's responsibilities on that side are to bring us in keeping with what the rest of the whole of government does.

The Minister of Rural Development and Local Government, pursuant to the amendments that we made back in 1959 with the Exchequer and Audit Act, that Minister has traditionally been receiving, in the last 10 to 15 years, anywhere from \$2.4 billion per annum to \$2 billion per annum. And right now, the distribution of that money is such that at mid-year you can receive a request for money of anywhere up to \$200 million to \$400 million, and it is never enough money.

The Minister of Rural Development and Local Government, in being removed from line authority in this legislation, is to allow the autonomy of the

rural development to prosper. Because what we are doing is we are saying, we are addressing some very large issues. Number one, we are saying to the corporations, operate full time. Number two, we are saying to the corporations, operate such that the mayor and the executive council have control over the CEO.

Mr. Vice-President, this week—last week I made a call to—I returned a call to a mayor of a corporation. The mayor of the corporation was asking about the release of moneys from mid-year, saying that virements were necessary. I said, “Mayor, would you please call your CEO and let us do a three-way phone call.” The CEO told the mayor that the CEO cannot speak to the Minister because it is five past four in the afternoon and the CEO is off the clock, that the CEO only operates during day light hours and cannot speak to the line Minister after 4.00 p.m., because “dais not de wuk”. And I am saying that in my own words. I was flabbergasted to receive that message from the mayor of that corporation. But it is a reality that all of the corruptions live it. So, the second limb that I am speaking to is such that the CEO must comply with the rule of the executive council. Much like section 85 of the Constitution says that a Permanent Secretary who is the accounting officer has to comply with the directions of the Minister. And in answer to Sen. Mark’s question as to who is the accounting officer, the CEO is the accounting officer and it is so set out in the existing law.

The third thing that the corruptions are getting is the power to hire. Now, hon. Members asked, many hon. Members asked, why not put local government in the Constitution? And I can answer that in three simple letters, UNC.

Hon. Senators: [*Desk thumping*]

Hon. F. Al-Rawi: We cannot, pursuant to the Constitution of the Republic of Trinidad and Tobago, make laws pursuant to section 53 of the Constitution, which says that we that:

“...make laws for the peace, order and good government of Trinidad and Tobago...”—subject to the Constitution, including section 54.

Section 54 of the Constitution says, you cannot amend certain provisions of the Constitution set out in section 54 without special majorities. If you are going to touch the service commissions, if you are going to touch the power and authority to make laws that are entrenched, you require a two-thirds majority of both Houses in some circumstances, or you require a three-quarters majority and a two-thirds majority in the House and Senate respectively for certain other laws, or a simple majority. But we cannot entrench the provisions that we want to change, because we cannot get the constitutional majority support that we require.

Now, let us go to the tangent that Sen. Dillon-Remy correctly observed. We have made certain comparators to the THA, but we make that comparator to the THA as it exists now. The THA exists in two places in law. One is a creature mentioned in the Constitution in section 141 of the Constitution onward, 141A, B, C, D. It just simply says, there shall be a THA. It is not an entrenched provision. It is mentioned in the Constitution. And then you have the THA Act itself which sets up certain roles and responsibilities including that set out in the Fifth Schedule to the THA Act.

We are borrowing the formula in the existing THA Act, which was passed with a simple majority when ANR Robinson passed it in 1990, and we are saying, let us amend the Municipal Corporations Act and eight other laws and regulations in line with what we can pass.

We can only, as a Government, pass—because of the UNC, we can only pass simple majority law in this particular incarnation because the Opposition will not support the reform that we so desperately require. So, what are we to do, wait another 40 years? Wait another 50 years until Trinidad and Tobago says enough is

enough? How has that worked out for the country? That is why I said in piloting, dare to dream and just start.

Hon. Senators: [*Desk thumping*]

Hon. F. Al-Rawi: If we look to the amendments proposed in the Municipal Corporations Act—Mr. Vice-President, may I ask what time is full time?

Mr. Vice-President: Full time is 6.02. You have 16 more minutes.

Hon. F. Al-Rawi: Much obliged. So, when I look to the position of the constitutional reform, Sen. Dillon-Remy was perfectly correct, we are not referring to the type of amendments that the House considered in constitutional reform to give Tobago autonomy. We are not saying that autonomy is possible because we constitutionally cannot pass it.

In any event, we rely upon the confluence of governance, which is why the Minister of Finance is involved, together with the Minister of Rural Development and Local Government, and why we give the autonomy to the regional corporations. So, I dealt with the regional corporations; number one, the issue of the CEO; number two, the full-time capacity; number three, the ability to hire. And let us touch that issue.

We are proposing the amendments that you see, that hiring resides in three places: one, the Public Service Commission, set up under section 120 of the Constitution; two, the Statutory Authorities Service Commission; three, the corporation itself. That is the novelty now. We are saying to the corporation itself, take the ability to hire. Why do we have the Twelfth Schedule and the Thirteenth Schedule? We have the Twelfth Schedule because if you do not have a service commission supervising the disciplinary aspects of those whom you hire, as we do with the Public Service Commission, as we do with the SASC as a second commission, then you must in law include a process by which discipline is fair and

transparent, and that is why the Twelfth Schedule has been inserted to the Municipal Corporations Act, where due process balances the constitutional cautions that we have to have so capably set out in the Endell Thomas case or Cooper and Balbosa, any one of the cases you want to refer to, we have to observe the constitutional proportionality of the discipline process. And that is achieved by the schedule 12.

Sen. Lyder said, the sky will fall, Chicken Little will die effectively by section 13—by schedule 13. Why would the Minister need to have the ability in the public interest to step in and perform the functions of the municipal corporations? Well, I will tell you why. It is in the very arguments that the Opposition put forward. On the one hand they say, “You are centralizing, you are not giving enough money, residential taxes are not enough, large geographic footprints will be starved, this is madness.” So, the Opposition theory goes. But on the other hand, is it not because we must recognize that there will be circumstances where urgency arises, that we are going to need the provisions of section 37?

When we look to section 37, as it is proposed to be amended, and we say that we have to have the ability—sorry, it is not 37, I will get the correct section in a moment. When we look to the provisions that Sen. Lyder was referring to, and his complaint that the Minister is involved, and that the schedule 13 aspects can actually—go ahead, yes it is 37(3). It is necessary in circumstances of emergencies in the public interest that the Minister, coming in with the purpose of the Government, coming in with the emergency situations, can treat with and bring money to the table to treat with emergencies. And therefore, there is nothing untoward of having this happen. More so, we must remember, the municipal council, as it is managed by the executive council, these are elected bodies, and there is the privilege and freedom of speech.

There is also the provision for judicial review in this country. There is the provision of challenge in this country. So, we are ensuring that any form of odium that could reside in the Minister taking over Thirteenth Schedule responsibilities is managed with due process.

Hon. Senators: [*Desk thumping*]

Hon. F. Al-Rawi: Mr. Vice-President, let us look to the concept of operationalization. But before I get there, Sen. Dillon-Remy raised the concern—three of her concerns: one was the municipal medical arrangements in section 42, as it is proposed to be mentioned, correctly reflecting concepts of balance. Obviously, I respect Sen. Dillon-Remy's view, having served in the regional health authority environment. The Senator has seen what a transfer from a central body, i.e. Minister of Health, looks like going to a regional body, the RHAs.

So, if anybody has the experience of saying how a hybrid decentralization can work, Sen. Dillon-Remy has a lot of experience. But, equally so, we are taking now the experience from the local government arm and applying it from a different perspective. But in relation to the risk of zoonosis, et cetera, I want to remind that the laws of Trinidad and Tobago function as a whole. And if we look to section 43 of the existing law, the Municipal Corporations Act, section 43(c), standards have to be set by the Chief Medical Officer.

So, whether you are looking at the Public Health Ordinance, that is Act No. 15 of 1915, which is robust law, recently upheld by none other than the advocacy of my colleague, the hon. Attorney General, when he was in private practice, or whether you are looking at the Animal Welfare Bill, where we deal squarely with the issue of zoonosis, and risk and transmission, the Chief Medical Officer is a principal actor in all of these equations, and therefore has a standard setting role pursuant to section 43(c) of the Municipal Corporations Act as it is currently

constructed, and therefore can harmonize the risk that the hon. Senator asked for caution in relation to.

Change management, which is what Sen. Dillon-Remy also raised, was something that now falls in line with the operational concerns raised by Sen. Richards, by Sen. Teemal. Sen. Teemal made very pointed observations in relation to change management, transitional provisions. Permit me a moment, Mr. Vice-President, to say this, and I am going to touch and deal with two brilliant perspectives put on the table today, one by Sen. Deonarine, one by Sen. Seepersad. They really hit the nail on the head in flagging how long the Auditor General reports or audited financial statements for corporations have been outstanding. Sen. Seepersad went back to show 22 years, 12 years, 13 years. So, let us wrap it up, transitional management, change management, together with the concept of auditing and accounting.

Now, we are including in the latter aspect a very powerful amendment. I said in my piloting, the Port of Spain City Corruption is sitting down on \$45 million of unspent balances. Why? Because it “eh” audit yet. The auditor, under the Municipal Corporations Act, must come from the central government municipal corporations, in line with the Ministry of Rural Development and Local Government. The auditor has not finished San Fernando, Port of Spain, Arima, so many other areas. Why? Well, the Bill provides an option to say the Auditor General, established under the Constitution, can have somebody from the civil side, private sector, appointed as an auditor, produce the audited material and bring it forward. Why should taxpayers be denied \$45 million of needed money to improve their lives because somebody will not do their job? Like somebody would not answer the phone or speak to the line Minister at five minutes past four on a Friday afternoon. Transitional structure tied into that issue.

On being assigned the role of this portfolio, I took with me into this job the role and function that I had carried out at the Ministry of the Attorney General and Legal Affairs. Mr. Vice-President, in 2015, when this Government came in, “We need night court, we need more judges, we need more policemen, we will never finish the backlog.” When last you hear about night court in this country? What changed? Why do we not need night court again? Because of plant and machinery, people, processes and law. So, we did not need night court in the magistracy because we merged the jurisdictions into three as opposed to 14. We put in professional staff, we changed the Clerk of the Peace to a Registrar of the Court, and we produced rules of court, and then we went into the caseload and said, “Chop off all the things you do not need, take out 8,500 marijuana cases, take out 104,000 motor vehicle and road traffic and make demerit points,” and all of a sudden the lights came on. Lawyers started going to court, since 2016 when we passed the law, by computer technology. We stopped spending \$26 million in transporting prisoners because they could go to court from the prison.

Apply that now to where we are in local government; plant and machinery, people, processes and the law. What is the law? The Municipal Corporations Act together with the eight other laws that we are amending and the regulations and bylaws. Immediately upon becoming Minister, the Ministry went in to the retention of a consultant for information technology, one for human resource management, one for engineering and projects, and one for communications. In answer to Sen. Drayton, England has an app, we have “ah” app too. It is called Local, L-O-C-A-L. And in the information technology—we built the app already. We are going to beta test the app right now. We are going to run it in two corporations. Every street light, every drain, every overgrown lot, every issue is reported on the app. Click, snap, location. It is then sent to a backroom. The backroom scrubs what is

happening with the position, who is to carry it out, and they are divided into three functions: red light, yellow light, green light. Red light is what is stopped and has no input and is effectively dead in the water. Alarm bells. Yellow light is what is awaiting performance from an external input to achieve the result, and green light is what is going on.

In the information technology and digitization aspect that the Ministry is already building out, we have determined that it is insanity to not use the Electronic Transactions Act. Why does it take three months for a file to leave the corporation, to reach to the bottom of the Ministry's desk, to work its way up to the Permanent Secretary, to find out it is missing a comma and a full stop? That is why the mid-year performance for the local government PSIP and development fund at six months into a 12-month year is at 2.5 per cent because the system and processes are what needed reform. This is what I said when my colleague, Minister Kazim Hosein, laid the groundwork. In the baton passing from his hand to my hand, he did the groundwork, it is now to operationalize and to bring it in the digital processing aspect.

The good news is, it is not the first time that we are doing this. If you go and do a company search now at the Ministry of the Attorney General and Legal Affairs, and you go to the Companies Registry, and you are searching for a document, it says there are 1.75 million documents on the site for companies alone. And the good news is the balance of the abandoning of paper will come under the hand of the hon. Attorney General shortly, that work has been prepared, as the rest of the system goes to work.

So, we are deep in the operational restructuring, where we look at value for money, where we look at the time that it takes to report and to achieve results. And in the campaign that we are currently on, Mr. Vice-President, we are, every single

weekend and during the week, surveying Trinidad; surveying. We are not cleaning up Trinidad alone, you know, we are surveying Trinidad. Because, Mr. Vice-President, what we are doing is analyzing the needs on a continuing basis, and I want to say that there is good news here. Because there are infinite number of revenue streams available to corporations if they go into the business of recycling, the business collection, the business of governance done right, be it in your cemetery or be it in other areas. Because, Mr. Vice-President, my humble submission is people are not afraid of property tax. People want to know that their money is working for them and that they can see the value for money, which is what this law proposes.

So, Mr. Vice-President, it is a very doable task, but it starts with the passage of the law. There are 15 Government Senators willing to cast a vote, there are nine Independents who have a vote to cast, we know all six Opposition said no already. “We know dat, so doh count them”. So, it is up to 15 plus nine.

At the committee stage, we welcome a significant introspection of the legislation before us. I would just like to say to Trinidad and Tobago, dare to dream and just start. Have faith that this is an achievable mission. I wish to thank the hon. Prime Minister, the Permanent Secretary and the hard-working team at the CPC’s division. Last, as I wind up now, I want to thank Sen. Clarence Rambharat, as he then was, for being one of the best chairmen of any committee.

Hon. Senators: [*Desk thumping*]

Hon. F. Al-Rawi: I worked with Sen. Rambharat for seven years as Attorney General and his position as a hardworking man is immeasurable, and I pay him public salute today for the excellent work that he has done.

Mr. Vice-President, I believe my time is up, so I will say, I beg to move.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Al-Rawi: Mr. Chairman, may I, just for the benefit of all? Thank you for moving—for allowing us to move to the committee stage.

Mr. Chairman, the Government proposes in light of the fact that there are 111 odd amendments across the nine laws and regulations under those laws, that we actually take this, because this will be a long exercise, on a subsequent day. So, we are proposing to convene the committee on the next Tuesday that we sit. But in the circumstance of at least being able to report to the House that progress has been made, may I crave the indulgence of the hon. Senators, through you, to at least pass clause 1, which is the short title of the Bill?

Clause 1 ordered to stand part of the Bill.

Mr. Chairman: Minister of Rural Development and Local Government.

Mr. Al-Rawi: Thank you, Mr. Chairman. Mr. Chairman, in accordance with Standing Order 68(14), I beg to move that progress on the Bill be reported to the Senate.

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

Senate resumed.

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

Hon. F. Al-Rawi: Thank you, Mr. Vice-President. Mr. Vice-President, I wish to report that a Bill entitled an Act 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 was considered in the committee of the whole, however deliberations in the Bill are not yet concluded. I, therefore, seek the leave of the Senate to resume committee stage on Tuesday, 14 June, 2022.

Question put and agreed to.

ADJOURNMENT

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

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Mr. Vice-President, I beg to move that this Senate do now adjourn to Tuesday, 14 June, 2022, at 1.30 p.m., when, in addition to the completion of the committee stage of what we know as the Local Government Reform Bill, 2020, we will debate Government Bill No. 3, which is a Bill entitled an Act to amend the Sexual Offences Act, Chap. 11:28 and for other related matters. Thank you.

6.10 p.m.

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

Hon. Senators: [*Desk thumping*]

Terms and Conditions of Nursing Personnel

(Government to Address)

Sen. Wade Mark: Thank you, Mr. Vice-President. Mr. Vice-President, I raise a matter concerning the need for the Government to address the poor terms and conditions of nursing personnel in light of pending action to be taken by the Registered Nurses Association of Trinidad and Tobago.

Mr. Vice-President, it was the Minister of Finance who in his 2021/2022 budget statement on page 112 stated and I quote:

“I have also been advised...that several nurses in the regional health authorities are employed on temporary contracts. As a result, I have instructed the Chief Personnel Officer to investigate this situation and its implication for pension arrangements and recommend solutions to ensure that the employment contracts of these nurses are regularized.”

He went on to say:

“I expect...this exercise”—to—“be completed by the end of December 2021.”

Mr. Vice-President, today is June the 7th, 2022, almost six months after. Nothing has happened. The mamaguy continues, the oppression continues, the nurses are under pressure. Mr. Vice-President, we understand from our research that there are some, 3,400 nurses in Trinidad and Tobago employed in the various RHAs. Mr. Vice-President, nurses who have played and continue to play a very important role in the health care system, particularly during the pandemic which we are still experiencing in this country, are still operating in 2022, on June the 7th the vast majority of them are working on temporary contracts. The Prime Minister also indicated on the 19th of January 2022, that he too was concerned and he had given his Minister of Health a directive to address this situation. So both the Minister of Finance and the Prime Minister are conscious of this reality.

However, Mr. Vice-President, the problem persists. The vast majority of nursing personnel are still on temporary, short-term contracts. Some are on one-year contracts and as their one-year contract ends they are given one-month contracts, two-month contracts, three-month contracts. Mr. Vice-President, how can a government in 2022 expect workers in that particular area of operation, the nursing personnel, to be able to function properly and adequately on a month to month basis? When I tell you, Mr. Vice-President, this is equivalent to slavery

people get upset with me. But why can we not address this matter.

The Prime Minister said it would have been addressed. The Minister of Finance said action must be taken by December 31st, 2021. It is unfair. These nurses who are on month to month contracts and three-month contracts, Mr. Vice-President, no vacation leave. They are entitled to no vacation leave; they are entitled to no sick leave; they are entitled to no casual leave. And when they work for one year they take two, three, four years to get their gratuity. So they are not even receiving their gratuities after they work for one year. Why is this being allowed to take place in our country?

There is a particular RHA, I would not say where it is located, Mr. Vice-President, but we understand from reports that close to 95 per cent of the nurses are operating on one-month, two-month, three-month contracts. How can a government that talks about its love for workers and the nurses allow this thing to persist? This is oppression, Mr. Vice-President. The Government must act and they must act now and bring this thing to an end.

So I have brought this matter to your attention today and to this honourable Senate's attention to get a clear and unequivocal commitment from the Government as to when they are going to fix this situation. The Trinidad and Tobago Registered Nurses Association, they applied since 2015 to the Registration Recognition and Certification Board to represent their workers as the recognized majority union. Seven years after there is no certificate issued by the RRCB. Why is this? The RRCB reminds me of Rip Van Winkle. They are sleeping, they are not really awake and workers, nurses are being taken advantage of. So, Mr. Vice-President, I call on the Government to take action in defence of these nurses. Bring justice to these nurses by ensuring, Mr. Vice-President, that nurses are given security of tenure. Nurses must be permanently employed.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: We cannot have our nurses on one month and two month and three month contracts any longer. Mr. Vice-President, they do not deserve that. They have sacrificed for you and for me and for the people of T&T for two years and several months and yet still they cannot get justice; they cannot be permanently employed; they cannot get security of tenure; they are still working on month to month basis; they have no vacation leave; they have no sick leave; they have no pension rights, Mr. Vice-President—

Mr. Vice-President: Sen. Mark, thank you for your question. Your time is over.

Sen. W. Mark: Mr. Vice-President, I thank you and I call on the Government to please—

Mr. Vice-President: Yes, thank you.

Sen. W. Mark:—give a commitment, an undertaking to our nurses.

Mr. Vice-President: Point taken Sen. Mark, yeah.

Hon. Senators: [*Desk thumping*]

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

Hon. Senators: [*Desk thumping*]

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you very much, Mr. Vice-President. Mr. Vice-President, I wish to inform this honourable Senate that the matter of terms and conditions is part of the collective bargaining process and it will therefore be unwarranted of me to say anything on this matter. This collective bargaining process is now in train and once completed the final compensation package agreed upon will also be applicable to nursing personnel in the RHAs. All of the regional health authorities have contingency plans in place and will take action as required. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Mark.

Hon. Senators: [*Desk thumping*]

**Commission of Enquiry Commencement Date
(Deaths of Four Commercial Divers)**

Sen. Wade Mark: Mr. Vice-President, this matter on the Motion for the Adjournment calls on the Government to provide reasons for the delay in the commencement of the commission of enquiry surrounding the deaths of four commercial divers on the 25th of February, 2022. Mr. Vice-President, nearly three months and 13 days ago after the tragic events at Paria Fuel Trading Company where four divers tragically and sadly lost their lives the public is no closer to learning the truth about what happened on that fateful day. What we are hearing is a procedural hearing has to take place before the commission is appointed. What we do know is that no money has been allocated thus far, and I stand to be corrected, by the Government for this commission of enquiry. We know that counsel has been appointed; we know that former Justice Morrison is its chairman; we know an expert has been appointed; we know Paria Fuel has pulled together a battery of legal personnel to defend the company which is their right. But, Mr. Vice-President, whilst all this is taking place the victims, the people who have been affected, the families of the four divers are going hungry.

Mr. Vice-President, Paria has not reached out to these people. The Government has not reached out to these people. So here it is, you are going to have a commission of enquiry and one of the divers who happened to be extremely lucky to be alive, he has not been consulted by the various personnel involved in this matter. There has been no communication between Paria Fuel and the family members. So what is to take place? If for instance nobody is in contact, how can you have a proper commission of enquiry when the victims of this tragedy, the

people who have died their families and the one who has survived there is no contact, there is no communication. So how are they going to be represented at this commission of enquiry that we understand is going to start in a short while? Who is going to represent them? Is the Government going to provide resources for them to hire their own attorneys or engage their own experts? What will happen to those people who are not represented at this time?

Mr. Vice-President, I am asking the Government to clear the air and please do not bring any excuses here this evening about it is sub judice and the matter is before a commission and you cannot respond. No! The Government must tell the country are they going to provide financial resources to the family so they can employ lawyers of their own choosing and are they going to provide resources to these people so that they can employ, Mr. Vice-President, their own experts so that they can be adequately represented when this commission of enquiry gets cracking and going.

Mr. Vice-President, we are very concerned and the Government needs to tell us whether what we have read in the newspaper is factual. I have the newspaper of *Guardian*—this is the *Guardian*, Saturday June the 4th, 2022, the headline reads:

“Union fears Paria probe may be in jeopardy

14”—Occupational Safety and Health—“inspectors resign in 15 months”

We need the Government to clear the air on this matter.

Is the probe being compromised? Is there a political interference in the authority governing OSH, which is the Occupational Safety and Health Agency? Why so many inspectors have resigned in 15 months, including the Chief Inspector who was conducting the probe? Is the Government shielding personnel at Paria? Is the Government involve in undermining the probe? These are questions that the people asking, Mr. Vice-President, and I raise these matters in the interest of the public, in

the interest of the family, in the interest of the dead. The dead, the four divers who died. May their soul rest in peace. I am defending them and their families to ensure that justice is meted out to them.

Mr. Vice-President, I want to serve a warning on this Government today, if this Government fails to provide the necessary resources to the family of this tragedy so that they can be properly represented, the United National Congress is considering, very seriously, taking this matter up with the United Nations through the International Labour Organization. We will give the Government a few moments to put its house in order, but if the Government fails to put its house in order to address this matter, the United National Congress will be taking action to bring this matter to the attention of the United Nations through the International Labour Organization. There is a committee of experts that deals with occupational safety and health matters that protects the life of workers, we will be writing to them formally if the Government does not take action to bring justice to the families who are in stress and are undergoing great stress at this time. We believe what is taking place is tantamount to criminal negligence. We believe that—

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

Sen. W. Mark:—the Government needs to demonstrate care and compassion in this issue and the Government must be more sensitive and sympathetic to the cause facing these families and to get this enquiry going properly and provide the resources to the relevant parties involved so that there can be justice and fair play in this whole matter. So we serve warning on the Government, we serve notice on the Government to take action or we will take action in defense of the people. I thank you very much, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Hon. Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you, Mr. Vice-President. Mr. Vice-President, I do not want to unnecessarily agitate Sen. Mark any more, but I have to advise him that he starts his submission in his question on three false premises which I would like to dispel. The first false premise is that there is delay in the appointment of the commission of enquiry. There is no delay in the appointment of the commission of enquiry.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: The commission of enquiry as Sen. Mark ought to well know was in point of fact appointed on—if I may just pull up my notes, was appointed in April of this year, may it please you, Sir. That is to say, on the 22nd of April, 2022. So I hope I have dispelled that false premise.

The second false premise is that the procedural hearing has to take place before the commission of enquiry is appointed. Well that is putting the cart before the proverbial horse. Necessarily part of the process of the commission's procedure since it has been appointed is that it will have in due course, in its own deliberate judgment, and this is not something that the Government either can or will deign to dictate, the procedural hearing will be determined by the commission at a point determined as appropriate by the chairman of the commission. And in the circumstances that there is an appointed commission of enquiry, Mr. Vice-President, and that it has been appointed and that there is a procedural hearing to take place in the near future, the question is premised on the fact of a delay in the appointment is entirely false.

But may I say further, that Sen. Mark ought to know that this question or a very similar question was asked in the other House. It was asked in point of fact on the 23rd of May and it was answered on the 23rd of May. And for the benefit of this

august Chamber, I will read the answer which was given to the question that was asked then. And perhaps, Sen. Mark would recall and withdraw the question since the answer is obviously appropriate and full in answer to his anxiety of today. The answer is:

“...the commissioners were sworn in on the 22nd of April, 2022, and the commission took effect from that day. Since the commissioners were sworn in, steps have been taken and are being taken”—that is the present continuous—“are being taken to put the administrative infrastructure of the commission in place, including the establishment of the secretariat for the commission to commence its hearings. The commissioners are currently involved”—present continuous—“in the prehearing stage of the enquiry, which is also known as the investigative stage. During this stage, the relevant evidence is obtained and identified and the relevant witness statements are prepared. This investigative stage of the enquiry is”—the—“lifeblood of the enquiry and prepares”—and paves—“the way...for the evidential stage of the enquiry at which witnesses would be called to give evidence.”

The answer to the question continued:

“The procedural hearing of the commission is proposed to be held in August of 2022 and after the procedural hearing stage of the enquiry is concluded an announcement would be made by the commissioners as to the proposed commencement date of the evidential stage of the enquiry.”

So that is the answer that is already in the other place, in the public domain which my learned friend, the learned Senator, would be well aware of. And may I just say finally, the chairman of the commission and I am answering now the suggestion, misplaced and mischievous of political interference, shielding persons from the

enquiry. The chairman of the commission is a gentleman who is one of the most respected judges produced by the Commonwealth Caribbean. He is Mr. Justice Dennis Morrison, he is a former President of the Court of Appeal of Jamaica; he is a former member of the Court of Appeal of Belize and he is currently sitting as the President of the Court of Appeal of the Turks and Caicos Islands, in addition to having accepted the post of being chairman of this commission. Mr. Justice Dennis Morrison will bring justice to the subject of the enquiry in his deliberate judgment at the point at which he has determined that he is ready to start. And until he does that, this Government respecting due process will not intervene to persuade or otherwise suggest to Mr. Justice Dennis Morrison how he should conduct his enquiry. Thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Conclusion of a great day.

Question put and agreed to.

Senate adjourned accordingly.

Senate adjourned at 6.36 p.m.