

**SENATE***Tuesday, June 14, 2022*

The Senate met at 1.30 p.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. Paula Gopee-Scoon and Sen. The Hon. Reginald Armour, SC, 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, O.R.T.T.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/Paula-Mae Weekes

President.

TO: MR. NDALE YOUNG

WHEREAS Senator the Honourable Paula Gopee-Scoon is incapable of performing her duties as a Senator by reason of her 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,

**UNREVISED**

acting in accordance with the advice of the acting Prime Minister, do hereby appoint you, NDALE YOUNG, to be a member of the Senate temporarily, with effect from 14<sup>th</sup> June, 2022 and continuing during the absence of Senator the Honourable Paula Gopee-Scoon 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 9<sup>th</sup> 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. HARVEY BORRIS

WHEREAS Senator the Honourable Reginald T.A. Armour, SC, is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the acting Prime Minister, do hereby appoint you, HARVEY BORRIS to be a member of the Senate temporarily, with effect from 14<sup>th</sup> June, 2022 and continuing during the absence of

Senator the Honourable Reginald T.A. Armour, SC 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 13<sup>th</sup> day of June, 2022.”

### **AFFIRMATION OF ALLEGIANCE**

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

### **OATH OF ALLEGIANCE**

*Senator Harvey Borris took and subscribed the Oath of Allegiance as required by law.*

### **JOINT SELECT COMMITTEES**

#### **(Appointment to)**

**Mr. Vice-President:** Hon. Senators, I have received the following correspondence from the Deputy Speaker of the House of Representatives.

“June 13, 2022.

Sen. The Hon. Christine Kangaloo

President of the Senate

Red House

Abercromby Street

Port of Spain

Dear President of the Senate,

#### **Change in Membership of Joint Select Committees**

I wish to advise that the sitting held on Monday, June the 13<sup>th</sup>, 2022, the House of Representatives agreed to the following resolution:

**UNREVISED**

1. *Be it resolved* that the House of Representatives agree to the follow appointments:
- Mr. Stephen Mc Clashie, MP, in lieu of Dr. Nyan Gadsby-Dolly, MP, on the Joint Select Committee on the Public Accounts (Enterprises) Committee.
  - Mr. Symon de Nobriga, MP, in lieu of Mr. Stephen Mc Clashie, MP on the Joint Select Committee on the Public Administration and Appropriations Committee; and
  - Ms. Shamfa Cudjoe, MP, in lieu of Mrs. Lisa Morris-Julian, MP; and Mr. Keith Scotland, MP, in lieu of Dr. Nyan Gadsby-Dolly, MP, on the Joint Select Committee on Human Rights, Equality and Diversity.

Accordingly, I respectfully request that the Senate be informed of this decision at the earliest convenience please.

Mr. Esmond Forde.

Deputy Speaker of the House.”

### **VISITORS**

**(Maria Regina Grade School)**

**Mr. Vice-President:** Hon. Senator, please join me in acknowledging the presence of the students of the Maria Regina Grade School in the public gallery.

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

### **BILLS OF EXCHANGE (AMDT) BILL, 2022**

Bill to amend Bills of Exchange Act, Chap. 82:31 [*The Minister of Finance*]; read the first time.

### **INSURANCE (AMDT) BILL, 2022**

Bill to amend the Insurance Act, 2018 [*The Minister of Finance*]; read the first time.

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

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Mr. Vice-President, in accordance with Standing Order 62(1)(b), I beg to move that the next stage of the following Bills be taken on Tuesday, June 21, 2022; the Bills of Exchange (Amdt) Bill, 2022 and the Insurance (Amdt) Bill, 2022.

*Question put and agreed to.*

### **PAPERS LAID**

1. Motor Vehicles and Road Traffic (Amendment) Regulations, 2022. [*The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Regulated Industries Commission for the year ended December 31, 2017. [*The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne)*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Environmental Management Authority — Environmental Trust Fund for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. A. Browne*].

### **JOINT SELECT COMMITTEE REPORTS**

#### **(Presentation)**

**Sen. Jearlean John:** Mr. Vice-President, I have the honour to present the following reports as listed on the Order Paper in my name:

#### **Public Accounts Committee**

**Audited Financial Statements of the Trinidad and Tobago Fair Trading  
Commission (TTFTC)**

Fourth Report of the Public Accounts Committee, Second Session (2021/2022), Twelfth Parliament, on an examination of the Audited Financial Statements of the Trinidad and Tobago Fair Trading Commission (TTFTC) for the financial years 2014 to 2018.

**Audited Financial Statements of the Office of Procurement Regulation**

Fifth Report of the Public Accounts Committee, Second Session (2021/2022), Twelfth Parliament, on an examination of the Audited Financial Statements of the Office of Procurement Regulation (OPR) for the financial years 2018 to 2020.

**Sen. Wade Mark:** Thank you, Mr. Vice-President. Mr. Vice-President, I have the honour to present the following reports as listed on the Order Paper in my name:

**Public Administration and Appropriations Committee**

**Statement of Expenditure Financial Year 2021**

Fourth Report of the Public Administration and Appropriations Committee, Second Session (2021/2022), Twelfth Parliament, on an examination of the Statements of Expenditure for the First, Second and Third Quarters of the financial year 2021, with respect to Recurrent Expenditure and Development Programme – Consolidated Fund and Infrastructure Development Fund.

**Realignment of Ministries and Departments**

Fifth Report of the Public Administration and Appropriations Committee, Second Session (2021/2022), Twelfth Parliament, on an examination of the Realignment of Ministries and Departments.

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

have the honour to present the following report as listed on the Supplemental Order Paper in my name:

**Special Select Committee**

**Sexual Offences (Amdt) (No. 3) Bill, 2021**

Report of the Special Select Committee of the Senate appointed to consider and report on the Sexual Offences (Amendment) (No. 3) Bill, 2021, Second Session (2021/2022), Twelfth Parliament.

**URGENT QUESTIONS**

**Sanitation Products in the United States**

**(Shortage of)**

**Sen. Wade Mark:** Thank you, Mr. Vice-President. To the Minister of Trade and Industry: Given the severe shortage of sanitation products in the United States and the effect of said shortage on this country's supply, can the Minister advise what steps are being taken to address this issue?

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

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Thank you, Mr. Vice-President. Mr. Vice-President, not for the first time, the wording and contents of this Urgent Question as posed by Sen. Mark would be found to be inaccurate, alarmist and highly misleading to the public of Trinidad and Tobago.

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

**Sen. The Hon. Dr. A. Browne:** The Ministry of Trade and Industry has been actively monitoring developments in the global economy, and in particular the disruptions of global supply chains. The Ministry of Trade and Industry has not been informed by any stakeholder of any shortage of sanitation products in Trinidad and Tobago. We have not been informed by any stakeholder of any

shortage of sanitation products in Trinidad and Tobago.

Further, the national community is reminded that as a result of the foresight of the Government of Trinidad and Tobago, to ensure the stability of the domestic supply of essential goods, increased supplies of foreign exchange were made available to the EximBank to address the financing requirements of manufacturers and importers, and a cumulative disbursement of US \$650 million was made available under two facilities; the forex facility for manufacturers, and the forex allocation system for the importation of raw materials, basic food items and essential goods.

It should be noted that for the period April 2020 to February 2022 essential items supplied to T&T under the forex allocation system for essentials totalled US \$335 million, including sectors such as cleaning supplies, food, hygiene products, personal protective equipment and pharmaceuticals. And the Ministry of Trade and Industry will continue to closely and responsibly monitor developments, and collaborate with all relevant stakeholders to ensure that there is no shortage of essential products in our beautiful twin-island Republic. Thank you, Mr. Vice-President.

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

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

**Sen. Mark:** Can I ask the hon. Minister, whether our distributors of said sanitation products in Trinidad and Tobago are in any way reliant on supplies out of the United States, Mr. Vice-President?

**Mr. Vice-President:** Sen. Mark you have answered your question in your question.

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

**Mr. Vice-President:** Question two.



**Sen. Mark:** Mr. Vice-President, can the hon. Minister indicate whether the United States, given what is occurring at this time, whether the supply chain located between those two countries will impact in any negative way on Trinidad and Tobago?

**Mr. Vice-President:** Thank you Sen. Mark. Based on the answer given, I will not allow that question.

### **ORAL ANSWERS TO QUESTIONS**

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

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Mr. Vice-President, I have the honour to indicate to this Chamber that there are five questions on notice for Oral Answers, and the Government is prepared to respond to all five questions on the Order Paper.

**Mr. Vice-President:** Hon. Senators, pursuant to Standing Order 27(17), Sen. Mark has requested that question No. 103 listed on the Order Paper be withdrawn. Sen. Mark.

### **Increased Demand for Fire Services**

#### **(Measures being put in place)**

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

Given the impending dry season and the risk of increased demand for the Fire Services, can the Minister state what measures are being put in place to satisfy said demand?

*Question, by leave, withdrawn.*

### **Imposed Restrictions and New Fines by WASA**

#### **(Details of)**

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

In light of WASA's decision to impose restrictions and new fines because of the predicted harsh dry season, can the Minister outline:

- (i) the new fines that WASA intends to implement; and
- (ii) what new initiatives will the Authority embark upon to secure water?

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

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

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Mr. Vice-President. Mr. Vice-President, as part of the ongoing consultation with key stakeholders on the transformation of the Water and Sewerage Authority to enable the authority to deliver on its mandate to provide the population with a safe, adequate and reliable supply of water, the Minister of Public Utilities met with the National Union of Government and Federated Workers on March the 8<sup>th</sup> 2022, and with the Public Services Association, PSA, on March the 22<sup>nd</sup> 2022, and April the 27<sup>th</sup> 2022. The specific issues discussed at these meetings were as following:

The poor state of WASA's infrastructure. The parties agreed that WASA has an aged infrastructure, aged transmission and distribution network. Some of the existing pipelines, especially in south Trinidad, have been operational for over 100 years. Many of the water treatment facilities are not operating optimally, and are producing significantly below their installed capacity because of under-investment in the renewal of plant and equipment assets. In terms of waste-water treatment plants, the state of some of these bear significant implications for the maintenance of environmental and public health.

Customer service. It was noted that WASA's poor system has been plagued with inefficiencies. The call centre which is the lynch-pin of the system has been unable to effectively manage customer calls/complaints, resulting in very

dissatisfied customers.

The financial situation. The unsustainability of WASA's financial situation was placed on the table as a signal issue. WASA is unable to cover its operating cost from tariff revenue and depends on huge government subventions for its operation. Major contributory factors to the financial challenges faced by WASA include:

- An obsolete tariff structure, which is about the lowest in the world;
- Exorbitant recurrent expenditure;
- The high cost to desalinated water and poor receivable management;
- Key operational challenges.

Some of the other challenges that mitigate against quality service delivery were highlighted, including:

- Inadequate measurement and difficulty quantifying non-revenue water;
- Poor water supply and demand management; and
- An inadequate distribution management network, ageing infrastructure and high leakage pipelines.

Service levels. Delivering on its mandate means that its citizenry must be assured of easy and ready access to this very essential commodity. However, only 40 per cent of Trinidad's population receives water on a 24/7 schedule. And this means that two-thirds of the population receives an intermittent water supply schedule. Further, in some areas the service levels have been negatively affected by localized conditions, including elevated areas, lack of redundancy, high pipeline pressure in low pressure zones, inadequate pressures at zone extremities, and inadequate storage.

And the interventions being undertaken. The trade union bodies were informed that a strategic action plan has been developed by the Ministry of Public

Utilities, which provide the strategic framework for coordinating all major interventions. These include:

- optimization of current distribution network;
- developing localized water sources;
- creating network inter-connectivity;
- expanding data capture, remote monitoring and control;
- DMA establishments and bulk metering;
- rehabilitation and upgrade of equipment;
- redesigning water schedule;
- implementation of preventative maintenance;
- continual verification and digitized updating by GIS community water improvement programme.

The strategy going forward, Mr. Vice-President—important elements of the strategy going forward were shared with the trade union bodies. These elements speak to tariff adjustments, integrated water resource management, implementation of regional plants, aggressive leak management, hydrological and network assessment, and development of a smart water grid. These factors and initiatives deemed imperative and pivotal to achieving the effective transformation of the authority was shared with the representative unions. These include adoption of a new business model, organizational and operational redesign, increased leadership capacity, an overhaul of the ICT architecture towards realization of a smart water grid, reinstatement of core values, improved systems and decision making—

**Mr. Vice-President:** Minister, your time as expired for answer. Sen. Mark.

**Sen. Mark:** Can I ask the hon. Minister, how were these ideas and views shared with these trade unions? Were any written communication forwarded, transmitted to these unions based on what you have shared with this honourable Senate?

**Hon. M. Gonzales:** Mr. Vice-President, the answer to this is a resounding yes. Information was shared with all the unions representing the WASA workers. Presentations were made and relevant developments with strategic plans were all shared with the unions.

**Sen. Mark:** Can I ask the hon. Minister, whether a time frame or time period would have been afforded to the two recognized majority unions to respond to those very important areas outlined in the WASA's strategic plan?

**Hon. M. Gonzales:** Mr. Vice-President, the unions were provided with adequate time to respond to the strategic action plan of the Ministry, and the other regional plans that we intend to roll out in the coming months. And I must say that the both unions took the opportunity, grasped the opportunity, and did provide their responses to the information shared by the Ministry of Public Utilities.

**Sen. Mark:** Hon. Minister, can you tell us whether information that we have seen in the public domain that the strategic transformation plan for WASA, which you would have discussed with these unions are to take effect by the end of June 30, 2022? Can you confirm or deny this particular information that is now in the public domain?

**Mr. Vice-President:** Sen. Mark that is an entirely new question. Based upon your initial question, I will not allow.

**Sen. Mark:** Can I ask the hon. Minister, through you, Mr. Vice-President, whether the Prime Minister at a public political meeting of his party instructed his Minister of Public Utilities to meet not only with the recognized majority trade unions at WASA, but also to meet with the Joint Trade Union Movement as well as the National Trade Union Centre? Is the Minister aware of this instruction?

**Mr. Vice-President:** Sen. Mark that is inside your initial question, I will not

allow.

**2.00 p.m**

**Sen. Mark:** But the Minister did not answer my initial question that is why I am trying to get clarification through you, Mr. Vice-President.

**Mr. Vice-President:** Sen. Mark, your—the answer was given to you—

**Sen. Mark:** No. The—[*Member sucks teeth*]—anyway.

**Mr. Vice-President:**—in the full length for a period of over five minutes.

**Sen. Mark:** Okay.

**Mr. Vice-President:** We will move on to the next question.

**Sen. Mark:** Do I have a final supplemental or do I—

**Mr. Vice-President:** That was the last one.

**Sen. Mark:** That was my last?

**Mr. Vice-President:** That was your fourth and last.

**Sen. Mark:** Okay. Thank you, Mr. Vice-President.

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

### **New Fines and Initiatives by WASA**

#### **(Details of)**

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

In light of WASA's decision to impose restrictions and new fines because of the predicted harsh dry season, can the Minister outline:

(iii) the new fines that WASA intends to implement; and

(iv) what new initiatives will the Authority embark upon to secure water?

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

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Mr. Vice-President. Mr. Vice-President, the first part of this question relates to new fines because of the predicted harsh dry season condition. I wish to advise

that on May the 16<sup>th</sup>, just one month ago, the meteorological services declared the start of the 2022 rainy season and therefore, I regard this part of the question to be quite otiose. However, I will move on to the second part of the question that speaks to fines. For the avoidance of doubt, Mr. Vice-President, WASA took no decision to impose new fines for water violations during the dry season which ended just one month ago.

With respect to question—part (ii) which speaks to or asks about new initiatives that will allow the Authority to embark upon a programme to secure water for Trinidad Tobago, I am pleased to advise, Mr. Vice-President, that WASA has embarked on a number of new initiatives to secure water, all of which are being coordinated within the context of that strategic action plan that I spoke about a short while ago which was developed by the Ministry of Public Utilities, in collaboration with WASA, and approved by the Board of Commissioners.

And the plan outlines an overarching strategic framework for organizational transformation of WASA, as well as for stabilizing and improving the pipe-borne water supply to the population over the next three to five years, and targeting communities with a water schedule year under 24/3. In other words, Mr. Vice-President, the aim is to eliminate water schedules under 24/3 in Trinidad and Tobago in the distribution system as far as possible, unless unique circumstances in a particular area that may make this objective an impossible undertaking.

Among the specific initiatives being undertaken in this regard includes the Community Water Improvement Programme, CWIP, which is a short-term capital programme of works been implemented by the Ministry of Public Utilities and WASA as the executing agency. So far, with this intervention, Mr. Vice-President, which includes the refurbishment and the construction of booster stations, water treatment facilities, storage tanks and reservoirs; the replacement and installation

of new pipelines; and the reconstruction of rural intakes, over 100,000 citizens have benefited for an improved water supply across Trinidad and Tobago. And the last programme which was implemented or rolled out just last week, the people of Lopinot and La Pastora, with a new water treatment facility, now has access to 24/7 water supply—

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

**Hon. M. Gonzales:**—24/7 water supply, Mr. Vice-President. Mr. Vice-President, the people of La Laja in east Trinidad for the very first time now have access to 24/7 water supply as a result of the successful rollout of CWIP. The people of Brasso Seco now have access to 24/7 water supply as a result of the successful execution of the Community Water Improvement Programme, Mr. Vice-President.

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

**Hon. M. Gonzales:** The development and implementation of a comprehensive regional water supply improvement programme: just last two weeks, we have launched the North West Water Improvement Programme at Government campus and we expect that over the next six months, over 360,000 citizens located in north-west Trinidad will see an improvement in the levels of service and in two weeks' time, we will improve our roll out of the Tobago Water Supply Improvement Programme where the people of Tobago will see a dramatic improvement in their water supply, eliminating water schedules of under 24/3.

In the coming weeks or just next week, Mr. Vice-President, the Ministry of Public Utilities and WASA, we will ramp up our efforts in addressing leak repair and road restoration programme. For the last three or six months, we have rectified 13,000 leaks—repaired 13,000 leaks on WASA's distribution system.

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



**Hon. M. Gonzales:** An accelerated leak repair and road restoration programme will commence just next week, where 18 to 25 private contractors operating on a zonal basis with the target of eliminating the current backlog of 3,000 leaks by the end of August 2022, Mr. Vice-President.

Mr. Vice-President, we are making slow, incremental, sustainable progress, where the water supply system in Trinidad and Tobago is concerned. And as Minister of Public Utilities, I am confident, with the support of the Prime Minister and the Government of Trinidad and Tobago, that the people of Trinidad and Tobago and their water supply are in safe hands and will be secured.

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

**Sen. Mark:** The hon. Minister: With all those initiatives outlined and the scores or hundreds of thousands benefitting from these initiatives, can the Minister indicate whether the percentage of citizens receiving a 24/7 day supply of water has in any way increased from the 40 per cent or was that inclusive of the 40 per cent that you mentioned earlier?

**Mr. Vice-President:** Minister.

**Hon. M. Gonzales:** Mr. Vice-President, just six months ago, before these initiatives were rolled out, 34 per cent of the population was receiving 24/7 water supply. And so far, with the successful implementation of these projects, we have now reached 40 per cent. And I expect that with the roll out of regional plans, two weeks ago, north-west; in two weeks from today, it will be Tobago; and I expect central, south and north-east regional plans to be rolled out. And I am confident that based on those plans and the areas that we are targeting, nearly 70 per cent, for the very first time, notwithstanding the untruths told to this country that under a previous government 70 per cent of the population received 24/7—it was a blatant mistruth that was placed upon the people of Trinidad and Tobago. And I wish to

assure the people of Trinidad and Tobago, for the very first time under a PNM Government, based on the initiatives that we intend to roll out, that for the first time 70 per cent or more of this population will see an improvement in their water supply with these plans and will be supported by the transformation of the Water and Sewerage Authority.

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

**Sen. Mark:** Yeah. Can the Minister indicate when would the citizens of south and central Trinidad enjoy a regular 24/7 days a week supply of water as their counterparts in the north-west as well as in Tobago? Is the Minister prepared to give us a timeline when that—those initiatives would be rolled out for the citizens of south and central Trinidad respectively, Mr. Vice-President?

**Hon. M. Gonzales:** Mr. Vice-President, when we started the Community Water Improvement Programme last year, I can say that over—out of the 100,000 citizens that benefitted from CWIP, Community Water Improvement Programme, 30,000 of those citizens or perhaps 40,000 of those citizens are from central and south Trinidad.

The regional plans that we have developed—and we have decided to target it from a regional perspective because the issues in north-west Trinidad are different from the issues in north-east and different from the issues and central and south. So, those plans are designed to respond to the unique challenges faced by these regions and that is the reason why we are tackling it at that—in this particular way.

And I am confident—just last week Friday, I was in the area of Penal and Siparia and Point Fortin and La Brea, and I can tell you that some key decisions were taken to have access to some major reservoirs in the Penal area, whereby perhaps in the next two to three months, 20,000 citizens living in the Penal catchment area will see an improvement in their water supply. And with the

finalization of these regional plans, they are not skewed in any way to discriminate against any citizen or any region. This is not a UNC government, this is a PNM Government.

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

**Hon. M. Gonzales:** And it does not matter whether you live in east, west, north or south or in Tobago, this Minister of Public Utilities will not discriminate against the people of Trinidad and Tobago.

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

**Hon. M. Gonzales:** We are all deserving of an improvement in our water supply. And I wish to assure Sen. Mark, and all of the representatives of people in central and south Trinidad, wherever you are, our regional plans and our programmes will not discriminate against any region in our beautiful twin-island Republic.

**Sen. Mark:** Can I ask my final question, Mr. Vice-President, to the hon. Minister? Hon. Minister, the 70 per cent projected by your good self to be achieved, can you indicate to this honourable Senate whether you are targeting the end of December 2022 for the achievement of this 70 per cent supply of water to the citizens 24/7?

**Hon. M. Gonzales:** Mr. Vice-President, the information that I have provided is that once those plans are successfully executed and managed, the 70 per cent target will be achieved.

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

**Sen. W. Mark:** Yeah. Can I proceed?

**Mr. Vice-President:** You may.

### **Repatriation of thirty-five (35) Venezuelans**

#### **(Reasons for)**

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

Given the decision to repatriate thirty-five (35) Venezuelans who may have witnessed the incident involving the death of a baby boy, can the Minister state:

- (i) what were the reasons for the decision to repatriate; and
- (ii) were any witness statements taken from these individuals?

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you, Mr. Vice-President. Did not the Senator withdraw this question, Mr. Vice-President?

**Sen. Mark:** No, I did not withdraw that question.

**Mr. Vice-President:** You withdrew the 103.

**Sen. Mark:** 103?

**Hon. F. Hinds:** “Oh”, it was worthy of withdrawal as well, you know, Mr. Vice-President.

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

**Hon. F. Hinds:** In fact, most questions that I come here to answer from the Senator are worthy of withdrawal. But anyway, Mr. Vice-President, the Immigration Division of the Ministry of National Security is required by section 18 of the Immigration Act, Chap. 18:01, to examine all persons seeking entry into Trinidad and Tobago in order to determine whether they meet the statutory requirements for admittance. Accordingly, the individuals in question were examined by officers of the division where it was found that they failed to meet several requirements under the Act and Regulations, including not being in possession of valid passports, in contravention of Regulation 13(1) which requires foreign nationals entering Trinidad and Tobago to:

“...be in possession of a passport issued by the country of which...”— they are—“a subject or citizen.”

And as well, Mr. Vice-President, not being:

“...in possession of a valid...”—or—“subsisting visa...”—which constitutes a breach of Regulation 13(5), and Regulation 13(11).

Accordingly, given their failure to comply with the conditions and requirements of the Act and Regulations, they were deemed to be members of the prohibited class under section 8(1)(p) of the Act and thus restricted entry, and they were served with lawful rejection orders requiring them to return to their port of origin. Consequently, an exercise was conducted in collaboration with the Trinidad and Tobago Coast Guard and very importantly, the Venezuelan Embassy and its officials, to repatriate the individuals to their home country of Venezuela.

I take the opportunity then, Mr. Vice-President, to warmly congratulate the customs—the Immigration Division of the Ministry of National Security, to congratulate the Trinidad and Tobago Defence Force, to congratulate the Trinidad and Tobago Police Service for all of their efforts to secure our borders and to keep the people and this land free and clean and safe from plant animal diseases, human traffickers, drug trafficking, arms trafficking, all of which pose serious threats to the people of Trinidad and Tobago, I warmly congratulate every one of them.

In respect of part (ii), it should be noted that four occupants of the vessel were interviewed by officers of the Trinidad and Tobago Police Service and the investigation of the Trinidad and Tobago Police Service continues. I thank you, Mr. Vice-President.

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

**Sen. Mark:** Yeah, Mr. Vice-President, can I ask the hon. Minister of National Security why only four of the numbers that we have identified were selected by the police for interviews and not many others who were witnesses to what can be a possible murder of a baby on the high seas? Can the Minister provide us with answers to this particular question?

**Hon. F. Hinds:** I am shocked at the amateurish and banal question coming from who is supposed to be an experienced Senator of this Parliament. It does not fall to the Senator and it does not fall to the Minister of National Security who does not operate operationally—function operationally to determine how many or who. That, as I indicated, Mr. Vice-President, is a matter for the Trinidad and Tobago Police Service.

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

**Hon. F. Hinds:** I am shocked at such a banal and inane question, Mr. Vice-President.

**Sen. Mark:** Your conduct is reprehensible.

**Mr. Vice-President:** Sen. Mark, it is time for a question.

**Sen. Mark:** Mr. Vice-President—

**Mr. Vice-President:** Stick to your question, please.

**Sen. Mark:** I—[*Inaudible*]—to this beleaguered Minister.

**Sen. Nakhid:** Hapless.

**Sen. Mark:** Hapless Minister as well.

**Sen. Nakhid:** Embattled.

**Sen. Mark:** Whether the Government that he is part of and given the importance of the office that he occupies—whether the Government is not involved in a massive cover up of this matter?

**Mr. Vice-President:** Senator, I would not allow that question. Move on to question—

**Sen. Mark:** Mr. Vice-President, can I ask this hapless—

**Sen. Lyder:** [*Inaudible*]

**Mr. Vice-President:** Sen. Lyder, kindly allow your colleague to say his question, please?

**Sen. Mark:** Yeah. Can I ask this hapless and beleaguered Minister—

**Mr. Vice-President:** Sen. Mark, can you stick to the question, please?

**Sen. Mark:** Yes, I will try because I think the Minister has forgotten his tablets.

**Mr. Vice-President:** Sen. Mark, you need to stick to the question, please.

**Sen. Mark:** Okay. Yeah. Mr. Vice-President, I think I would allow this Minister to depart. Thank you very much.

**Hon. F. Hinds:** Thank you, Mr. Vice-President.

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

### **Cryptocurrency Sector in Trinidad and Tobago**

#### **(Possibilities for)**

**159. Sen. Amrita Deonarine** asked the hon. Minister of Trade and Industry:

In light of a statement made by the Minister on April 27, 2022 which confirmed that the Ministry of Trade and Industry is in the process of reviewing this country's legislative and policy framework to understand the possibilities for a cryptocurrency sector in Trinidad and Tobago, can the Minister state the following:

- (i) a timeline for the development of a policy framework on the matter;
- (ii) a timeline for the introduction of legislation in Parliament; and
- (iii) whether said legislative and policy frameworks will be prepared to facilitate the establishment of a bitcoin-mining farm proposed by companies at the Tamana InTech Park, at a total investment of US\$0.5 billion?

**The Minister in the Ministry of Finance (Hon. Brian Manning):** Thank you, Mr. Vice-President. Cryptocurrencies, Bitcoin being the most popular, are completely bereft of intrinsic value and are highly speculative in nature. In fact, bitcoin has raised financial concerns for governments worldwide and despite its

use in some countries for buying goods and services, there are no uniform international laws that regulate bitcoin. Crypto is also not supported or backed by central banks nor are crypto deposits insured. The speculative nature of the digital currency also leads to extraordinary price volatility and extreme uncertainty in terms of its asset value and price stability.

Further, cryptocurrency exchanges are prone to cyberattacks, while the cryptocurrencies themselves show evidence of price manipulation. Crypto has also been used to facilitate a host of illegal activities, including: money laundering, extortion, illicit drug trading, terrorist financing and human trafficking.

Cryptocurrencies have already been banned or restricted either wholly or partially in over 100 countries, including: China, India, Colombia, Indonesia, Iran, Iraq, Guyana, Algeria, Egypt and Qatar.

Considering all that is known about cryptocurrencies and the excessive and wasteful use of taxpayers' subsidized electricity involved in bitcoin mining, the Government is not supporting bitcoin mining in Trinidad and Tobago at this time.

**Sen. Deonarine:** Mr. Vice-President, based on a newspaper report on April 15<sup>th</sup> in the *Trinidad Guardian*, headline, "Bitcoin mining farm, Trinimine, in the works for T&T", it appears as if discussions which with Trinimine has been advanced on Bitcoin mining in Trinidad and Tobago. Could the Minister indicate whether that news was rather premature?

**Hon. B. Manning:** As I said earlier, the Government is not supporting Bitcoin mining in Trinidad and Tobago at this time and all those that have approached the Government have been informed of that.

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

## **JOINT SELECT COMMITTEES**

### **(APPOINTMENT TO)**

**UNREVISED**



**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Mr. Vice-President, I beg to move the following Motion:

*Be it resolved* that the Senate agree to the following appointments to Joint Select Committees:

- On the Public Administration and Appropriations Committee, Mr. Randall Mitchell, in lieu of Mr. Clarence Rambharat and Mr. Laurence Hislop, in lieu of Ms. Yokymma Bethelmy.
- On the Joint Select Committee on Finance and Legal Affairs, Mr. Laurence Hislop, in lieu of Mr. Clarence Rambharat.
- On the Joint Select Committee on Government Assurances, Mr. Laurence Hislop, in lieu of Ms. Yokymma Bethelmy.
- On the Joint Select Committee on Land and Physical Infrastructure, Mrs. Renuka Sagramsingh-Sooklal, in lieu of Mr. Nigel de Freitas.
- On the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities including the THA, Mr. Laurence Hislop, in lieu of Mr. Nigel de Freitas.
- On the Joint Select Committee on State Enterprises, Mr. Nigel de Freitas, in lieu of Mrs. Paula Gopee-Scoon.
- On the Joint Select Committee on Human Rights, Equality and Diversity, Dr. Muhammad Yunus Ibrahim, in lieu of Ms. Donna Cox.
- On the Joint Select Committee on the Fisheries Management (No. 2) Bill, 2020, Mr. Nigel de Freitas, in lieu of Mr. Clarence Rambharat and Mr. Avinash Singh, in lieu of Ms. Yokymma Bethelmy.
- On the Joint Select Committee on the Representation of the People (Amdt.) (No. 2) Bill, 2020, Mrs. Paula Gopee-Scoon, in lieu of Mr.

Clarence Rambharat and Dr. Amery Browne, in lieu of Mr. Nigel de Freitas.

*Question put and agreed to.*

**2.30 p.m.**

**MISCELLANEOUS PROVISIONS (LOCAL GOVERNMENT) REFORM  
BILL, 2020**

[Second Day]

*The committee of the whole Senate resumed its deliberations on the Bill.*

[Chairman: Sen. Dr. Yunus]

**Mr. Chairman:** Senators, as we are aware, clause 1 was where we ended last week. I am just reminding that there are 11 clauses in this Bill, and there are three sets of amendments. I just want to make sure that everyone has these three signed amendments in sight. The amendments have come in from Sen. Teemal, Sen. Deonarine and Sen. Richards, all of whom have submitted for various parts of clause 3, and we will be addressing them in that order of receipt, primarily, as we proceed.

**Mr. Al-Rawi:** Mr. Chair, may I make an enquiry please?

**Mr. Chairman:** Sure.

**Mr. Al-Rawi:** Thank you. I have received that dated from Sen. Teemal on the 07<sup>th</sup> and two amendments today, both June 14<sup>th</sup>; one from Sen. Deonarine and one from Sen. Richards. Insofar as there are 113 individual amendments, even though there are 10 clauses, when we get to clause 3, do you propose, Mr. Chair that we deal with each one of the paragraphs of clause 3 and then take the amendments in sequence? In other words then, do you propose (a), we go through Sen. Deonarine and finished; (b) or do we take them paragraph by paragraph? The latter I would prefer if that is convenient to you Chair.

**Mr. Chairman:** That would be convenient, and we would even recommend that even after we deal with the bulk of that clause that, at that point in time, if necessary, we could stand down for proper crafting in lieu of moving on and moving forward. It should be noted that all amendments are already posted on the Rotunda for your information.

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

*Clause 3.*

*Question proposed:* That clause 3 stand part of the Bill.

**Mr. Al-Rawi:** Chair, the first amendment is from Sen. Richards for 3(a). There are no other proposed amendments to 3(a). Correct?

**Mr. Chairman:** Sen. Richards.

**Sen. Richards:** Thank you, Chair. In subparagraph (a)(i), it includes—involves, sorry, the word “controversy” which, if I could suggest is a rather subjective word, and I am suggesting that we replace “controversy” with “impact” and it reads:

“The Municipal Corporations Act is amended—

(a) in section 2—

(iii)(b) and that reads—sorry, (iii)(c):

“raises significant architectural or urban design issues”—I would suggest a “,” there although it is not in my amendment—“giving rise to substantial regional or national”.

It presently reads “controversy” and I am suggesting we replace the word “controversy” with “impact” because “controversy” is quite subjective.

**Mr. Al-Rawi:** Mr. Chair, if I may immediately respond? Thank you, hon. Senator. Senator, we are constrained by the fact that the Planning and Facilitation of Development Act, 2014 was passed, and if you go to section 48 of that Act, we have a very specific definition. Section 48 is actually replicated here in this Bill,

and I want to remind that that came about as a result of a joint select committee and that work, there was a significant amount of discussion there. The Act itself has already been partially proclaimed. The operational procedures for implementing the difference between complex development and simple development is already in effect. And, therefore, if we were to make the amendments proposed now, we would be conflicting with things that are already in the works and work which this Parliament settled. I should remind that in 2019, we did the planning and facilitation amendments, and that is also operational as well.

So whilst I certainly grasped the position, I do recall having sat as a member of that committee, both committees, that this was considered in great details. May I respectfully invite the view that we keep it as it is for the reason that is already in structure and in effect and regulations, et cetera, have already been managed.

**Sen. Richards:** Thank you. I have no issue with that, it is just a little persnickety in terms of interpretation. It is not going to have a great [*Inaudible*]. I am just thinking—

**Mr. Al-Rawi:** You see—

**Sen. Richards:** —because we are devolving.

**Mr. Al-Rawi:** Yeah. No, I get it. The problem is that “impact” is quite a generic term. So, if I were to go and challenge the issue of a complex development in relation to its impact, its impact may be one way or the other. It is entirely subjective. So, if I were to look at it from a litigation perspective, the subjectivity of impact: Is it impactful to me? Is it impactful to another? How is the impact appreciated? Is it controversial or is it not? So:

“(c) raises significant architectural or urban design issues giving rise to substantial regional or national controversy...”

—was specifically intended in the committees that design this work, because it is a

matter of—remember all law is actionable and, in those circumstances, impact would be by far too generic a term for us to treat with, because it would be wide open to subjectivity.

**Sen. Richards:** Understood. In those circumstances, I withdraw.

*Amendment withdrawn.*

**Mr. Chairman:** Okay. Let us move on to page 6. Sen. Richards, subparagraph (a).

**Mr. Al-Rawi:** (ii).

**Sen. Richards:** I want to withdraw. That was an error on my part. Can we go to the next one?

**Mr. Chairman:** The next one would be under Sen. Deonarine.

**Mr. Al-Rawi:** No, Chair. In subparagraph (a), we still have (ii) of Sen. Richards, which is the proposed amendment to (xvii)(a) which is to adjust the definition of billboards.

**Sen. Richards:** Yes. If I could? (ii) in subparagraph (xvii)(a) and the intention here is, it original reads:

“(a) billboards or advertising signs”

Because it does not to me account for the fact that billboards in the present incarnation can be electronic and/or static, and in the context of a municipality, because of the variety of municipalities we have, electronic billboards are, in some instances, a challenge. They may be close to a roadway that may be distracting, which is an issue we faced in the country. So, I think the municipality should have that sort of clarity in terms of the descriptive.

**Mr. Al-Rawi:** So, Mr. Chair, I thank Sen. Richards for the recommendation. I wish to refer to paragraph 73 of the Planning and Facilitation of Development Act, 2014 where the definition comes from. That is part of the definition of simple development. It is repeated here. A simple development application means an

application for billboards or advertising signs. We did, in that committee, also consider the issue of electronic signs, because we had submissions that electronic signs are not only distracting, but caused accidents, et cetera, and some of them actually caused light pollution for people who live nearby. So, the committee, from my first-hand experience was acutely aware of those matters. We left the word “billboard or advertising signs” specifically as technologically neutral, because a billboard, whether it is electronic or paper billboard or a work of art or some other form, a billboard is nonetheless a billboard.

So, for even though the recommendation put is electronic or static, it falls outside of the normal mechanisms of parliamentary drafting which is to state in neutrality. Because a billboard, no matter what it is made of, will always be a billboard. So, it is not confined in terms of the method of construction or demonstration. So whilst I certainly welcome the hon. Senator’s recommendations, the manner in which it is proposed to be amended would fall outside of technological neutrality and would also fall outside of our drafting style.

**Sen. Richards:** So it already considers all forms?

**Mr. Al-Rawi:** Yes, billboards will definitely—already entail electronic billboards, et cetera.

**Sen. Richards:** Thank you. I withdraw in that case.

*Amendment withdrawn.*

**Sen. Vieira:** Yeah, just for the record, my understanding of a billboard is a large outdoor sign board, so whether it is static or electronic.

**Mr. Chairman:** Having withdrawn, we move on to Sen. Deonarine, page 7, subparagraph (c).

**Mr. Al-Rawi:** For members, that is page 9 of the Bill, just for ease of tracking.

**Sen. Deonarine:** Yes, it is page 9 of my Bill as well, the copy that I have. Thank

you, Mr. Chairman. Before I put my justification for this proposed amendment on the floor, this matter actually, this clause did not come up during the debate, so I would like to ask the Minister: What was the specific reason for the choice of five years?

**Mr. Al-Rawi:** Sure. So, there was a very specific reason. We have had this debate about the disqualification for persons and people ask, well, what is the appropriate qualifying marker? In matters involving issues where honesty is a requirement, we usually raise the bar up to issues of honesty. So we take it down to a breach of the Integrity in Public Life Act or perjury or certain matters of honesty, misbehaviour in public office, et cetera. In our older laws, starting with the Representation of the People Act, if you want to take a very well-known law, there is this standard of one year.

One year, unfortunately, in light of the evolution of laws and the penalties that we have put has become something—do not laugh. The sale of rotten tomatoes lends itself to one year imprisonment. That is under the Municipal Corporations Act. So the bar of one year is an extremely low bar legislatively, and you could find that there are a number of summary and indictable offences that are too low to trigger at one year and, therefore the committee specifically contemplated a five-year bar, because that is closer in mark with where we find the prescriptions of penalties that are weighty.

The last thing that one wanted to do, bearing in mind that penalties can be ascribed in no-fault basis, if I could use it that way, sometimes it is easy to triple penalty. It may be a fixed penalty arrangement. There may be something which leads to this true fixed penalty or administrative fine that leads to offence after. One year was felt to be too low. So, we did have discussions in relation to that. It is something that we speak about quite often when we get to legislative prescriptions

for both the sums of fines and the term of imprisonment that are both recommended.

**Sen. Deonarine:** Okay. So, Mr. Chairman, through you, I understand what the Minister is saying, however, I had a quick look at the Summary Offences Act, and what concerns me is clause 23(1)(c) and 14A(a) and (b) which speaks to convictions for stealing of livestock and stealing of agricultural produce which have a penalty period of more than one year upon first conviction, more than two years and less than seven years. Right? So, therefore, and we are talking about local government, something that—and praedial larceny is something that touches very close to local government. I am not too sure if I am entirely comfortable with allowing a Councillor to be able to be selected with a probability of having had convictions of these sorts. So, praedial larceny, especially, for those Regional Corporations that are highly agricultural based.

**Mr. Al-Rawi:** The hon. Senator is correct that the Summary Offences Act would have penalties such as that. But summary offences are contained in the corpus lexis in all of the laws summary offences are set out. So you have summary offences in every piece of law. In this Municipal Corporations Act there is summary offences, in the Motor Vehicles and Road Traffic Act, in the Representation of the People Act. So, all of the bodies of laws have the inclusion of summary or indictable offences or offences triable either way.

I do agree with you that what you are pointing to is fairly significant, but there are equally trivial examples with one year, and the problem is how do we find the balance? The committee in its fulminations felt that five years was an appropriate matter, because one year, across the mark, there are so many examples of trivial matters at one year that could cause a position out and then you would be thrown to the mercy of section 87 of the Constitution, which is to go and seek the



power of pardon, which is an involved process in and of itself.

**Sen. Deonarine:** Mr. Chairman, through you, then given what the hon. Minister has said, could consideration be given to, at least, two years?

**Mr. Al-Rawi:** So, it has been 13 years I have been in Parliament where we come down to committee stages, where we trade of years and figures and I have to tell you that I find it very ad hoc to treat with it that way. Usually we prepare a matrix of offences, which is what this committee did, we compared it to other laws and then we find a sort of a parameter. I feel a sense of discomfort sitting here to just make it up, bearing in mind that the committee would have used the basis of matrices and comparisons for the many years that we looked at this. Remember this recommendation does not only come now. The legislation crafted in 2008, 2009, 2010, we now stand in 2022. I do not want to lightly throw out that work at the table now, most respectfully.

**Sen. Deonarine:** Through you, Mr. Chairman, I understand what the Minister is saying, but for the record I want to say that I am very uncomfortable with this. However, given the explanation that the Minister has made and understanding the delicate nature in which the committee would have treated with this particular clause, I will withdraw it, but for the record, I am deeply concerned and uncomfortable with it.

**Mr. Chairman:** Thank you, Senator.

*Amendment withdrawn.*

**Sen. Vieira:** Following on Sen. Deonarine's point, why do we have to go with years? Could we not use a different form of criteria?

**Mr. Al-Rawi:** Yes, we could, but then what about the architecture of the entire law? So, section 11 "Councillors representation term of office and qualifications—Councillors shall be elected". So we are dealing with the elective provisions. And

this particular clause is intended to treat with (l), paragraph (l). So a person is disqualified from being a Councillor if he—we get to (h), (i), (j), (k) and then there is, we have (k) which has been renumbered—has been convicted of an offence which carries a penalty of five years or more.

Now, if we look at the run up to that wicket, in the whole of section 11, subsection (8), the disqualification for being a councillor. So there are multiple versions of disqualification: own act under acknowledgement—you swear to another flag, you are adjudged a bankrupt, mentally ill, et cetera, under sentence of death or sentence of imprisonment exceeding 12 months imposed upon him by a court.

So, if you get to subparagraph (d), we have a 12-month marker. So here we have that 12-month—it is in (k), there is a further, sorry now (l) has been convicted of an offence which carries a penalty of five years or more. So, now, this is the conviction, you are not yet at sentence to be distinguished from (d) where you are serving sentence for 12 months. So, we did not throw out 12 months. We kept it. You are serving a sentence, 12 months, which would take care of Sen. Deonarine's discomfort.

But when we get to “has been convicted of an offence”, it does not say that you are serving a sentence yet, because it may be a sentence which is deferred. It may be commuted. You may be doing something else. So, we actually have two bites at the cherry, not one. So I hope that Sen. Deonarine would accept the recommendation that way. I see your head saying no. There is still apparently a discomfort, but this is the committee's view of what it thought in light of significant public consultation.

**Sen. Vieira:** Actually, I heard disquiet, but I accept what you say.

**Mr. Al-Rawi:** So, if we were to go with you are convicted for a penalty with one

month, with one year, 12 months, but you are serving at 12 months, then there is no meaningful distinction between the two.

**Sen. Vieira:** No, I was just thinking whether, you know, like when you are doing disqualifications from office that found guilty of any offence involving fraud or dishonesty or something along those lines rather than pegging it to a time of conviction.

**Mr. Al-Rawi:** Those are reflected in the rest of section 11, subparagraph (8) in the existing Municipal Corporations Act. There are reflections of that. So this is not a one shot only clause for disqualification. I mean, it stands out because it is in the amendment Bill as a reference to part of the Municipal Corporations Act. Do not forget there are also resolutions, there is public pressure, et cetera.

**Mr. Chairman:** Thank you. Moving on, Sen. Richards has indicated that—

**Mr. Al-Rawi:** But, in light of Sen. Deonarine's statement that the hon. Senator is still uncomfortable and it has not been withdrawn, you would have to put it to the vote.

**Sen. Deonarine:** No, I indicated that I would withdraw.

**Mr. Al-Rawi:** You withdraw? Okay. Sorry, I apologize.

**Mr. Chairman:** She withdrew. She said she is uncomfortable, but she still withdrew. Would you like to withdraw the next?

**Sen. Richards:** Yes, I withdraw the next one.

*Amendment withdrawn.*

**Mr. Chairman:** Okay. So, it follows that we go on to page 12 with you.

**Sen. Richards:** Yes, the other one, the next one is in subparagraph (m)(i), in the proposed section 33B.

Insert the following new subparagraph after subparagraph (g).

It may not necessarily be after (g), but the intention is to take it into consideration.

Through you, Mr. Chair, many of the discussions that came up in the JSC, which I had the honour to sit on, like the Minister of Local Government and Rural Development, where many of the business chambers and other stakeholders who were in the municipalities complained bitterly about the fact that interface and the chance to collaborate to develop, particularly small and micro businesses was non-existent. And given that later parts of the Bill speak to the development of opportunities within the municipalities for the burgesses, I thought the insertion of “collaborate with registered business chambers within the municipality to identify business opportunities for burgesses and the Corporation” would have been an appropriate mandate as is stated in 33B which starts:

“The Municipal Council”—of a corporation—“shall be responsible for”

And it reads (a) to (j) presently. But there were several discussions with various stakeholders about the opportunities that were lacking in the present incarnation to collaborate with the Chamber with the municipalities for that sort of initiative and the development of business opportunities.

**Mr. Al-Rawi:** Thank you, Mr. Chairman. Thank you, hon. Senator. Hon. Senator, this clause is the proposed new responsibilities 33C of the Executive Council.

**Sen. Richards:** Yeah.

**Mr. Al-Rawi:** So in terms of legislative drafting in Bills, we sometimes put powers and functions as a core feature of Bills, as I know you are well aware. So here we are, roles and responsibilities of the Executive Council, the chapeau reads:

“The Executive Council shall be responsible for—”

The proposed amendment effectively says shall be responsible for collaborating with registered business chambers within a municipality to identify business opportunities for burgesses and the Corporation.

The danger of including something that specific is that you are now

subjected to the risk of judicial review and mandamus as an aspect of judicial review. So in the public law remedies available in litigation, a corporation can be brought forward in litigation to mandate it to do something. This is so specific that one would have to know what are the registered business chambers, and you must identify business opportunities, which then leads you into the opportunity as to whether you have failed to or not.

So, whilst I think that the aim is entirely legitimate and bona fide wearing my litigation cap that I have worn for my entire life until now—I should say, I still wear it—my fear is that this can be abused. So the problem is, how will this be twisted? Now, if I look to the rest of section 33 which is being proposed in this clause and we see you are:

- “(a) determining broad strategies for implementation consistent with the decision of the Council;
- (b) allocating financial and other resources to the Divisions;
- (c) collectively exercising responsibility and accountability for the effective day to day management...
- (d) approving plans and programmes of the Divisions;
- (e) reviewing the operations of the various divisions...
- (f) coordinating the operations of the various divisions...
- (g) reviewing the bylaws of the Corporation and other regulations...”

These are all things that are within safe harbour, but they also include, when you get down to the division section, section 66, I believe it is, that you are going to find the breadth of what you are looking for, which is the collaboration of business chambers, et cetera and opportunities. But left as it is, I fear that it would be exposed to an application under judicial review and mandamus or certiorari which

are very easy triggers to pull and would involve litigation.

**Sen. Richards:** Through you, Chair, I fully understand what the Minister said—I almost said the AG—the Minister of Local Government and Rural Development has indicated. One of my concerns, as I indicated before, is that one of the intentions of this Bill, this new incarnation of local government, is to empower the corporations to determine these councils and to ensure that a lot of what has not transpired in the past is taken care of, because we have seen so much abdication of duty, and I would say it plainly, in the present incarnation of local government, and the empowering of these corporations, municipalities now is the aim to serve as an engine of growth in the municipalities. And I just do not—it may seem like I am dwelling in minutia on quite a number of my proposed amendments, but it is because I have been able to sit through those deliberations with stakeholders, which were extensive and hear from the burgesses themselves and the stakeholders themselves lament about the corporations acting without any form of collaboration and not facilitating growth and driving growth in municipalities. So, that is why I really zeroed in in quite a number of these areas, but I understand the legal drafting challenges that you have identified and, as such, I would withdraw, but I just want it on the record. I am hoping that given the latitude you have outlined that there is still some room for holding these municipalities accountable in this way, because not holding them accountable has not served us well in the past. Thank you, Mr. Chair.

**3.00 p.m.**

**Mr. Al-Rawi:** Thank you Chair. If I could bring some comfort to my friend Sen. Richards. There are two sections that are relevant here. If I go to 37 itself, as is proposed to be amended, I go to 37 subsection (4), which is at page 34 of the Bill. You see:

“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.”

Secondly, in the standing committees that are being brought into life in section 69, as is proposed to be amended of the Municipal Corporations Act, there is, again, civil society development. But when you get to the bye-law making functions of municipal corporations—and I should say, this Municipal Corporations Act has now become my Bible. All of the laws of Trinidad and Tobago that I have been accustomed to, are now put into one piece of law that touches so many others.

There is a deeper involvement, a significantly deeper involvement, in the business and societal interactions with the council. A lot of the consultations that have come about demonstrate exactly what you have said, hon. Senator. The complaint is real, but a lot of it has been stymied, by the lack of integration between the council and the administrative body of municipal corporations. In other words then, you had municipal corporations elected that could not control what they had before them. So the integration of a municipal council and an executive council, together with the amendments that replicate section 85 of the Constitution, where the CEO must act under the mayor's hand like a Permanent Secretary would, together with the bye-laws, together with section 37, together with section 69, can hopefully, in the round, come under a lot closer to what you have so correctly observed.

**Sen. Richards:** Because we have a long way to go, I will not belabour the point. Mr. Chair, I withdraw.

**Mr. Al-Rawi:** Thank you.

*Amendment withdrawn.*

**Mr. Chairman:** So moving on Sen. Richards to your next proposed amendment.

**Sen. Richards:** Yes, Mr. Chair. Moving to the next proposed amendment, and this may be also an issue of legal drafting and it—

**Mr. Al-Rawi:** Sorry.

**Sen. Richards:** I withdraw the last one.

**Mr. Al-Rawi:** Mr. Chair, just was paragraph B of Sen. Richards' position sheet, that was withdrawn, right?

**Mr. Chairman:** Yes, he had withdrawn it.

**Mr. Al-Rawi:** Okay, because it was correct. Thank you. Just for the record, thanks. So C—sorry, I did interrupt you hon. Senator.

**Sen. Richards:** Yes, so we move to the next proposed amendment, which is C(iii), and it may be an issue of legal drafting. I just found leaving “occupier premises”—”owner or occupier of premises”, a bit open. Is it that occupier is presumed to be authorized occupier, in the context of municipalities where people may enter and take occupancy of buildings without authorization—

**Mr. Al-Rawi:** Understood.

**Sen. Richards:** —and then that occupier can then authorize the officer to remove anything from the premises? So I am suggesting that it should be the “documented approval of the owner or authorised occupier”, because we have come to find there are divergent views on who gave permission when and where, in various circumstances in Trinidad and Tobago, which may lead to issues down the road.

**Mr. Al-Rawi:** Well, I am tempted to say that you have spent a lot of time in court, because those are the exact issues that come up. So, number one is we have kept within the architecture of existing law “owner or occupier”. The putative or purported owner or occupier is always an issue, and there are always third party interests in matters such as this, was their lawful authority, et cetera.

The law as it is drafted proposes that we stick with the language as



suggested in 33I(3):

“Where the owner or occupier of premises permits entry...”—so there must be consent—“of an officer of the Municipal Corporation onto premises, the officer shall only remove any thing from the premises with the approval of the owner or occupier.”

So that is one within existing language. Similar to non-warranted consensual entry, that is the standard language that we have used. Two, if we were to introduce the concepts of authorization and documented approval, then we are entering into a realm of too many hurdles, legally speaking, because the due process allows us to complain about in court.

Remember what follows is important next, subsection (4):

“Where the owner or occupier of premises under (2) refuses to allow...”—you have to go and get a warrant.

So the warranting aspect is the due process guard to subsection (2) and to subsection (3), and in the event of a dispute, we would have to now go and speak to this.

Now there is one further point in law. If we were to amend this section this way, the question of implied repeal jumps in. So will we in a subsequent amendment to law, which is this, affect other laws by adjusting the law, such that you must have documented and authorized positions? The argument can be raised in law that if we pull this end of the thread of the tapestry, that we are going to unravel the rest of the tapestry by the mechanism of what is referred to as “implied repeal”, and therefore I have to be extremely careful to stay within the boundaries of safety.

So in the round and in summary, number one, it is the precedent language. Number two, it is with consent. Number three, there is due process consideration

that is a safeguard. Number four, is that subsection (4) specifically requires if there is refusal, that you go and get a warrant, and that must satisfy a magistrate. Number five, the caution against implied repeal is important. So in all of those circumstances, I cannot get to the support for this.

**Sen. Richards:** While I understand that, through you Mr. Chair, and regarding your reference to (4), my concern is not even about the refusal, because that may be easier to identify. It is that where there is a discrepancy as to whether I actually gave permission or not, and because we are granting new powers to officers of the municipal corporation, as opposed to members of the TTPS or other agencies that generally have that sort of authority. And in municipalities that are getting new powers, my concern is that these discrepancies may arise and people may say, well, I did not grant “X” any permission, it is not documented anyway, to remove anything from my premises.

**Mr. Al-Rawi:** Even the TTPS does not have power to remove things from private dwellings without a warrant. They may have to position in hot pursuit to have certain entries. There may be qualifications to those proposals, but even the TTPS, the FIU. The Public Health Ordinance is a very different mechanism, because that is saved law, et cetera, but this is one where, if there is any form of dispute, the question is what is the remedy? And the remedy is that you can actually action your point in a court of law. So that there is due process as a safeguard behind the very legitimate concerns that you have put forward. And I suppose that one of your further concerns would be, what happens if the person just did not know better?

**Sen. Richards:** Well, I understand what you are saying, so I just wanted to raise it as a point of concern, because I think the realm we are going into here is really virgin ground, for lack of a better term, and there are going to be many instances where people are going to have to become quite au courant with a new paradigm of

operating, and to me the protections need to be in place to protect people's property, privacy and interests.

In a variety of 14 different municipal corporations, it is not even one central operation anymore. So you could have so many different interpretations and lead to so much litigation around the way, if we are not absolutely clear on what is permissible and what is not.

**Mr. Chairman:** Just to be clear, you are withdrawing?

**Sen. Richards:** Yes, I will. Sorry Chair?

**Mr. Chairman:** Based on your explanation, your comments are being withdrawn?

**Sen. Richards:** Yes, I withdraw.

*Amendment withdrawn.*

**Mr. Chairman:** Moving on to paragraph (n)(iii), Sen. Richards.

**Sen. Richards:** This one may be implied. I just wanted clarity, because it originally says—let me just get the reference in the original. It is on page 18, for those of our colleagues following. It is in section 34, (n) in section 34C (iii):

“discipline or dismiss its employees.”

My suggestion is to insert, “in accordance with provisions established in the Twelfth Schedule” after the word “employees”. Is it implied? Because there is a Schedule that deals with grievance and disciplinary issues.

**Mr. Al-Rawi:** I thank the hon. Senator for the very sharp question. If you turn the page and you get to 34B, capital B. So that my Bill is slightly differently numbered. So mine is 18, yours will be 19. If you look at 34B:

“The Grievance Procedures applicable to disputes shall be that set out in the Twelfth Schedule.”

So it is specifically tied to the Twelfth Schedule.

**Mr. Chairman:** Sen. Vieira.

**Sen. Vieira:** AG, I am going through the Act itself, and I do not see provision for conflicts of interest. Now, one of the things that was going through my mind when Sen. Deonarine spoke, was whether somebody who might be engaged in a calling where there would be a conflict of interest. Say you were engaged in carrying out a cremation business, whether that would debar you, but now it again comes in with all the other employees. I know there is a code of conduct, a code of ethics, but is there provision for when people are conflicted?

**Mr. Al-Rawi:** Well, immediately section 29 of the Integrity in Public Life Act prevails. Section 33, section 24—well, section 14, declaration of registrable interests, section 29, conflict of interest provisions. So that is external to the Act. I know your question was, is there something internal to the Act, and the answer is I have not seen one that is internal to the Act, save that there will be code of conduct and rules, et cetera to be prescribed.

For instance, we in Parliament do not have a code of conduct expressed in the Constitution, but we have one by way of a code of conduct which is voluntary. What we are obliged to maintain would be the rules governing us pursuant to *May's*, the Constitution, the rules of Parliament, the code of conduct of Parliament and the Integrity in Public Life Act. So short answer, it is not in the Act as far as I have seen it, but there are provisions that oscillate around it.

**Sen. Vieira:** But the Integrity in Public Life Act seems so far removed and figuring it, and since we are talking about decentralizing power and empowering these municipal corporations to deal with the citizens' affairs, one of the ways to avoid corruption and insider dealing, it would seem to me, would be to build within the municipal corporation's legislation very powerful conflicts of interest provisions.

**Mr. Al-Rawi:** I certainly agree with you, in the sense that we have done it in many

other laws. We have sat, you and I Sen. Vieira, for 13 years in the same place, dealing with things like this, but it is not part of the Bill before us now. So the default position to that for me is that at least there is the Integrity in Public Life Act, and there will be a code of conduct, and there will be laws that safeguard against that risk.

I think that one of the difficulties is in being specific as to how it is to be managed. Not that it cannot be, I accept your point. I do undertake to have a look at it. I can tell you there are a number of amendments that I am looking at in terms of this Act itself, a huge host of amendments that did not form parts of these, moving towards demerit points, fixed penalty provisions, et cetera, how we manage all of those things. I think that is a very worthwhile recommendation, hon. Senator, which I will certainly be looking at.

**Mr. Chairman:** Just for the record, Sen. Richards, your proposed amendment to (n)(iii)?

**Sen. Richards:** It is withdrawn.

**Mr. Chairman:** Withdrawn?

*Amendment withdrawn.*

**Mr. Chairman:** It is still within your court for subparagraph (o), for the proposed subsection 34A through D.

**Sen. Richards:** It originally reads in 34A(d):

“Give donations...to charitable institutions, benevolent funds...and other objects calculated to benefit...”—its employees.

Given that we have spent quite a bit of time amending the NPO Act recently, so that there is accountability in—

**Mr. Al-Rawi:** Would you forgive me for interrupting?

**Sen. Richards:** Absolutely.

**Mr. Al-Rawi:** Under the Board of Inland Revenue provisions, you may achieve charitable status without being an NPO entity. So you can be a charitable organization as a limited liability company, as a person, as a statutory authority, as a foreigner, as a trading as, et cetera. So because the charitable status is something specifically maintained by the Board of Inland Revenue, if we were to confine it just to NPOs, which is one of the subsets of personalities in law—remember a person in law may be a juridical, statutory or other entity as well as an individual, which is a natural person. So I think it would be prudent for us to leave it in the wider context as opposed to narrowing it to NPOs.

**Sen. Richards:** How do we protect against the possibility of a municipality just giving it to—

**Mr. Al-Rawi:** Section 116 of the Constitution, the Auditor General. So there is a check and balance there. So the statutory arrangements in the Constitution provide for the Auditor General to audit these accounts. We are now adding in management accounts when you get to the amendments later on. So the safeguard to this is the line item. So the line Ministry with responsibility is going to migrate from the Ministry of Rural Development and Local Government to the Ministry of Finance. The management accounts must be done.

The Audit Committee—if you look to the setup of the Audit Committee under Standing Committees, that Audit Committee is now comprised of individuals from outside the corporation, including members from civil society and, like the Public Accounts Committee, is chaired by the Opposition Member, the minority Member, and where there is none, by somebody from the Ministry of Finance in the—what you call that unit?— What is the Ministry of Finance unit again, Allyson?—Central Audit Unit, the Central Audit Unit of the Ministry of Finance. So the check and balance, to answer your question, how do you protect

against it?—multiple remedies. One, Audit Committee; two, Auditor General section 116 of the Constitution; three, minority leadership, et cetera; four, managerial structures beyond accounts. So there are multiple areas here.

**Sen. Richards:** I understand what you are saying, but we have had situations in the past where donations of state funding have gone to so-called charitable institutions that do not meet muster, in spite of the fact that those safeguards exist that you have identified, and that to me—and we are talking about the delineation of authority in the circumstance is where my concern lies. As I said, given our history, we cannot just not be aware of what we have faced in this country before, and I think it would be irresponsible not to raise these concerns in the context of trying to safeguard the interests of taxpayers, because these municipalities now are going to have the power to collect residential property tax and, in some instances, borrow money, albeit under the authority of the Minister of Finance.

**Mr. Al-Rawi:** But remember this is under a pension scheme, so a pension scheme is managed. So section 34A:

“A Corporation shall provide for the establishment...of a pension scheme...

(2) Without prejudice to subsection (1) a Corporation may under a pension scheme...”—do the following.

So this is not the mayor’s fund or appropriated moneys, et cetera. There are very strict rules that govern pensions. There is legislation, there is structure. So this is a much narrower window than the mayor’s fund.

**Sen. Richards:** I am comforted by your response. Thank you. I withdraw, Mr. Chairman, thank you.

**Sen. Vieira:** Just for the record, charitable institutions at D, it is not general. It is in the specific context of a charity which has been recognized by the Board of Inland Revenue and the Minister of Finance, because people think charitable institution

could be anything once it is—but, but. For the record, it is meant in that technical sense.

**Mr. Al-Rawi:** Roles in trusteeship are very, very significant in pension funds, so breach of trust is a significant consequence.

**Sen. Richards:** Thank you, Mr. Chair. Thank you, Minister. In that case, I withdraw.

*Amendment withdrawn.*

**Mr. Chairman:** Okay. Sen. Richards, subparagraph (q).

**Sen. Richards:** In my earlier conversation about the challenges with specificity, I also withdraw that, F(i), because it kind of falls in line with the same logic that the Minister would have identified earlier on.

*Amendment withdrawn.*

Should I move, Mr. Chair, to (ii)?

**Mr. Chairman:** Yes.

**Sen. Richards:** I know this is going to be quite controversial, in some regard, and there may be auditing laws that abide here, but it really speaks to what our colleague, Sen. Seepersad, identified in her contribution, where there is an abysmal track record of corporations in terms of presenting audited financial reports. In some instances I think Sen. Seepersad identified as much as 15 years.

**Mr. Al-Rawi:** Twenty-two years.

**Sen. Richards:** Twenty-two years, and I think it is an atrocity, and that is why my suggestion—it may not fall in line with auditing practices, or may not be possible at all, but I still put it to show that there must be some mechanism in place to hold these municipalities to account, when it comes to audited financials. So the suggestion is timely, and timely yes, as a specific meaning:

“and accurate reporting on all matters of a financial nature, including audited



financial statements of the Municipal Corporation, within eighteen months of the reporting period.”

That may pose a challenge to some, but I think now that these municipalities are able to collect money and spend taxpayers’ dollars, I think it is extremely challenging to accept that these new powers can be bestowed upon the municipalities and they not present auditing financials within—and that timely is very specific there. I know “timely” means timely, but is that enough to mandate their accountability practices where this is concerned?

**Mr. Al-Rawi:** Mr. Chair, following upon the revelations by Senators Deonarine and Seepersad, I made it my business to go back to the Ministry and discover where corporations were. I am very pleased to say, though not good enough, in the case of Point Fortin where the report was that they were 22 years outstanding, turns out they submitted every single statement up to 2016, if not 2017, and they are all at the Auditor General’s Office. So it was not that the corporations had not submitted it. It is that the Auditor General had not finished the auditing accounting from 1999 to that date. But the point is just as good, right, because the point is that the audited financials submitted were not yet brought forward. The relief, albeit not good enough, because 2016/2017 is still some time ago, is that your point is well made.

If I look at the proposed amendment, which is a repeal of subsection (f) and a restatement of it in the form circulated, so we are looking at, (f) says, “timely and accurate reporting on all matters of a financial nature;” but you are now adding in, “including audited financial statements”. Just to remind, that the audited financial statements are taken care of in a different provision. The audited financial statements have to be produced by the Audit Committee, the Audit Committee must deal with that. But remember that this law is subject to the Constitution of the

Republic of Trinidad and Tobago. If you get to section 116 of the Constitution, subparagraph (4), and you look at the fact that the Auditor General is actually constitutionally required to submit audited financials every year, the question is: What are we going to do about that? We have to improve plant and machinery, people, processes and, obviously, the operations of law.

So, the law as it is stated, we have to disaggregate the auditing function, which is in a different section, from the reporting function for financial activities, 35C says what:

“The Division of the Corporation with responsibility for Finance, Planning and Allocation of Resources shall be responsible for—”

The divisions are set up in section 69. So 35C must be read with section 69, 69 must be read with the Constitution, the Constitution already requires the Auditor General in section 116(4) to submit audited financial statements every year.

Now, one of the major problems with corporations that they complain about, they desperately want access to their money. Port of Spain City Corporation is sitting down on \$45 million of unspent balances that they cannot get unlocked because the audit department has constraints in the Ministry. This law proposes that the audit can be supplemented by an external auditor, just like the Constitution allows. That is a watershed moment, because I can assure you, having worked with eight corporations of the 14 now, face to face, week to week, and literally on the field every single day, these corporations are desperate to get their moneys, because they want to spend it on their burgesses.

So I do feel that the amendments that we are proposing by this law will take us much closer to the mark, and I would like to say that the Minister with responsibility for digital transformation is the back end to the work that the Minister with responsibility for operationalization is doing. I am literally leading

the charge on digitization right now. The introduction of IFMIS, the introduction of IHRIS, which are the Government platforms for resource management, e-procurement and also an e-vote book system. So we are literally digitizing the Ministries right now, which means that the currency of accounts are going to come forward.

So I have given an instruction. A lot of this required process reform, and the process reform, to bring it current, you have to have the data, and the data submissions were being lost, not properly maintained, but we are moving to an entirely digital platform, and that is going to have a significant effect on the time lag or time lead for accounting presentation.

**Sen. Richards:** Thank you, Mr. Chair. It may seem like I am withdrawing quite a few, but I have no problem putting them on the record, because I think it is important for the country to hear that someone is looking out for accountability factors, because, at the end of the day, if the corporations and municipalities are not operating efficiently and above board, it damages the ability of the burgesses to get the services that they so, in some instances, desperately require.

*Amendment withdrawn.*

**Sen. Vieira:** And also to just remind that under the Constitution there is a joint select committee to enquire into and to report on municipal corporations.

**Mr. Chairman:** Noted Sen. Vieira. Sen. Richards, your amendment to proposal subsection 35D, part (1) which is on page 22.

**Sen. Richards:** In this instance, I am suggesting, and I note 35D, just for clarity in those following:

The Division of the Corporation with responsibility for recreation grounds, sporting and exercising facilities and other public spaces shall be responsible for...

And my suggestion, because it clearly states, (a), I just as one of the examples:

Developing, maintaining and managing recreation grounds, sporting and exercising facilities, and other public spaces.

Because we have specified “exercising grounds and sporting facilities”, I think because of the makeup of Trinidad and Tobago and the importance of culture in all our lives—as a country we are a very culturally rich country—and I know it says, “other public spaces”, the insertion of the word “and cultural” after “recreation”, may specify us placing a particular level of profundity and importance on cultural grounds, and the importance of cultural grounds in the municipality’s consideration of its obligation to maintain and develop these cultural grounds. So some may say, well, it is implied. I am saying it should be stated as a suggestion.

**Mr. Al-Rawi:** Thank you, Mr. Chair, and thank you hon. Senator. I think your point is profound. Culture is a diversification tool. Culture is an employment tool. Culture is heart and soul of how we enjoy our fabric of life. The constraints that I am faced with in legislative drafting meets with reality, because sporting grounds are easy in terms of definition. So either it is a sporting ground or it is not. Recreation grounds are equally easy, and public spaces.

Now, I want to remind, for a corporation to maintain jurisdiction over anything the asset or thing must be vested in the corporation. Right now we are in an exercise of completing vesting orders for all 14 corporations. This law, this amendment proposes the introduction of orphan roads and spaces. Now, that is critically important, because those are the things that for over 22 years have not come onto the books of the corporations. What happens is that residents in areas say, well look, we are frustrated, this thing is not being maintained. You are not cutting, cleaning, maintaining, et cetera. So as we vest assets, cultural spaces become a little bit difficult, because then what is going to be defined as a cultural

space is open to interpretation.

Even though I could comfort myself with my own run up to the wicket, which is to say, well you could only maintain that which is vested, the obligation as to who considers what cultural becomes an issue, and what happens if there is a diversity? So we know public spaces vested, we know recreational grounds and sporting grounds vested, because those are the grounds that the corporation owns. Where culture happens may be so diverse that it becomes very open. So, again, the problem is the risk of litigation in compelling the take on to something which is not on the books per se, and then who decides, what is culture? We—you and I, Sen. Richards—joked seriously in the Cannabis Control Bill about creating the “Culture of Paul”, under the freedom of religion, because the question was, who is going to get a religious licence?

**3.30 p.m.**

**Sen. Richards:** We did manage to define a religious organization in that.

**Mr. Al-Rawi:** Yes. And I was about to say that we then went down to a degree of definition. But this one, if we were to go for cultural places, that becomes an extremely wide concept. What I can assure you is that all things that are vested in the corporation have to be maintained. The introduction of “orphan” now brings us into things that were never there before.

I am aware that my colleague, Randall Mitchell, who sits right here looking up at us is on a significant drive right now in bringing on certain cultural aspects. For instance, there is a huge project at Adam Smith Square that he is championing right now. That will be a cultural space that is vested in the corporation but which is shared in terms of responsibility by the Minister with responsibility for culture and tourism. So, if I could respectfully say that I accept your point that culture is important to us. My difficulty is how we define it and are we going to open the

door too wide?

**Sen. Richards:** Thank you. With that said, I withdraw. Thank you.

*Amendment withdrawn.*

**Mr. Chairman:** Sen. Richards, you have proposed for subsection 35F(i).

**Sen. Richards:** I am sorry.

**Mr. Chairman:** Yes. It is on page 27. Yeah.

**Sen. Richards:** So, through you, Mr. Chair, 35F reads:

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

And it reads (a) through (b), (c), (d), (e), (f), (g), (h) and (i). And (i) reads:

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

And my proposed amendment includes including “and environmental impact” for obvious reasons.

**Mr. Al-Rawi:** So, Chair, if I could invite the hon. Senator to recognize the constraint that the environmental protection legislation places upon us, the EMA Act. They have exclusive jurisdiction over environmental considerations and have the tools to engage in those exercises. Some environmental issues—the corporations are not in a planning perspective shrouded by the fact that they deal with simple development alone. Because a simple development may be carved out of a complex development and a complex development under the Planning and Facilitation of Development Act is extremely wide.

The point of authority for dealing with environmental impact issues is the EMA. They have EOIs, they have assessment reports, they have considerations, they mandate consultation in certain positions, they deal with noise pollution, light pollution, environmental structures, ground water, even down to whether you could cut a big tree or not.

So, if we were to include “environmental” into here, we would then be sharing jurisdiction with the EMA. Okay. The question is: How am I going to resource it for the tool factors? But no planning permission that requires EMA conditionality approval can proceed without the EMA’s involvement and that legislation is very—in fact, it is so robust that it is sometimes unworkable.

The San Fernando waterfront has taken six years to get an environmental impact assessment, CEC, done for us to do six months of reclamation work. Six years to do six months of work. Thank the Lord God we got it last week.

**Sen. Richards:** Thank you, Minister, for the response. But does not:

“(i) conducting research...”—includes some sort of environmental impact assessment?

And if you go on to (i)—to (j), sorry:

“(j) engaging in future based planning for sustainable use of resources including land...”

Does that not imply some sort of environmental impact assessment at some level?

**Mr. Al-Rawi:** It is different from specifically stating environmental. Again, one, can it be litigated? Two, can it be stopped? Because you did not do an environmental aspect. Three, are we going to impliedly repeal aspects of the Environmental Management Authority legislation? Because a subsequent law affects an earlier law.

So, again, is that threat on the tapestry if we start to pull, for good reason, that we end up in troubles? And the last thing I want to do is to end up in the Privy Council arguing that, “No, we did not intend to impliedly repeal a section of the EMA Act.”

**Sen. Richards:** Thank you. I withdraw.

*Amendment withdrawn.*

**Mr. Chairman:** Sen. Richards, your proposed subsection 35H(1)(c), deletion and substitution, page 29.

**Sen. Richards:** Yes. This is—sorry, Mr. Chair. Are we moving onto on 35H(I)(c)?

**Mr. Chairman:** Yes.

**Sen. Vieira:** Heritage sites.

**Sen. Richards:** Heritage sites. And H(I), for those following, reads:

“The Division of the Corporation with responsibility for Community Development and Social Services shall be responsible for—”

And in (c) it reads:

“developing and securing heritage sites within the Community;”

Given what the Minister identified earlier on regarding the current work being done by the Minister of Tourism, Culture and the Arts, I think that would have dealt with this to some extent. So, I can withdraw because it identifies—in my proposal:

“...identifying, developing, securing and maintaining heritage sites...”—and it may conflict with the Ministry.

But just as an aside—or actually, no, in relation to it, does the Minister think, through you, Mr. Chair, that the municipality in some—the corporation, sorry, in many instances may be more ideally positioned to identify it because they are living in the area and they have an understanding and an appreciation for the cultural nuances and the history of the area and be more ideally posed to identifying or aiding in the identification of these heritage sites within the community?

**Mr. Al-Rawi:** So, the real impact is the National Trust—right?—for heritage sites which is, again, a stand-alone aspect. They National Trust is an expensive place because maintaining the Parliament was done under the hand of the Prime Minister



via UDeCOTT because a committee was established to develop all of these redeveloped areas: President's House, Red House, right around the savannah, et cetera.

So, number one is that we needed to make sure that we did not take onto ourselves, the corporations, the obligation for maintaining a heritage site, which is what your proposal suggests, because it would fall out with the municipality and into the realm of the National Trust which is, again, an intrusion into their realm. Not that we are afraid to go into their realm but we do not have the money they have; bottom line. So, they have the supervisory positions but if you look at the English Parliament to the maintenance of Westminster and all of their positions, that is a multibillion-dollar maintenance factor.

So maintenance is expensive, so the central government thought that we would confine ourselves to developing and securing heritage sites within the community. What that means is a springboard goes for recommendations to take over national trusts.

I am sure we recall the church just next to the—

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

**Mr. Al-Rawi:** Yeah, on Frederick Street.

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

**Mr. Al-Rawi:** Greyfriars. There was that big issue as to whether Greyfriars should have been sold and then torn down. But it was not a national trust protected building. It was not a protected heritage site. So, in those circumstances, the advocacy that we are placing upon the corporations here is to go and get them listed and preserved.

**Sen. Richards:** Well, if I could, through you, Chair? Not necessarily. And that is why I specified identifying not necessarily—

**Mr. Al-Rawi:** Yeah.

**Sen. Richards:**—doing the clarification of. They can use that identification because of their—

**Mr. Al-Rawi:** But—

**Sen. Richards:**—proximity to the situation to recommend to the National Trust that we think that this can be a protected heritage site.

**Mr. Al-Rawi:** But developing and securing includes, in the broadest sense, identification because you cannot and secure the thing which is not identified.

**Sen. Richards:** Well, you can respectfully—I disagree. You can—you may not be able to develop if you do not identify. You have to identify before you can develop anything.

**Mr. Al-Rawi:** I tell you what my slowdown and hesitation is. I always look at this in the litigation lens. Am I going to sue the corporation who did not go and identify Greyfriars?

**Sen. Richards:** Well, I did not say all.

**Mr. Al-Rawi:** Pardon?

**Sen. Richards:** It does not say all.

**Mr. Al-Rawi:** No. All means all or any. It does not mean that you have to do all.

**Sen. Richards:** Okay.

**Mr. Al-Rawi:** You would have to do any. And again, the question is—Trinidad is a remarkably highly litigious society and it depends upon who is in government. There is more litigation sometimes than not. Having faced seven years of it, I am a little bit cautious as to what I invite by way of law suit. I mean, the Opposition Bench is empty at this point but let me not point fingers.

**Sen. Richards:** You know I am not going to get into that debate.

**Mr. Al-Rawi:** Sorry.

**Sen. Richards:** You know I am not going to get into that debate.

**Mr. Al-Rawi:** I am just teasing.

**Sen. Dr. Dillon-Remy:** Chair, I have a question.

**Mr. Chairman:** Sen. Richards, earlier you had withdrawn—you had originally withdrawn that, for the record—

**Sen. Richards:** Yes, I did.

**Mr. Chairman:**—but you were seeking further clarification?

**Sen. Richards:** Yes, I withdrew it. Yes, I was just adding for the clarification. So, yes, it is withdrawn.

*Amendment withdrawn.*

**Mr. Chairman:** Okay.

**Sen. Richards:** Can we move now to the next, Chairman?

**Mr. Chairman:** Yes. So, we move on. I saw a mike down—

**Sen. Dr. Dillon-Remy:** Yes.

**Mr. Chairman:** Sen. Dillon-Remy.

**Sen. Dr. Dillon-Remy:** Yes. I was just asking, in support of Sen. Richards' question, about the importance of the corporations maintaining heritage sites.

Now, I am just looking at, yes, the National Trust and the Ministry of Tourism, Culture and the Arts. These organizations are all very far from those sites within the corporation. Is there any way of—instead of having like a silo—in other words, this is in my community, it is in my corporation but I cannot do anything about it because somebody else is responsible for the maintaining of it. I think I am in agreement with Sen. Richards from that point of view. You are removing from central to local, and a heritage site is important. So, I can understand what you are saying, Minister, about not wanting to conflict with the organizations like the National Trust. But is there any way of making it a more cohesive action so that

the community takes responsibility for what is happening in that community for these sites?

**Mr. Al-Rawi:** May I, Mr. Chairman?

**Mr. Chairman:** Yes.

**Mr. Al-Rawi:** Thank you, hon. Senator. I think that the point is really an excellent explanation of the very concern that Sen. Richards is volunteering. But permit me to say the following. There is a confluence of governance and there will always be entities that are closer in proximity than others.

In this particular construct, I want to remind that under the Planning and Facilitation of Development Act, complex developments are separated out of simple developments. So, we are giving development issues, on a simplified basis, to the municipal corporations as defined in the Planning and Facilitation of Development Act, section 47 and section 73, and in the interpretation section, section 2. That in and of itself recognizes that more complex things, complex developments, environmental management issues and heritage issues stay with the place that has not necessarily the best proximity in terms of distance but that have the expertise and resources to manage it. Because remember, anything that we add by way of maintenance to the local authority would have to be funded. And if we are going to populate the statutory fund—as this new law suggests a statutory fund will be developed—we need to make sure it is adequately resourced and that they have the expertise to treat with.

It was not until Prime Minister Rowley brought in the Cuban Government that we got the ability to—in fact, the recommendation that came to the buildings committee was that we had to tear down Mille Fleurs and tear down other buildings. And Prime Minister Rowley said, “I refuse to accept that it is the only advice.” That was on the books for decades. And the Prime Minister led the

mission to Cuba and they came and actually restored these buildings and at a cost that was so competitive it was unbelievable.

So, we respectfully believe that the maintenance of these issues, heritage sites better falls within the jurisdiction of the National Trust, et cetera, and that we leave the simpler version of it, just like planning and facilitation of development to the municipal corporations.

**Sen. Dr. Dillon-Remy:** Okay.

**Mr. Chairman:** Sen. Richards.

**Sen. Richards:** Yes, Chairman.

**Mr. Chairman:** Subsection (2), proposed subsection for 35H.

**Sen. Richards:** Part (2)? And the original reads, I think this is in—on page 30, if I am not mistaken.

**Mr. Chairman:** Correct.

**Sen. Richards:** Sorry.

**Mr. Chairman:** Correct.

**Sen. Richards:** Correct. Okay. Right. It follows through from 35H that we read before and—right. So it reads, apologies—part (2) reads:

“(2) For the purposes of this section—

‘facilitating social and community development’ means creating opportunities for people oriented development that is focused on building communities; and

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

And it may be nuance of one’s interpretation of the English language but I am

wondering if the Minister could explain why “restricted” and not a suggestion that I have as “specific to”? What is the—in terms of understanding the intention of “restricted” here as opposed to “specific” as my proposal suggests?

**Mr. Al-Rawi:** Chair, just for clarification. There are two material amendments proposed to this definition. One is, change “local cultural event” to “local cultural community event”. Sorry. [*Confers with CPC*] Okay. That was amended in the House. Okay. Sorry. I am working with an earlier iteration of the Bill. Right? And effectively take “restricted” out and put “specific to”. Yeah? [*Confers with CPC*]

I am guided by the CPC’s department, Ms. Ida Eversley, Somebody who I think has guided us through more laws than anybody could imagine. We all know her and respect her. So, I pay homage to her right now. I am seeing that “specific” and “restricted” gives us the same position in terms of interpretation. So—or specific to a particular area or restricted to a particular area, I think it is—I think it is the same thing and the recommendation coming from CPC’s end is that this is the formula that they usually use.

**Sen. Richards:** So—[*Inaudible*—the same.

**Mr. Al-Rawi:** Yeah.

**Sen. Richards:** If that is the case, I have no problem withdrawing it.

*Amendment withdrawn.*

**Mr. Chairman:** Sen. Teemal—we recognize the withdrawal of that 35H suggestion, proposed amendment. Sen Teemal, from page—proposed subsection 35I(c).

**Sen. Teemal:** Yeah. Thank you. Thank you, Chairman. I am proposing that—[*Inaudible*—substitute the word “constructing” because we are speaking about—

**Mr. Chairman:** You were a bit low on volume. Can you just repeat from the beginning, please?

**Sen. Teemal:** Yeah. I am proposing that the word “conducting” be deleted and we substitute the word “constructing”. The reason being we are talking about infrastructure and I think “conducting infrastructure”, it does not—it is not appropriate. It does not read right. So, either we use “constructing and maintaining infrastructure” or if the Minister would prefer “developing and maintaining infrastructure”.

**Mr. Al-Rawi:** So, Chair, what a thing it is to try and interpret language. Right? “Conducting” does not necessary mean “constructing”, but it may include it. If I could explain. “Conducting” means that somebody may be doing it for you. Specifically under the mechanisms of procurement, Central Tenders Board Act, section 21(1)(a) of the Central Tenders Board Act, you may have a state entity or some position excepted and you may have procurement on that way.

So, at the Ministry of Rural Development and Local Government, for instance, requests come into us from corporations and depending upon the level of procurement ceiling under \$500,000, between \$500,000 and \$1 million, \$1 million to \$2 million and then above \$2 million, there are different mechanisms for procurement. In certain circumstances, we would therefore procure the Rural Development Company which is an entity that falls under the auspices of the Ministry to carry out the works. And therefore, in those circumstances, we would be conducting, as the client Ministry, the works performed by the Rural Development Company pursuant to the exception to the Central Tenders Board Act, of course, with public procurement being done correctly.

“Constructing” would mean that we would be carrying it out ourselves and therefore, the manner in which we procure it would be constrained. So, the recommendation for “conducting” was a specific recommendation to allow for the methodologies of procurement to prevail because they multiple methodologies

which I have just identified. The word “within” will be tidied up in the clean-up sweep. It is intended to be “within” as one word and not “with” and a separate word “in”.

**Sen. Teemal:** Through you, Chair, Minister, the—yeah. Minister, I think I understand what he saying but when we are dealing specifically with infrastructure, I know we go back to the—we have gone back to the issue of procurement. But it is a question of the terminology from where I sit, not so much from a point of maybe law but in terms of—

**Mr. Al-Rawi:** Sorry to interrupt, hon. Senator—

**Sen. Teemal:**—in term of the engineering. But “conducting infrastructure”—

**Mr. Al-Rawi:** Yeah.

**Sen. Teemal:**—as opposed to say, well, if not “constructing” but “developing infrastructure”, it is, to me, it is a lot more specific in terms of the terminology of “infrastructure”.

**Mr. Al-Rawi:** So—

**Sen. Teemal:** I mean, if we are conducting a study of the infrastructure, I could understand that. You are conducting a study of infrastructural development—

**Mr. Al-Rawi:** Just before Senator—

**Sen. Teemal:**—or expansion or whatever it may be.

**Mr. Al-Rawi:** I understand. Before Sen. Vieira jumps in, we are dealing with the law. So, we have two different disciplines, you and I. You are in engineering and I am a lawyer, now performing other things but still with law.

**Sen. Teemal:** Right. I am also a bush lawyer.

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

**Mr. Al-Rawi:** There you go. All of us in here are makers of the law. Everybody in here is a maker of the law, so we are all participants. But it really is a matter of



legal interpretation and therefore, it is the procurement structures that you have to do. If we go for “constructing”, we are going to narrow the procurement window in law and we are going to be confined in that regard. So that is the complication because we are settling the law now and therefore “conducting”, which is a broader concept than “constructing”, is the tool that we have to use. I know Sen. Vieira wanted to say something.

**Mr. Chairman:** Yeah. Sen. Vieira.

**Sen. Vieira:** Yeah. I take your point, AG, because if you put “constructing”, the division of the corporation with responsibility may not have the resources to do that type of infrastructural development. But if you put it there, then you have effectively blocked out the Ministry of Works and Transport, Rural Development Company, whereas “conducting” means the way of administering a business, direction of an orchestra. Yeah. So, I think the terminology is correct.

**Mr. Chairman:** Sen. Teemal, based—given the explanations for both 35I(c) and 35I(d)—

**Sen. Teemal:** Okay. Well, yeah, Chairman. It is two lawyers here—

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

**Mr. Chairman:** Okay.

**Sen. Teemal:**—against—

**Mr. Chairman:** So, for the record—

**Sen. Teemal:** I am an engineer, so—

**Mr. Chairman:** —35I(c) and 35I(d) has been withdrawn.

**Sen. Teemal:** So I would—in that context, I will withdraw.

*Amendment withdrawn.*

**Mr. Chairman:** Okay. Sen. Teemal, the next proposed—

**Sen. Thompson-Ahye:** It is—

**Mr. Chairman:**—amendment for section 36.

**Sen. Thompson-Ahye:** Mr. Chair, is it at all possible that some word might have been missing there, you know, between “conducting and maintaining infrastructure”? I am looking at something here that say, conducting a proper infrastructural assessment. Is it that they are—after you conduct, that there must be something done before you reach to maintaining?

**Mr. Chairman:** Sen. Thompson-Ahye, exactly what clause are you referring to?

**Sen. Thompson-Ahye:** The same thing. I just went back to it.

**Mr. Chairman:** Okay.

**Sen. Thompson-Ahye:** Because I am not comfortable with the language.

**Mr. Al-Rawi:** I am not seeing the word “assessment”. Sorry.

**Sen. Thompson-Ahye:** No. No. I am saying—I am not seeing it but I am saying perhaps what may be happening is that there is something that is missing from there.

**Mr. Al-Rawi:** So, it says:

“...shall be responsible for—

(c) conducting and maintaining infrastructure...”

So:

“ (c) conducting and maintaining infrastructure with in the Municipality in accordance with approved programmes;”

It is clear to me.

**Sen. Thompson-Ahye:** No. I am just saying that I am looking on the net. I am seeing something about conducting a proper infrastructural assessment. And I am wondering if—

**Mr. Al-Rawi:** I not seeing that. Sorry, Senator. What page?

**Sen. Thompson-Ahye:** No. No. I am not—I am saying, I just looked, having heard

my colleague, I just looked to see “conducting infrastructure”, if that could not—if I could find that on the net and what I found is “conducting a proper infrastructural assessment”.

**Mr. Al-Rawi:** I see.

**Sen. Thompson-Ahye:** So, I am asking, if there is a possibility that something might have been left out in the instructions and the actual framing of this legislation?

**Mr. Al-Rawi:** I see.

**Sen. Thompson-Ahye:** That is my question.

**Mr. Al-Rawi:** Well, in response, hon. Senator, the answer is no. We are maintaining infrastructure or we are conducting infrastructure. And by conducting infrastructure we mean, the manner in which we can procure the construction as a part thereof.

**Sen. Thompson-Ahye:** You see how they are expanding it?

**Mr. Al-Rawi:** So, it is very specific. Pardon?

**Sen. Thompson-Ahye:** You see how you are expanding it? You and all see something different, something funny in that.

**Mr. Al-Rawi:** No, Senator. “Conducting and maintaining infrastructure”. To me, that is clear.

**Mr. Chairman:** Sen. Teemal.

**Sen. Thompson-Ahye:** Time will tell.

**Sen. Teemal:** Yes, Chairman, I think under—there is—before we go to section 36, under 35I(d)—

**Mr. Chairman:** Yes.

**Sen. Teemal:**—where it states:

“(d) maintaining Government Schools and Government assisted

Schools...”

I am proposing deleting the word “maintaining” and using the words “conducting repairs to”.

Minister, the reason why is I recall during the Joint Select Committee meetings—you see, “maintenance” is broad. We are talking about preventative maintenance. We could be talking about grounds maintenance. We are talking about janitorial maintenance and whether the intention here is for all of that to be transferred to the corporation. I was under the impression that we—the primary concern would be repairs to the schools because the other maintenance, janitorial, grounds maintenance is conducted by—is carried out by MTS through the Ministry of Education. So, are we really transferring all of that to the corporation when we say maintaining schools?

**Mr. Al-Rawi:** So, if I go to the law as it is proposed to be drafted—so:

“...shall be responsible for—

(d) maintaining Government Schools and Government assisted Schools with in the Municipality...”

Maintenance is a positive obligation which includes certain caveats. There may be wear and tear requirements. There may be buildings that are owned by a different entity but used for a particular purpose. So, there may be landlord and tenant issues depending upon who the ultimate owner of the property is and what the terms and conditions are.

So, the maintenance certainly includes in terms of the usual statutory—sorry, usual contractual obligations for maintenance certainly include repair. But they tend to be limited depending upon the terms and conditions of the arrangement. It may be oral. It may be implied. It may be a transactional arrangement. It may be an expressed arrangement. The inclusion of the concept of

“conducting repairs to”, I like the fact that you have used the word “conducting” because it deals with the one that we have just discussed. So, “conducting” would include the procurement aspects. But I do not know, because of the scope of if, if that obligation—remember, some schools that we are completing right now are to the tune of billions of dollars. Some schools are hundreds of millions of dollars. Some schools are millions of dollars. If we put the positive obligation upon them to repair, which is an enforceable condition in law pursuant to judicial review, et cetera, then I am going to invite the corporation, which is a legal personality, it is a statutory corporation, to be sued for the concept of repair and that may be the responsibility of the Ministry of Education.

Now, maintenance is only a facility managed by the company that handles maintenance now by way of an arrangement. So, MTS only does this by way of an arrangement. Some may have it by a private contractor. Some—in fact, I can tell you CEPEP maintains some of the areas as well. So, it depends upon who the arrangement is put to. But we are being very specific here to say, “maintaining Government Schools” because if the positive obligation for repair goes, I do not know that is within the cost budget.

**Sen. Vieira:** I got the impression that Sen. Teemal was suggesting that just as you did above, you could say “conducting and maintaining Government Schools and Government assisted Schools” which gives you the options.

**Mr. Al-Rawi:** Well, the issue of schools is a very large issue; a very, very, very expensively large issue.

**Sen. Vieira:** That is exactly the point. Because just as the same we are talking about infrastructure would be very large and very big—

**Mr. Al-Rawi:** Yeah.

**Sen. Vieira:**—and outside the capacity, same with schools.

**4.00 p.m.**

**Mr. Al-Rawi:** The difference is, that the infrastructure is vested in the corporation. So, I have a legal liability to conduct infrastructural positions, pavements, structures. In law, I must do that and have the budget to do that. In law, I do not have the budget to maintain a—to repair a school. So you are asking me to take an obligation in law which I can be sued for, occupiers, liability, state proceedings and other structure set aside, leave aside the state liability and proceedings legislation for a moment, but you are asking me to take a positive obligation which is a multi-billion dollar obligation which can be skewed. So San Fernando City Corporation has a vast number of schools, whereas Mayaro might have by far less depending among shared geography and vesting in other aspects, right. So we were very specific to say maintaining because the obligation to repair is somewhere else, because the budget to maintain it is somewhere else. If we put in conducting repairs, a school is not vested in the corporation, it is not vested, that is in the state, we maintaining it. So it is a chalk and cheese, we are not comparing like with like.

**Sen. Teemal:** Actually Minister I thought it would be the reverse of what you are saying because I seem to distinctly remember several statements being made about schools not being able to reopen on time or having to shut down schools for a couple of months. And this is why the corporations were being asked to get into the school repairs because of the tight window that is there—

**Mr. Al-Rawi:** And the proximity of resources.

**Sen. Teemal:** Yes.

**Mr. Al-Rawi:** Yes. Now the proximity of manpower resources in maintaining is a different thing from the proximity to the access to the funds. So I can tell you right now the Government currently asked in the school maintenance repair every summer, using the long vacation as that word, to get the corporations in to do the

maintenance. So we do that right now, but the budget comes from elsewhere.

So, I am drawing the legal distinction between the paragraph above which is infrastructure being vested in the corporation so you must conduct repairs and maintaining a school which is vested in the Ministry of Education which is in the state, because they have the line responsibility and they actually get the budget for it. So the line notes that are brought for the significant repairs are dealt with by the Ministry of Education, not by the Ministry of Rural Development and Local Government. The maintaining which is what we are saying is the positive obligation under this subsection (d) we are being specific that we want to accept, how it is disaggregated is a different issue.

**Sen. Teemal:** Okay, so could you just clarify then when we say maintaining what is this sort of maintenance that is envisaged under this clause?

**Mr. Al-Rawi:** So, sure, sure. So government and government-assisted schools within a municipality will be identified, they will be known, they will be listed and they will be registered. They are not vested in the corporation, they do not fall within the Schedule to the Municipal Corporations Act. Those having been identified and listed, the obligation for maintaining them would be put upon the corporation and that would have to be an agreed maintenance formula. These are the scope of services that are going to happen. You are going to do grounds, you are going to do minor repairs, you are going to do certain scheduled types of repairs and that would be done with, by way of a memorandum of understanding or an arrangement between the corporation and the school, the Ministry of Education. The physical obligation to repair the school to such state and condition as it is habitable for student occupation will still reside in certain circumstances, certainly in the larger economic bracketing issues with the Ministry of Education because the budget lies in the Ministry of Education for those. So it would change from

time to time and the scope will be certified each and every year.

**Mr. Chairman:** Sen. Teemal.

**Sen. Teemal:** Yeah, thanks Minister.

**Mr. Chairman:** Have you withdraw?

**Sen. Teemal:** [*Inaudible*]

*Amendment withdrawn.*

**Mr. Chairman:** Okay. Moving on to Sen. Richards. Oh, Sen. Vieira you had something to say?

**Sen. Vieira:** So maintain and repair may have overlapped but they are separate. Maintain means really to keep it in a certain state or position and to keep it clean. It may include some repairs but it is not a positive obligation.

**Mr. Al-Rawi:** Absolutely. It is a separate—yes, and it is well-known in law as to what maintenance involves.

**Mr. Chairman:** Sen. Richards, proposed subsection 35J.

**Sen. Richards:** Thank you.

**Mr. Chairman:** Page 31.

**Sen. Richards:** I do not feel so bad again since I am with Sen. Teemal and debating attorneys. Because of the explanation given by the Minister earlier on as to the meaning of “all”, including any and all, it has implications to these two so I withdraw 35J (a) and (b) and move to G if I could, Mr. Chair, 37(4); 37(4) the proposed amendment to 37(4). So I withdraw 8 in the proposed subsection 35J (a) and (b) because of what the Minister explained, all meaning all and any that he explained earlier on, because there were concerns about the absolute nature of those two statements.

**Mr. Al-Rawi:** Yes, yes.

**Sen. Richards:** Okay. So moving now to the last proposal on page 34—



**Mr. Chairman:** That is subparagraph (s)?

**Sen. Richards:** Yes, subparagraph (s).

**Mr. Chairman:** As we—

**Mr. Al-Rawi:** Mr. Chair, sorry.

**Mr. Chairman:** As we had hope to go in order—

**Mr. Al-Rawi:** Right.

**Sen. Richards:** Oh, sorry.

**Mr. Chairman:**—I would have like to—

**Mr. Al-Rawi:** Sen. Teemal.

**Mr. Chairman:**—with respect to Sen. Teemal—

**Sen. Richards:** Sorry, about that.

**Mr. Chairman:** No problem. Proposed subsection 36, page 33.

**Sen. Teemal:** With regard to paragraph (r). I was proposing that the word in paragraph (d) we delete the word, “Engineer” and substitute the words, “Municipal Engineer”. Just several reasons for that, is that we are changing the titles of the officers of the corporation. For instance, we are changing “Treasurer” to “Municipal Director of Finance”, “Medical Officer of Health” to “Municipal Director of Health” and then we have introduced a “Municipal Planning Director, Municipal Social Services Director”.

Municipal engineering is in itself a distinct discipline and that is why I am proposing we use the term “Municipal Engineer” instead of “the engineer”. There are several reasons to, being a specific discipline in terms of recruiting the appropriate personnel with the relevant qualifications and everything, the term Municipal Engineer would guide that process in terms of setting up the job descriptions. It would assist with the human resource element of interviewing and selecting the appropriate person and those things. So that is why I am proposing we

change to municipal engineer.

**Mr. Al-Rawi:** Mr. Chairman, I thank the hon. Senator. It is true that in section 36 of the parent Act we are leaving “Chief Executive Officer” as is, “Corporation Secretary” as is. We have changed “Treasurer” to “Municipal Director of Finance”; we left “Engineer” as is; we have changed “Medical Health Officer” to “Municipal Director of Health” and we have included planning director, that comes from the planning and facilitation development concept and then we have added in “Municipal Social Services Director”.

I think that Sen. Teemal has hit upon something that is definitely deserving of attention. My fear in doing it now, if I could let you know, with my undertaking now to have a continued look at it, is that the term “engineer” we call the engineer in the municipal corporations, the city engineer, everybody says the city engineer. So it is something that is already accepted that we have already distinguished in our minds is not the engineer from the Ministry of Works and Transport, is not the engineer from somewhere else. In doing a quick look at this from the last day when we go the proposals I have come across the fact that the engineer is in a number of other pieces of law: Highways Act, Planning and Facilitation Development Act, Town and Country Planning Act as it currently exists because the PFADL still has to come into full effect.

So, I would like to make sure that we traverse all the areas because we need to do consequential amendments to the other laws. So if you notice the other clauses, 4, 5, 6, 7, 8, 9, 10, there are consequential amendments to other laws, Highways Act included. So if the hon. Senator would be kind enough to allow me the undertaking, fortunately, I am giving the undertaking as the Minister with responsibility for the Bill and we do intend to come back with other aspects for consideration that I have identified before. It certainly worth looking at, but we

would need to harmonize it with other law that would need to be amended where the terms are provided and also the Ministry of Public Administration would have to do a certain bit of confirmation for us which is what we normally do at Cabinet level to make sure there is congruity in the approach.

**Sen. Teemal:** Yes, Minister, I appreciate your response and your acknowledgement that municipal engineering itself is a distinct discipline—

**Mr. Al-Rawi:** For sure.

**Sen. Teemal:**—that requires specific skills above other branches of engineering, because “the engineer” also appears in contract law, particularly under the FIDIC convictions of contract.

**Mr. Al-Rawi:** Absolutely.

**Sen. Teemal:** So using this term “the engineer” although it is within the context of the Act, Municipal Engineer to me would be a lot more appropriate.

**Mr. Al-Rawi:** I agree.

**Sen. Teemal:** But I am satisfied with your undertaking to have a more detail look at it—

**Mr. Chairman:** Sen. Teemal.

**Sen. Teemal:**—and it would be taken up. So I am withdrawing.

*Amendment withdrawn.*

**Mr. Chairman:** Thank you. We just taking the consideration that it applies to both part (r) and (s)?

**Sen. Teemal:** Yes.

**Mr. Chairman:** Okay.

**Sen. Teemal:** So then (s) would, I would withdraw (s) as well because it is tied in with what I proposed earlier.

*Amendment withdrawn.*

**Mr. Chairman:** Okay, very well. Sen. Vieira.

**Sen. Vieira:** Subject to what the Minister had said I tend to support Sen. Teemal's suggestion because it would be consistent with all the other changes made and also if you look at the Highways Act:

“engineer” means—

“(a) in relation to a Municipal Council, an “engineer” as defined in the Municipal Corporations Act or any subordinate officer designated for specific purposes relating to highways;”

So I suspect you will not find it crashing with the other bits, but I agree with you, better safe than sorry.

**Mr. Al-Rawi:** Last thing I want to do is to make a mistake, so I would like to have the CPC's Department and the rest of the team to have a look at it to make sure we scour it properly. Thank you hon. Senator for allowing me to give that undertaking on the record.

**Mr. Chairman:** Sen. Richards now we can move on to your proposed subsection 37(4).

**Sen. Richards:** Thank you, Chair and in this case it relates to the original statement in the Bill which states 37(4):

“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.”;”

One of the issues that kept repeating itself during the consultations and meetings with stakeholders, through you, Mr. Chairman, was the fact that the corporations in your present incarnation operated as silos and many of the stakeholders came over and over again, sometime they did not even read the Bill presented because they just wanted an opportunity to vent as to the lack of services

and lack of attention at the corporation personnel. They had no interface with them, they would wait for weeks for a meeting and be dismissed and I think having a clause like this, a subclause like this, where the corporation may hold quarterly meetings, I do not know if “may” means “shall”, that is not my interpretation. Because “may” suggest to me that they may or they may not and I really believe that a corporation should be held to meeting with burgesses at least once a year, to interface with them because at the end of the day they are the ones who the corporation members are ultimately responsible for. And my suggested proposed amendment is:

“(4) A Municipal Corporation shall hold at least one annual meeting with its burgesses to inform of the performance of the Corporation during the year and to address the concern(s) of the burgesses.”;

Because the option of them feeling that they have an out and do not have an obligation to meet with burgesses to me is an atrocity.

**Mr. Al-Rawi:** So, Mr. Chair, this takes us quite close to what happens in the United States of America. We have seen a many movie, *Footloose*, where you have to convene a meeting and everybody attends and there is this mandatory involvement of the stakeholders, the people you represent. It is a very worthwhile suggestion.

The difficulty today is, do we go for “shall” as opposed to “may”? Shall is a mandatory provision and you are correct shall and may are two totally different interpretations. Sometimes they are conflated depending upon which court you go to, but in the experience with COVID recently wherever we had the word “shall” we had to go and amend the laws to temporarily suspend, just to remind you. The umpteen miscellaneous provisions Bills that I piloted which cause a whole end of trouble and then there were the umpteen Bills we forgot to amend which caused a

whole set of trouble or that we were late in amending and we had to retroactively consider.

So I certainly believe that we are there but may I remind that we are at the cusp of a radical transformation as to certain core concepts. We are going from triennial to quadrennial; we are going from part-time to full-time; we are going to new organizational structure; we are going to corporations being mandated in their executive functionality to obey the instructions of the executive council. And in those circumstances I would prefer to give them some room to get some experience and to keep it at “may” temporarily. If it was to go at “shall” right now my fear is we are still endemic, move from pandemic to endemic, we are still in structures to have the mandatory meeting at this present I am not sure if I have covered the ground to do that just yet. But let me press pause, I see Sen. Vieira wants to jump in.

**Sen. Vieira:** I do not mean to interrupt you, after you have finished.

**Mr. Al-Rawi:** Yeah.

**Sen. Vieira:** Okay.

**Mr. Al-Rawi:** So I am suggesting that we, I accept the validity of the point, I think it is a very solid point. I do know that corporations have in their public meetings which they are mandated to have once a month, that the attendance of the gallery is there and that there are interactions for petitions and positions to come forward so that the mandatory meeting happens once a month for sure, you have to have the meeting and it is a public meeting and burgesses can come.

The recommendation here is that they shall hold at least one annual meeting with its burgesses to inform of the performance of the corporations. Like an AGM, so you are bound to have an AGM. So it is an interesting concept, but I am saying that there are a lot of working parts to that just yet and I do not know if we are

there just yet because we are at the cusp of a significant change right now and, secondly, we are at the move out of the pandemic and that causes me of some concern.

**Sen. Vieira:** Yeah. So, well of course “may” and I am quoting now from the *Guidelines for Drafting and Editing Legislation* by Garner who has done comparisons throughout the world. He says:

May is permitted to, has discretion to, has a right to, is authorized to.

No problems there.

I join with him in the elimination of the word “shall” because it is ambiguous and if we were to accept Sen. Richards’s position that they must meet then I would say the word should be “must”, not shall. But I take your point that you want to cut some latitude although I tend to agree with Sen. Richards. We want to keep them on a tight reign.

**Mr. Al-Rawi:** I certainly agree, I remind of my famous words “just start”. Just start if you judge me by my track record has not been too bad, right? If we lay the cards on the table. There has been significant reform that has happened with just start. I mean we would love to have come with much deeper reforms but unfortunately the Opposition is not in a position to lend its support. I have to tell you that working with the corporations on the ground I get a very different feeling. People are quietly and off record saying, yeah, we support it, we need it, do it. So we would like to come back with the positions, I think the AGM is a brilliant idea. I do not think I have got enough working pieces in place just yet to do it, and I would like the opportunity to get there, respectfully.

**Sen. Richards:** I agree with, I understand what you have said but I still want it in record that I think it should be according to albeit amended further to say “must” as suggested by Sen. Vieira. Because while it is a just start situation, and I understand

it is a significant shift in the way we operate, I really do not think it is anathema for the corporations to start and at least in 356 days even moving out of a pandemic be obligated to meet in an AGM style format with their burgesses because the burgesses are the centrepiece of this legislation. They are the reason for us sitting here today so that they can improve the efficiency, we can improve the legislative framework for the efficiency of delivery of services to them. And if they are left out of the process by option, what is the point. Because there is no feedback mechanism which has come to the JSC over and over again where they are in many cases absolutely ignored even with the monthly meetings, the format did not facilitate any meaningful engagement as they said over and over again and they felt totally left out in terms of their deep seated concerns for services and remediation in some cases. You would have sat in when some people came to speak about air condition units in markets—

**Mr. Al-Rawi:** I served on the Port of Spain City Corporation for many years as an alderman and very much valued that position. I think what you are saying hon. Senator is entirely correct. I am just looking at the legislative language going into effect now whilst so many other moving parts are going into effect now. And I am certainly undertaking to revisit the issue, there is a second set of amendments that I wish the Cabinet to consider and this can be easily added. This would be my second undertaking on the record, municipal engineer for sure, this is an excellent recommendation even though they have the power to petition, I hear the point, it does not give you the mandatory position to report like an AGM does. So I am giving the undertaking if it is acceptable to come back to the issue.

**Sen. Richards:** I accept your undertaking and under those circumstances I withdraw. Thank you so much and thank you colleagues for your indulgence.

*Amendment withdrawn.*



**Mr. Chairman:** Recognizing the withdrawal. We move on to Sen. Deonarine, subparagraph (ak), subsection 79(1).

**Sen. Deonarine:** Thank you, Mr. Chairman. I just thought that we should include between the line, between the words “accounts” and “for” that:

“...Municipal Corporation shall keep accounts”—as prescribed by the Board of Inland Revenue—“for all property taxes on residential land...”—and it continues.

And the reason why I suggested that is because the municipal corporation would now be responsible for handling the details and the accounts of all property taxes whether persons are compliant and or non-compliant, so they have to keep accounts on both of them. And what that would mean Mr. Chairman, is that with the Board of Inland Revenue handing over its powers for the municipal corporations to collect these taxes a lot of systems and processes and procedures would also have to be handed over.

Now, what I want to avoid from happening is that the municipal corporations come up with their own way of managing these very important accounts and I think it is critical that the Board of Inland Revenue lend some support and tell, especially since this is the beginning, tell the municipal corporations exactly how to go about doing this.

**Mr. Chairman:** Minister.

**Mr. Al-Rawi:** Thank you hon. Senator. So property taxes is lifted from the Property Tax Act, Chap. 76:04. The primary obligation for property taxes starts with the Board of Inland Revenue. So if we go to that particular legislation the assessment of property tax is under Part III, it begins with section 10 where the assessment happens and then that role is populated, notice of assessment, exemption, et cetera.

The position of the type of property taxes, commercial, residential, industrial, agricultural, vacant lands, or those that are exempt pursuant to the Property Tax Act are also an issue of the Property Tax Act. Section 79 which is proposed to be amended, the hon. Senator is asking for us to include:

“(1) A Municipal Corporation shall keep accounts prescribed by the”—  
BIR.

The first issue is, accounting is a matter of the Auditor General. So accounts of revenue falls within the realm of the Minister of Finance, accounts of revenue fall under the Exchequer and Audit Act, accounts of revenue or revenue under the Constitution, section 112 onward, section 114, have to comprise part of the Consolidated Fund. The Consolidated Fund is the fund from which we appropriate moneys under the Constitution done annually. The Property Tax Act having collected, it technically form part of the Consolidated Fund. This law is now saying look, I can pull the consolidated tax, so we are taking a slight sidestep there, but the accounting mechanisms must be done pursuant to the rules and regulations and obligations under the Exchequer and Audit Act for sure and there are regulations under the Exchequer and Audit Act.

Secondly, there are financial rules and regulations that are also issued under the Exchequer and Audit Act. The Auditor General is the one who will prescribe the structures for accounting. Now there is a definite confluence therefore between Ministry of Finance, Auditor General and the corporation and they are not permitted to have an ad hoc approach to the maintenance of accounts. The maintenance of accounts are prescribed in general by the operations of the laws that I have just set out. So:

“A Municipal Corporation shall keep accounts prescribed by the”—BIR—  
the BIR does not have the locust in law to prescribe those accounts.

So that is the first pitfall with the recommendation although I understand the point. The legitimate aim is definitely there and I subscribe to that.

So that is the principal problem with the recommendation there. But I volunteered in my explanation how the rest of the laws work so that you would feel some sense of comfort that there are rules and regulations as to how you bring to account the revenue which is populated from property tax.

**Sen. Deonarine:** Okay. Through you, Mr. Chair, I understand what the Minister is saying but tell me something. The accounts that the municipal corporation have to maintain here for the receipt of property taxes and maintaining who pay and who does not pay and what not, how is that, how the way in which they go about doing that is different from the accounting framework that the Minister of Finance approves? Because what you are explaining to me is that the Auditor General and the financial regulations would inform how they go about doing that. But then there is also the Minister of Finance who prescribes and approves accounting framework for the municipal corporation. So could you provide some clarification on that please, because that is where my misunderstanding was because then if what you are saying, well—as I respect the explanation then it should probably say in here:

“A Municipal Corporation shall keep accounts”— according to the Exchequer and Audit Act—“for all property taxes on residential land.”

**Mr. Al-Rawi:** You see—

**Sen. Deonarine:** I know I have said a lot but—

**Mr. Al-Rawi:** No, no, you have not. Your point is the need for caution in term of standard and consistency and accountability. So your aim is totally legitimate and very well vouched. The problem is that if I say just the Exchequer and Audit Act I am leaving out all of the other things and again the issue of implied repeal. So laws

are intended to be read alongside systems and laws that prevail. We are not amending the Exchequer and Audit Act, we are not amending the other financial regulations, et cetera. So identifying one would be risky. The point is the system, now remember there are different types of moneys we collect in law, revenue, of the type that goes to the Consolidated Fund, taxes form that type, you have, fines, fees and trust moneys on top of that. So there are four types of moneys that you may collect in law.

Having that structured to get compliance is in compliance with a number of laws, not just the Exchequer and Audit Act. There would be the Auditor General's, the financial obligations the regulations, et cetera, and we are now going into a different realm, we are going in an electronic payments. So the Electronic Transactions Act also bites, the implementation of a whole-of-government accounting system is being rolled out. I am very pleased to say that at the Ministry of Attorney General and Legal Affairs we were the first Ministry in the Caribbean to go online with the collection of moneys on an online basis. And I had the pleasure of drafting the financial instructions myself, literally. And that took a whole exercise with the Ministry of Finance, Treasury Solicitor, Controller of Accounts, et cetera, to get right.

So, just to assure you hon. Senator that there will be consistency in the regulation and the manner in which accounting is done. Right now the intention is that this will roll out, of course on a paper basis, but on an electronic basis as well so that there is a whole of government. Remember the Revenue Authority has been passed, it has been partially proclaimed and therefore the workings of that Authority are yet to be factored.

**Sen. Vieira:** I was just wondering because we are now carving out section 112 of the Constitution says:

“(1) All revenues or other moneys raised or received by Trinidad and Tobago, not being revenues or other moneys payable under this Constitution...shall...be paid into and form one Consolidated Fund.”

And now what we are saying is that the municipal corporations when they collect property taxes get to keep it in their own corporation fund. My question is, is this a variation of the constitution that would require a special majority?

**4.30 p.m.**

**Mr. Al-Rawi:** So let us answer that question. Let us go to section 54 of the Constitution. The answer is no. Section 54(1), section 54(2), section 112 is not entrenched, and it is the reason why we have the appropriation Bill as a money Bill every year on a simple majority basis. So thanks for the question. I got a chance to look at section 54 myself here, and it does not—so we have section 101 to 108, section 110, and then it jumps to section 113 in section 54(2)

**Sen. Vieira:** I agree.

**Mr. Al-Rawi:** In sections 54(3)(b), 109, 115. We good. So thank you.

**Sen. Deonarine:** Mr. Chair? Through you, Mr. Chair, Minister, I did not hear your clarification for the difference from the accounting framework that the Minister approves and the accounts that has to be kept here. Forgive me if I am—

**Mr. Al-Rawi:** No, no, I am so sorry. Thank you for the reminder. The accounting framework is one aspect of it. There are other frameworks that have to comply with the Exchequer and Audit Act, with the Auditor General, et cetera. So there is more than one framework that the Minister of Finance approves.

**Sen. Deonarine:** So then this will form part of the accounting framework?

**Mr. Al-Rawi:** Yes. You see your recommendation is specific, to me. Your first recommendation is prescribed by the Board of Inland Revenue which has no locus position in law to do it because it is outwith the Constitution. The second

recommendation is tie it to the Exchequer and Audit Act, but that will be one law and not the other laws that comply. So both recommendations only hit part of the situation.

**Sen. Deonarine:** Okay. With that being said, Mr. Chair, I withdraw. I understand and I withdraw.

*Amendment withdrawn.*

**Mr. Chairman:** Sen. Deonarine, we move on to your subparagraph (al)(i).

**Sen. Deonarine:** That is the one on page 54, Mr. Chair?

**Mr. Chairman:** 59.

**Mr. Al-Rawi:** 49.

**Mr. Chairman:** 49, sorry.

**Sen. Deonarine:** Oh, sorry. I went straight to the last one.

**Mr. Chairman:** It is page 54.

**Sen. Deonarine:** Yes. Thank you for your guidance. So the logic behind this is that what we are aspiring to is to try and improve the accountability framework, and in trying to improve the accountability framework what we are also trying to do is to improve the financial accountability and the accounting and the way in which these regional corporations conduct their accounts and report on their accounts. So in an attempt to assist these regional corporations in doing that, I think what will help is that if we put in this section, “have these estimates be submitted for a period of three financial years”. And I am saying three financial years especially because these regional corporations are now going to be collecting revenues, also be open to receiving funds from borrowing, also going to be receiving funds from NGOs and other organizations.

So therefore, they would be in a position to not only do a projection on their revenue for more than one year, and that would also assist in terms of medium-

term budgeting but also assist the Minister of Finance in the way in which he intervenes to fill that gap that exists within different regional corporations. Because during the debate the point came across by multiple speakers that one problem of regional corporations is that they continue to be chronically underfunded, and it was also established that some regional corporations would collect less property taxes than other regional corporations.

Now I propose a formula should be used in the way in which the Minister of Finance intervenes, but that is not before us here today. So to assist the way in which the Minister of Finance would have to intervene, I think we should put in a little more than one year in the law and have them account for—do a projection for three years to give an idea on where their revenues and expenditure are going, especially revenue.

**Mr. Al-Rawi:** Thank you. Very forward-thinking, very whole-of-government approach. So the section 108 that we are amending is under Part VI, “Financial Provisions”. The marginal note is “Annual estimates”. It is architecturally set up that way to tie into section 114 of the Constitution, which is the appropriation Bill. Unless the annual estimates are provided—in fact, right now the Ministry is in the middle of providing its annual estimates for the month of October now. So right now we are in that exercise. Senator, you have truthfully repeated the complaint that everybody has given. It has taken me—today is what? Today is the 14<sup>th</sup>. Two days from now I will have served three months in the Ministry. Two days from now.

I have been asking, for three months, all of the corporations to tell me what their arrears are. Because the truth is that the annual appropriation that they get is often used to pay arrears from last year and year before. So if they get \$100, 70 of the dollars, 50 of the dollars, 20 of the dollars, what it might be is to pay bills that

are last year and year before. And then the processes of their DP, their developmental programme against their PSIP Programme, are stranded by the processes and how long it takes to get the paperwork to the Ministry to get the approval, et cetera. So right now it has taken two days shy of three months to yet receive from the corporations what their arrears look like. Because the submission that I intend to make to the Minister of Finance is the truthful position. This is what I want, this is what is for arrears, this is how long the arrears is outstanding, so that we know what we can or cannot do.

Now I say that because the accounting cycle in law is a financial year in the Constitution, section 114. This springboard 108 is intended to launch into that because we must mandate that corporations provide their annual requests per year so it fits within the financial cycle of the whole-of-government approach. Right? What you are referring to, the mischief, which I have just addressed in a different way, can be tackled in a totally different way because my three-year cycle planning is how the Ministry organizes the entities to prepare themselves. So it can be process reform which is what I am doing right now. I am digitizing those platforms, ensuring that I know what the real figures are, how long they are outstanding for, and with data comes change. I will give you an example.

The minute we did a public road show in the Government on 11-year-olds marrying 55-year-olds, child marriage stopped. The minute we started to talk about locking up 8,500 people a year for marijuana, we had a case to decriminalize. The minute we said we had 146,000 cases per annum in motor vehicle including 1,400 motor vehicle and road traffic in the Magistrates' Court, we got demerit points. Sen. Vieira and I sat in 2010, '11, '12, '13, '14, '15 trying to pass the motor vehicle authority. You remember that? Could not pass it. Six hundred clauses long. All we needed was three clauses, 20(a), 20(b), 20(c). Now I say that to tell you that



a different approach in process management can yield the same result that you want.

The problem that the corporations have been having, like many other places, is that the arrears is mixed in with the cycle of payments. So that they do not have the tools, financial tools facility to actually do what they want to do. So that is being attended to in a different equation by process reform. If we were to move away from the obligation that section 108 sets up which is for annual reporting, we are going to disturb the financial appropriations to the Minister by way of request to fit within section 114 of the Constitution. So I accept your point. That is where the business planning—that is why we have created divisions under section 69 to have financial prudence, and management, and planning. There is a planning unit now. Planning means financial planning, three-year projections, proper business operation systems. But if we are dealing with corporations that cannot even tell you what their arrears are after three months, something is wrong and it is not their fault. It is a manner of process reform in there.

So respectfully, I understand the legitimacy of the aim that you are proposing. I cannot move away from the annual request because it is specifically intended to feed within the annual appropriation cycle set up by section 108 and, insofar as that is the case I want to remind section 108 of the Constitution—sorry. No, we are safe on that from paragraph 54, sections 113, 115; 115 contingency funds, 114 is the authorization to expend, 113 authorization of expenditure from the Consolidated Fund. Those are entrenched provisions which require, according to section 54 of the Constitution, two-thirds majority vote. So I did not want to come anywhere close to that.

**Sen. Deonarine:** Sen. Vieira, before you go—okay. So I understand what you are saying, Minister. So we are going to rely on process reform, but could you give an

assurance that in due course in the future that something of that sort would come into play in the legislation?—one. That is the first thing. The second thing is you did not address that issue that I raised with the regional corporations still being faced with that challenge of chronically being underfunded. And remember when I justified this amendment I indicated that, you know, this amendment is really to help the Minister of Finance in the way in which he intervenes to ensure that the regional corporations do not face that problem. Because I honestly based on—I have looked through this legislation over and over again in tandem with the Municipal Corporations Act and the other pieces of legislation that it amends, and I do not see how that problem is going to be solved.

**Mr. Al-Rawi:** I can explain to you how we hope to solve the problem. One, by the collection under the provisions of revenue being supplemented by property tax. Remember you had mentioned something which is not before us but which is important to address, the formula for geographic area discrimination. Very large geographic area with small residential footprint, or geographic area with massive footprint for residential, or geographic area that has large industrial becomes a factor. It is why the Property Tax Act itself, which clause 10 of the Bill deals with, has a formula where the Minister of Finance in the Property Tax Act can give more than residential typology to the corporations to take care of geographic issues.

So the formula is actually permissible under the Property Tax Act itself. So the formula does exist, and it is a formulation request that comes on the submission of annual points. The chronic “underfunding” is born about by a number of reasons, improper accounting mechanisms, value for money considerations, also to the fact that the corporations are currently in the typologies treated by allocation divided by 14 with small variations, which again goes back to your formula for geographic integration and factors. So these are positions which the Minister of

Finance is empowered to treat with under the Property Tax Act and the process reform that I am referring you to, the mere position of being able to say well, what are your arrears, how much of this year's allocation is going to pay last year. You got \$3 million for Bailey bridges, but the \$3 million that you get is to pay bills that are two years old. So that means no Bailey bridge next year.

I am telling you things which I am now sharing on the record, and it is not by mistake because I now know it. I am been checking it and looking at it which is why the call for data. We are on a national campaign every single weekend since I become Minister—following in the shoes of my colleague, Kazim Hosein, who ran a very success campaign—pillar to post in this country, surveying this country to understand what the needs look like. What is the point of having an asset if you cannot run it because you do not have battery? You have a \$1.5 million tractor sitting down because you did not buy a \$1,500 battery. That is a reality in this country. It is the mechanism and proximity of getting expenditure done, which is what we are doing right now and this Bill takes us there.

The launching point to your submissions are contained in proposed amendments to section 108 of the Municipal Corporations Act. They are asking us to go triennial as opposed to annual, and I have explained why we cannot go triennial in the context of sections 112, 113, 114, 115 of the Constitution. If I was touching section 113 of the Constitution I need a two-thirds majority, my friend Sen. Mark is not willing to support. So we are in trouble that way. So the best that I can do is to springboard into one year and assure you that the processes are being reformed in the manner that I have reflected on.

**Mr. Chairman:** Sen. Deonarine, are you comfortable with the—

**Sen. Deonarine:** I just have one more question.

**Mr. Chairman:**—at length with this question?

**Sen. Deonarine:** Chair, if you permit me, one more question—

**Mr. Chairman:** If you would like to ventilate more, go ahead.

**Sen. Deonarine:** Thank you. Thank you, Chair. That one question, Chair, through you. Minister, I know it would be difficult to say at this moment, but how long, how many years or months or financial periods you think it will take to reach to a point where these regional corporations can, off the bat, tell you within a day or 24 hours that what are their arrears?

**Mr. Al-Rawi:** I have set myself Wednesday, which is tomorrow—tomorrow. I have given an instruction, because I met with all CEOs and corporations myself literally after not receiving their information—some had sent, some had not—to indicate why I wanted the information, what is it for, and the deadline is tomorrow. The process reform for digitization, the Minister of Finance approved that digitization budget for the Ministry. That is actively being rolled out right now, and we are in the middle of IT reform as we speak with process reform. I have set myself a six-month marker at most to get the vast majority of what I am doing done. Three months of my time has passed already, two days from now.

**Sen. Deonarine:** Okay. The last thing I promise now, Mr. Chair. The last thing is with respect to the property tax. You made reference that the property tax indirectly has the formula built in into it the way in which the Minister of Finance has to intervene. But what I want to caution is that with this legislation now giving power to borrow—Right?—what I am trying to avoid is a situation where if we end up in another financial situation, an economic crisis, or some economic difficulties where the resources and the cash flow does not necessarily provide for these regional corporations to receive the necessary funding and still we are at the point where residential property taxes cannot suffice, then we end up in a situation where we have to go through and rely on borrowing, and then we go and we build

up our debt.

So that is the last comment that I have on that. Now I understand your restrictions in terms of the three-year versus the annual estimates as it is laid out in this section. So on that basis I withdraw the amendment, however, those are my concerns, Mr. Chair. Thank you.

*Amendment withdrawn.*

**Mr. Al-Rawi:** Mr. Chair, just to respond quickly. I thank the hon. Senator. We have been running deficit financing for nearly a decade right now. Classic Keynesian economic policy, debt to GDP is always a marker that countries have to look at. The fact is that we earn by far less than we spend, and it is true that there will always be constraints. The power to borrow in the legislation as it is tabled is circumscribed by the permission of the Minister of Finance which is prudent, so that the whole of debt situation for the Government is known both on the books and off the books. The power to borrow is a supplementary feature. It is very important when you look at it from a PPP arrangement, because if you do a PPP arrangement borrowing may not be wrong because you have an arrow eye, you have a return on investment on the PPP formula.

So it depends upon how your business model is operating to that effect. So I am not too worried about that if it is done for right purpose. So just to assure you that your concerns are legitimate. It is something that the poor Minister of Finance has to juggle on a daily basis as all of his Cabinet colleagues beat down his door for more money, because we all want more to try and perform the functions that we have to do.

**Mr. Chairman:** Thank you, Minister. Sen. Deonarine, by—

**Sen. Deonarine:** Mr. Vieira wants to intervene?

**Mr. Chairman:** No, he was in agreeance. He was just nodding.

**Sen. Vieira:** But I just have one comment.

**Mr. Chairman:** Okay.

**Sen. Vieira:** So like Sen. Deonarine, I had shared the concern about the geographical imbalance for tax revenue. Certainly counties like St. David, St. Andrew, would not be able to match St. George and Caroni. But what I am hearing you say is that when the data comes in, under section 108 there is a possibility for the Minister of Finance to provide supplemental money for expenditure, and that is how the imbalance could be addressed.

**Mr. Al-Rawi:** Thank you, hon Senator. And specifically in the Property Tax Act the ability for the Minister by order to provide funds from other areas of property tax, industrial, agricultural, and commercial, does exist under that Act as well.

**Sen. Deonarine:** Minister, just for the record, could you give us and draw reference to which section exactly in the property tax?

**Mr. Al-Rawi:** Section 10(3) of the Property Tax Act:

“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 of those taxes collected may be retained by Municipal Corporation.”

So that adds, I have got a few houses. Look at Couva, Point Lisas, if you are to give them all the industrial taxes, rest of the country “buss” including the Consolidated Fund. So how you deal with the formula is an important issue for whole-of-government arrangements.

**Mr. Chairman:** Sen. Deonarine, the last proposed amendment—

**Sen. Deonarine:** Sure.

**Mr. Chairman:** (ap)(iii).

**Sen. Deonarine:** That is on page 54. Correct?

**Mr. Al-Rawi:** That is correct. Yes.

**Sen. Deonarine:** Okay. So I intentionally did not intervene when Sen. Richards raised the issue about the timeliness of the audit because I knew I had this amendment, and I searched long and hard to find a space in the Bill where it would seem most appropriate to insert these two new clauses. And if I may read, the two clauses are to insert a new (3C) which says:

“The auditor shall submit a copy of the audited accounts to the Minister with responsibility for finance no later than four months after the end of the financial year.”

Now I took this directly out of the gambling legislation and I put it in here because I think it is critical that we really not propagate this normalcy of late delivery of audited accounts. Now I did not put the word “Auditor General” because I know provision is made for an external auditor to be allowed, and I understand the reason why because I know many times the Auditor General’s Office is severely constrained in terms of staffing, and then to allow them the latitude to seek an external auditor. So that is the first amendment.

The second amendment with the second new clause is that:

“The Minister with responsibility for finance shall cause a copy of the audited accounts submitted under section (3) to be laid in Parliament within thirty days after receipt thereof and, in the case of any delay in complying with this subsection, shall make a statement to Parliament as to the reason for the delay.”

Now I know this may sound a little bit too much asking the Minister of Finance to make a statement when audited financial statements are late, but it has to stop at some point.

Now I sit on two parliamentary financial scrutiny committees and I know

that this Bill provides for the audit committee and all these members, you have a member from civil society and so on, but the reality of the fact is that under the State Enterprises Performance Monitoring Manual there is also an audit committee, and every single state enterprise that comes before me as a member—because I cannot speak for the other members—in that committee are always late. And many of them also rely on external auditors and they are also late, and late by more than five years. So it is an issue that is being propagated and encouraged. I do not want to use the “encouraged” but that is the only word that I could find right now, but it is something that it becoming normal and generally accepted within the public sector, and what I am saying is that we need to put a stop to it at some point. So that is my initial comments on these two new clauses.

**Mr. Al-Rawi:** I like the caution of the use of the word “initial” inside of there. Mr. Chairman, may I?

**Mr. Chairman:** You may.

**Mr. Al-Rawi:** So, Mr. Chairman, we all share the accuracy of the concept that the hon. Senator is putting forward. I can tell you as my Leader of Government Business just said across to me, we the Government are not actively encouraging this because the Minister of Finance had issued a circular demanding that all state enterprises, and statutory authorities, and Ministries, submit, if they do not have their audited accounts, their management accounts on an annual basis. I want to remind, the obligation under Chap. 8 of the Constitution, in the creation of the Auditor General, in the operation of the Auditor General under section 116 of the Constitution, the Auditor General under section 116(4), it says:

“The Auditor General shall submit his reports annually to the Speaker, the President of the Senate and the Minister of Finance.”

So the Auditor General is mandated by the Constitution of the Republic of



Trinidad and Tobago—section 2 says it is supreme law—to do it annually. So you cannot get more powerful than that. Yet, you said it is not being done. Perhaps it is because the litigation to cause it to be done has not been done yet.

There are truths to this society which is why the Minister of Finance advocated the Revenue Authority and the management tools to cause the reform, which is why the hon. Prime Minister put in the Ministry of Digital Transformation specifically to digitize the information so that there is no excuses. Remember, a lot of people say the system not working without disaggregating the system. My approach in my tenure as AG was to say the system of justice needed disaggregating, which is why we did prisons separate from Judiciary, separate from rules of courts, separate from what is in the courts. If you realize, as I said before, in 2015 there was a hue and cry for night courts. You notice that is gone. Why? Because we put processes, and we digitized, and we dealt with the caseload.

So as coming to this Bill now, coming to the proposed amendment, the process are going into form. It has been two days short of three months of action built upon by the excellent work coming from my predecessors. The operationalization is afoot, but I want to remind that you cannot get more powerful than section 116 of the Constitution. So this proposed amendment touches section 116, and section 54 of the Constitution has deeply entrenched section 116 of the Constitution. It is in 54(2).

“In so far as...”—anything may alter section 116—

“...a Bill for an Act under this section shall not be passed by Parliament unless...the final vote thereon in each House...is supported by a vote of no less than two-thirds of the members...”

What are we going to do about the Opposition? We would love to put in the provision, but where is the Opposition? They have said they will not support the

law. How can we bring radical transformation for the benefit of Trinidad and Tobago to give all that you have asked for if we cannot pass the law? So the best that we can do is to pass the law we can, which is why we are moving the amendments in the form that we are. So I cannot affect section 116 of the Constitution. I cannot amend section 116(4) of the Constitution. There is no support by 19 Members of the House of Representatives and six Members of the Senate, so we just “doh” have the vote. All that I could do is to say we will try our best.

As unsexy as that might sound, will not be published by the media, will not be dealt with anywhere else. It is a submission that may not find merit outside in the publication. You have just said the truth of what it matters to Trinidad and Tobago, but we “cyar” pass it, and we cannot touch into a law now something that will be ultra vires the Constitution. So I cannot do that because I cannot put the obligation on the Minister of Finance when the Constitution says the Auditor General must do it. So I cannot amend it that way. I just cannot make the recommendation.

**Sen. Deonarine:** Okay. Through you, Chair, if I may?

**Mr. Chairman:** You may.

**Sen. Deonarine:** I understand what you are saying, Minister, but the fact remains that the Auditor General is the one responsible for this as per the Constitution, and we continue to have this problem.

**5.00 p.m.**

My question to you, for me to feel confident and for me to say that I could accept this legislation, these amendments, I need to know that these audited financial statements are not going to be late anymore. Now, you are asking me to trust on your process reform but I am not entirely convinced. Because God

forbid—this is your policy and your process in dealing with this but what if there is another Minister of Rural Development and Local Government?

**Mr. Al-Rawi:** Well, there will be—

**Mr. Chairman:** Yeah. Minister, if I may, not just to curtail the discussion but I would like to remind you of Standing Order 67 at this moment. Yeah? Once we reach after the second reading, we:

“...shall not discuss the general merits and principles...but only...”—the—  
“details.”

And what we are doing right now is going beyond the scope into wider policies rather than the Bill in the committee stage.

**Sen. Deonarine:** Okay. I understand, Chair. So, I will just ask this question then: How soon do we expect these audited financial statements to be more timely than they already are?

**Mr. Chairman:** The Minister has stated he is—

**Mr. Al-Rawi:** Yeah.

**Mr. Chairman:** —that it is three days short of receiving the—

**Mr. Al-Rawi:** Two days short.

**Mr. Chairman:** Two days short.

**Mr. Al-Rawi:** One day short of receiving information and three months short. Let me answer the question quickly in not being able to accept the proposed amendment at paragraph D of your submission for reasons of the constitutional ramifications. I am saying that the process reform is afoot. It is intended that we will be operationalizing this Bill with immediacy. I have been assigned the task of operationalizing the law. Part of that is the process reform. So for me, it is an urgent priority. I do not intend to not get it done in the tenure that I have to drive the vehicle in the direction that I must. So, as soon as possible—and I mean, we are

immediately required to do the reform.

**Mr. Chairman:** Sen. Seepersad, are you still willing to speak?

**Sen. Seepersad:** Chairman, my comment is very simple. What are the consequences to the Auditor General of not doing what they are supposed to do as elucidated by the hon. Minister?

**Mr. Al-Rawi:** There is the Public Accounts Committee, there is the Public Accounts (Enterprises) Committee, there is litigation—

**Sen. Seepersad:** Yes.

**Mr. Al-Rawi:** —there is accountability, but a Government, certainly a representative of the Government, cannot on a public microphone chastise a part of the Government as to what ought to be done.

**Sen. Seepersad:** But the accounts committee is also—all we can do is write them. We have no power either. And I sit on the PAC and, you know, you say you are not happy, whatever, but there are no consequences. So—

**Sen. Deonarine:** And if I may also add, Chair, I sit on some other committees as well and all we can do is recommend. The most that we can do to maybe compel them is be rough with them during an enquiry, we can give them recommendations but that is the most power that we have. So, I do not know what—I know that we are saying that, you know, the fact that they are going to be subjected to these financial scrutiny committees mean that, you know, there is an additional layer of accountability. Yes, we are going to know but we are also going to know how late the audited financial statements are and cannot do nothing about it.

**Mr. Al-Rawi:** So, Mr. Chairman, as this is going into a much broader discussion beyond the amendments—

**Mr. Chairman:** Yes, it is definitely for wider Parliament deliberations—

**Mr. Al-Rawi:** All that I will say is that it is the reason that we share the concerns

of hon. Senators, that we are bringing the legislation that we can.

Again, I would just end by this statement, we in the People's National Movement are doing what we can. It is the first time a Bill of this type has come to the Parliament. It is taken us a very long time to get here and we do not have the support of the United National Congress, the Opposition, to achieve the level of reform that we want. So, you have all 15 votes on this side, six votes that are going to say no, nine that will decide in their own discretion. In the House, you had all of us in the Government Bench saying yes and you had everybody in the UNC saying no. So, we could only do what we can.

**Mr. Chairman:** Sen. Deonarine, at this point, based on your proposed amendment, would you be withdrawing formally?

**Sen. Deonarine:** Chair, I—

**Mr. Chairman:** Although we have heard and we do understand your lamentation over the issue which is beyond the purview of us right now.

**Sen. Deonarine:** Chair, most respectfully, I would like to leave the proposed amendment as is. I would not withdraw.

**Mr. Al-Rawi:** And just for the record, the reason that I cannot provide it is that it would require me touching the Constitution which we do not have two-thirds vote for. So, I do not know how we are going to do it if it is put there. It will be struck down.

**Sen. Deonarine:** Okay. Chair, I will withdraw.

**Mr. Chairman:** Appreciated. Noted.

*Amendment withdrawn.*

**Mr. Chairman:** Hon. Senators, given that no amendments were circulated in respect of clauses 4 to 11, I will be proceeding to treat it as a group once there is nothing on the floor. But before we do that, having traversed clause 3 with all the

amendments, very thoroughly, the question is that clause 3 now stand part of the Bill.

*Question put and agreed to.*

*Clause 3 ordered to stand part of the Bill.*

**Mr. Chairman:** And given that no amendments were circulated in respect to 4 to 11, can we treat with them as a whole or a group?

**Mr. Al-Rawi:** Yes, please.

*Clauses 4 to 11 ordered to stand part of the Bill.*

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

*Senate resumed.*

*Bill reported, without amendment.*

*Question put:* That the Bill be now read a third time.

**Sen. The Hon. Dr. Browne:** Division.

*The Senate divided:       Ayes 24*

AYES

Browne, Hon. Dr. A.

West, Hon. A.

Mitchell, Hon. R.

Bacchus, Hon. H.

de Freitas, hon. N.

Sagramsingh-Sooklal, Hon. R.

Singh, Hon. A.

Lezama-Lee Sing, Mrs. L.

Hislop, L.

Seales, M.

Young, N.

Borris, H.

Sinanan, Hon. R.

Hosein, Hon. K.

Richards, P.

Vieira, A.

Deyalsingh, Dr. V.

Deonarine, Ms. A.

Seepersad, Ms. C.

Teemal, D.

Thompson-Ahye, Mrs. H.

Dillon-Remy, Dr. M.

Welch, E.

Cox, Hon. D.

*The following Senators abstained:* Mr. W. Mark, Ms. J. John, Ms. J.

Lutchmedial, Mr. D. Nahkid, Mr. D. Lyder and Mr. A. Roberts.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

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

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

### **ADJOURNMENT**

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Mr. Vice-President, I beg to move that this Senate do now adjourn to Tuesday, June 21, 2022 at 10.00 a.m., at which stage, the Government proposes to debate the Bills of Exchange (Amdt.) Bill, 2022 and if possible, the Insurance (Amdt.) Bill, 2022.

### **GREETINGS**

### **UNREVISED**

### **Corpus Christi**

**Mr. Vice-President:** Hon. Senators, before I put the question, I now invite Senators to bring greetings on the occasion of Corpus Christi to be observed on Thursday, June 16, 2022. Sen. Laurel Lezama-Lee Sing.

**Sen. Laurel Lezama-Lee Sing:** Thank you very much, Mr. Vice-President. Corpus Christi, the body of Christ, the Feast of Corpus Christi, the Solemnity of the Most Holy Body and Blood of Christ, the Roman Catholic Church's acknowledgement of the transubstantiation of the bread and wine, the acknowledgement and firm belief that there is the real presence of the body and blood of Jesus Christ in the Eucharist. This is a celebration of the faith of the Roman Catholic community, the world over, and Trinidad and Tobago is no exception.

Corpus Christi is best recognized by most as a procession through the streets of Trinidad and Tobago led by members of the clergy and including hundreds of faithful believers. During this procession, the holy Eucharist is carried through the streets to remind onlookers and believers alike that God sacrificed himself; his son, Jesus Christ in atonement for our sins.

Catholics believe that at the last supper, the bread and wine became the body and blood of Jesus Christ; the last supper, that last supper before Jesus was ridiculed, humiliated, persecuted, whipped, mocked, tortured and violently and cruelly crucified and left to die on a crude wooden cross. But for faith, for believing in God alone, Catholics have persevered and preserved their practices and continue to believe in the salvation of the world because of the sacrifice of the life of Jesus.

Their faith. That word "faith", it covers all manner of things, does it not? Faith, it speaks to trust, it speaks to confidence, to a strong belief in something. It



speaks to having the courage of conviction, to stand firmly, to be grounded, to be deeply rooted in something and to be courageous enough not to be shaken.

The Government of Trinidad and Tobago celebrates with the members of the Catholic community in this public celebration and acknowledgement of their great faith. May we all stand in courage and faith in belief of our country and against all that is negative, divisive and hate-filled. May God bless all the faithful and all the people of our beautiful nation of Trinidad and Tobago.

I thank you.

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

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

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

**Sen. Damian Lyder:** Thank you very much, Mr. Vice-President. On Thursday the 16<sup>th</sup> of June, the citizens of Trinidad and Tobago celebrate Corpus Christi. What is Corpus Christi? Well, one can look in the Britannica and see that Corpus Christi, also known as the Solemnity of the Most Holy Body and Blood of Christ, it is a festival of the Roman Catholic Church in honour of the real presence of the body or corpus of Jesus Christ in the Eucharist.

Further on, historically, the emergence of Corpus Christi as a Christian feast did not happen until the second half of the 13<sup>th</sup> Century with the efforts of a Roman Catholic nun and now a Saint Juliana of Liège. Since childhood, Saint Juliana had revealed that God had been telling her that there should be a feast day for the Eucharist. The Bishop of Liège agreed to the feast and convened a synod in 1246 and ordered that a celebration of Corpus Christi should be held annually. And from 1264, Pope Urban VI issued a papal bull in which Corpus Christi was made a feast throughout the world. Aspiring Minds Foundation quotes that:

“Corpus Christi is a long-standing tradition in our islands, going back to our

pre-British occupation by Catholic Spaniards. Though mainly observed by Roman Catholics...”—and some Anglicans—“it is a designated...holiday”—celebrated by all of our beautiful and beloved citizens throughout our multicultural and multi-religious society.

“This special feast day is celebrated on the Thursday after Trinity Sunday, in commemoration of the institution of the Holy Eucharist.”

On this Thursday coming, Mr. Vice-President, Catholics join in our thousands, either within our parishes or grand observances in Port of Spain and notably in our splendour of our beautiful cathedrals. Corpus Christi celebration also takes place in all other parishes across the length and breadth of our nation. And by virtue of this public display of love and honour to our Lord and Saviour Jesus Christ, Catholics strengthen our faith and bear public witness to others and, of course, as tradition shows, also in Trinidad and Tobago many see it as a time to plant and to offer their seedlings for blessings. So rich and meaningful a tradition it is.

Mr. Vice-President, Senate colleagues and staff and citizens of our great nation, as we publicly worship and celebrate the death and resurrection of our Lord and Saviour Jesus Christ and partake in Christ’s body and blood, may the love of Christ fill your homes, your hearts and your lives and cause each day of yours to release countless and infinite blessings for you, your family and your loved ones. May you find favour and serenity and true love on this holy and sacred day on our Catholic calendar.

Mr. Vice-President, on behalf of the United National Congress and on behalf of our political leader, Mrs. Kamla Persad-Bissessar, I wish you, Mr. Vice-President, and my colleagues on all three Benches, as well as the beautiful, diverse, multicultural, multiracial and multireligious citizens of our great Republic, a happy and holy Corpus Christi.

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

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

**Mr. Paul Richards:** Thank you, Mr. Vice-President. It is my honour to bring Corpus Christi greetings on behalf of my colleagues on the Independent Bench. Corpus Christi is a Catholic feast held every year on the second Thursday after Pentecost, a celebration associated with the commemoration of Jesus Christ's last supper with his apostles before his crucifixion. Pentecost commemorates the assent of the Holy Spirit on the apostles and on the disciples following the crucifixion, resurrection and ascension of Jesus Christ. It marks the beginning of the Christian church's mission to the world. Still, the focus of Corpus Christi, translated literally as the body of Christ, is not the passion and death of Jesus Christ but rather that he is actually here among us for all time. Catholic mass is the central element of the feast. According to the Catholic faith, the consecrated piece of unleavened bread, known as the host, is synonymous. It is the body of Jesus Christ.

The emergence of Corpus Christi as a Christian observance did not happen until the second half of the 13<sup>th</sup> Century, as our colleagues said, with the efforts of a nun, now a saint called Juliana of Lège. Since childhood, she had been claiming that God had been telling her that there should be a feast on the day for the Eucharist and eventually she petitioned the Bishop of Lège. In those days, the bishops could order feasts in the local dioceses. The Bishop agreed to the feast and conveyed a synod in 1246 and ordered that the celebration of Corpus Christi should be held annually. The celebration only started to become more widespread both after Juliana and the Bishop died. In 1264, Pope Urban the IV issued a papal bull, *Transiturus*, in which Corpus Christi was made a feast throughout the entire kingdom. He fixed it for Thursday after the octave of Pentecost which when only designated celebrations of feasts were blessed.

It is celebrated on a Thursday in remembrance of the institution of the Eucharist, the last supper which takes place on the Thursday, the eve of Jesus Christ's death on the cross. It is represented in many jurisdictions by the procession during in which the priest carries the Eucharist, representing the body of Jesus Christ, on display in a special receptacle called the monstrance in the middle of the streets. It is a sign of undying faith. It is also represented in many jurisdictions in terms of its universality, in terms of the planting of new seeds, a sign of hope for the future and provision for the future.

On behalf of my colleagues on the Independent Bench, it is my deep honour to wish the Catholic community and the people of Trinidad and Tobago and the world, a happy and holy Corpus Christi. Thank you.

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

**Mr. Vice-President:** Hon. Senators, it is my privilege to join you in bringing greetings to the Roman Catholic community of Trinidad and Tobago on the commemoration of Corpus Christi which is the body of Christ. This occasion on the Roman Catholic calendar celebrates the tradition and belief in the body and blood of Jesus Christ, and the meaning of one community or one body under God. The significance of the feast is not lost upon the citizens of Trinidad and Tobago because whether or not one subscribes to the Catholic faith, certainly the occasion resonates with all as it demonstrates the values of love, forgiveness, compassion and sacrifice.

During the throes of pandemic, the people of Trinidad and Tobago have truly come together by volunteering their time, money and various other forms of assistance to the fellow man. This display of selflessness has been and continues to be a true demonstration of what it means to be one body, a lesson that must be at the forefront of our minds as we commemorate Corpus Christi. And so, in the spirit

Greetings – Corpus Christi  
Sen. Richards cont'd)

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of community and harmony, and on behalf of the Parliament of Trinidad and Tobago, my family and myself, please allow me to wish the people of Trinidad and Tobago a happy Corpus Christi.

### **Labour Day**

**Mr. Vice-President:** Hon. Senators, I now invite Senators to bring greetings on the occasion of Labour Day which is to be observed on Sunday, June 19, 2022. Sen. de Freitas.

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

**The Minister in the Ministry of Agriculture, Land and Fisheries (Sen. The Hon. Nigel de Freitas):** Thank you, Mr. Vice-President, as I rise to bring Labour Day greetings. Celebrated on the 19<sup>th</sup> of June each year, Labour Day, simply put, commemorates triumph through struggle and resilience through unity. The celebration of this day, yearly, does not just remind us of what took place in 1937 and the players involved. It reminds us of what can be achieved through the movement of many towards a common goal, where that common goal is the betterment of all. Be it equal wages between genders, be it the rights of workers to be treated fairly or be it for better working conditions, the process requires that has been enshrined in our DNA as a people, that we engage first in discipline of self and tolerance of each other so that we may increase the level of production and subsequent compensation to the benefit of all equally. This no doubt would be a movement justified. To all of those in the labour movement, past, present and future, happy Labour Day 2022.

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

**5.30 p.m.**

**Sen. W. Mark:** Thank you, Mr. Vice-President. Mr. Vice-President, Sunday, 19<sup>th</sup> June, 2022 will mark the 85<sup>th</sup> anniversary of the founding of the modern trade

union movement in the Republic of Trinidad and Tobago. June 19, 1937 served as a virtual watershed moment in the struggle of the working class for dignity of labour and decency in the workplace. The struggle of 1937 was not only about better wages and improved working conditions. It was about recognizing the dignity of labour.

What we have seen in the past is a situation in which the trade union movement has struggled to survive in a very hostile environment. Through backward economic policies led by the PNM, the trade union movement has been weakened. However, what we have seen in the recent past, particularly over the last seven years, is a deliberate policy to literally destroy the trade union movement in this country.

Mr. Vice-President, uncertainty, anxiety, and insecurity grip the working class, as they battle for economic and social survival. Even the State is gradually being transformed along neoliberal lines, which is pro-business, big business in orientation.

Mr. Vice-President, as we celebrate or prepare to celebrate Labour Day, workers are reeling under retrenchment and closure of companies. They have been placed on the garbage heap of society. Mr. Vice-President, we only have to look at what has happened at Petrotrin, CENTRIN, EFDL, Caroni Green, Tourism Development Company, TSTT; just to mention a few. And the country has witnessed the workers being placed on the dump heap of history.

Mr. Vice-President, I want to tell you and this honourable Senate that the trade union movement is synonymous with democracy and the strengthening of the democratic fabric of our nation. But what we have seen is that there is no place for it at the table of decision-making. This Government has removed every representative from State boards, Mr. Vice-President, over the last seven years,

with the exception of those that they are legally compelled to provide for the workers.

So, on the occasion of the 85th anniversary of the trade union movement, we are not surprised that they have taken a decision, on Labour Day, to move a Motion of no confidence in this anti-worker, anti-labour, anti-trade union Government.

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

**Sen. W. Mark:** We are not surprised. I think the country will soon be doing the same when the time comes. So, Mr. Vice-President, on the occasion of the 85th anniversary of the founding of the labour movement, we in the UNC salute the working class. We in the UNC extend militant solidarity greetings to the working class and the trade union movement.

On behalf of the alternative government, on behalf of the Opposition Leader, we wish to extend greetings on behalf of the entire Senate Bench, UNC Senate Bench, as we call on the workers to unite in solidarity and to ensure, Mr. Vice-President, that this Government that exists today, at the next Labour Day rally we would be able, Mr. Vice-President, to bring more powerful greetings to you and to the people of this great country. Long live the labour movement. Long live Butler and the patriots of this nation.

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

**Sen. W. Mark:** Long live Adrian Cola Rienzi and the working people and the working class on this the 85th anniversary of the founding of the modern trade union movement. I thank you, Mr. Vice-President.

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

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

**Sen. Amrita Deonarine:** Thank you, Mr. Vice-President. I stand to extend greetings on behalf of the Independent Bench, Labour Day greetings.

Although some Trinbagonians actively take part in small local celebrations on Labour Day, many simply take the day as an extra day of recreational and leisure activities. Labour and the economy are intricately linked. It is one of the main building blocks of our country's development. In fact, labour is often described as representing the human factor in the production of goods and services. But what is the significance of Labour Day in Trinidad and Tobago?

On June 19, 1973 was the first time Trinidad and Tobago celebrated Labour Day as a public holiday. It was the anniversary of the Butler oilfield riot of 1937, when the ongoing tensions between employers and workers came to a violent end. This was the culmination of a period where workers' rights were minimal and there was rampant worker abuse, under payment for labour, racism, as well as deep depression, and falling living standards of the working class. This led to several charismatic individuals rising to the birth of the labour movement in Trinidad and Tobago. We remember advocates of the labour movement such as Uriah Butler, Captain Andrew Arthur Cipriani, George Weekes, Albert Maria Gomes, Adrian Cola Rienzi, Elma Francois and CLR James. These persons gave their all to fighting for workers' rights and set the foundation the workers today.

Labour Day is an occasion to reflect of the struggles endured, so that succeeding generations will never forget the overall hardships, the living and working conditions, and racism of this era. However, we must also reflect on our present circumstances. We have to remember the cascading effects of the pandemic on the economy, on jobs, income, on standard of living, that have left many workers, employers of businesses, and business owners struggling to recover and deeply concerned since the reopening of the economy.

With that in mind, I cannot hesitate to ask us all to consider the principles on which an inclusive labour market is based on as we observe this Labour Day. For



labour to be inclusive, it must be based on four principles, which embodies access, fairness, protection, and voice. I want to ask this honourable House to reflect on these principles. Access, this principle stipulates that individuals should have access to employment opportunities. Fairness, workers should be rewarded based solely on their contributions and not based on factors such as age, race, gender, or religion. Protection, this principle stipulates that the labour market should provide insurance to protect individuals against negative shocks such as temporary or permanent health shocks or a job displacement shock due to downsizing of external trade competition, for example.

The fourth principle, voice, stipulates that workers should have a voice in the process that determines rules and practices that govern the labour market. We cannot forget that many persons form part of the informal economy, and that while informal employment is often the only avenue for many individuals to gain access to employment, it is frequently in the form of low quality jobs with low pay. As we reflect on these principles, on this Labour Day, let us remember the past but also endeavour to a vibrant future; a future where all of Trinidad and Tobago's labour force can experience a satisfactory quality of life and work hard and contently in the promise of an even brighter future for future generations of Trinidad and Tobago.

I wish this honourable House and all of Trinidad and Tobago, on behalf of the Independent Bench, a blessed Labour Day. I thank you Mr. Vice-President.

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

**Mr. Vice-President:** Hon. Senators, it is my privilege to join with you in bringing greetings on the occasion of the Labour Day.

On Sunday, June 19, 2022, the country shall pay deference to the 85<sup>th</sup> anniversary of the modern trade union movement by virtue of Labour Day. Hon.

colleagues, let us take a second to really appreciate that it has been 85 years since the 1937 landmark labour riots. For 85 years, we continue to be grateful and pay homage for the work done by influential persons such as Uriah “Buzz” Butler, Captain Arthur Andrew Cipriani, George Weekes, Albert Maria Gomes, Adrian Cola Rienzi, Elma Francois, Badase Sagan Maharaj, Boysie Moore Jones, Nathaniel Crichlow, Francis Mungroo, Ainsley Matthews, and the list goes on and on. We continue to remember Corporal Charlie King, Sub Inspector Bradburn and the nine civilians who tragically lost their lives as a result of the 1937 riots. It is, therefore, with a debt of respect and with gratitude that I join the Senators before me in wishing all citizens of Trinidad and Tobago and the members of the labour movement a peaceful and enjoyable Labour Day 2022.

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

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

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Mr. Vice-President, I crave your indulgence to just inform all Members that in addition to our sitting proposed on Tuesday, June 21, there is a strong possibility that we would also have a sitting on Thursday, June 23. So as a courtesy to Members to inform them, at that stage on Thursday, we propose, tentatively, to treat with this Special Select Committee Report on the Sexual Offences (Amdt.) Bill. So you have been informed for next week.

*Question put and agreed to.*

*Senate adjourn accordingly.*

*Adjourned at 5.46 p.m.*