

**HOUSE OF REPRESENTATIVES**

*Monday, May 29, 2023*

The House met at 1.30 p.m.

**PRAYERS**

[MR. DEPUTY SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Deputy Speaker:** Hon. Members, I have received communication from the hon. Penelope Beckles, MP, Member for Arima, who has requested leave of absence for the period May 29 to June 09, 2023. The leave which the Member seeks is granted.

**PAPERS LAID**

1. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Society of Trinidad and Tobago for the year ended December 31, 2006. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Society of Trinidad and Tobago for the year ended December 31, 2007. [*Hon. C. Imbert*]  
*Papers 1 and 2 to be referred to the Public Accounts Committee.*
3. Consolidated Audited Financial Statements of National Flour Mills Limited for the year ended December 31, 2021. [*Hon. C. Imbert*]
4. Consolidated Audited Financial Statements of Point Lisas Industrial Port Development Corporation Limited for the financial year ended December 31, 2021. [*Hon. C. Imbert*]
5. Consolidated Audited Financial Statements of Trinidad and Tobago Creative Industries Company Limited for the year ended September 30, 2019. [*Hon.*

**UNREVISED**

- C. Imbert*]6. Audited Financial Statements of National Helicopter Services Limited for the financial year ended September 30, 2015. [*Hon. C. Imbert*]
7. Audited Financial Statements of National Helicopter Services Limited for the financial year ended September 30, 2016. [*Hon. C. Imbert*]
8. Audited Financial Statements of Youth Training and Employment Partnership Programme (YTEPP) Limited for the financial year ended September 30, 2021. [*Hon. C. Imbert*]
9. Audited Financial Statements of InvesTT Limited for the financial year ended September 30, 2020. [*Hon. C. Imbert*]
10. Audited Financial Statements of InvesTT Limited for the financial year ended September 30, 2021. [*Hon. C. Imbert*]

*Papers 3 to 10 to be referred to the Public Accounts (Enterprises) Committee.*

### **URGENT QUESTION**

#### **Collapsed Road Reserve, Mosquito Creek**

#### **(Steps Taken to Address)**

**Mr. Davendranath Tancoo** (*Oropouche West*): Thank you, Mr. Deputy Speaker. To the hon. Minister of Works and Transport: With regard to a recent report in circulation depicting approximately 750' (ft) of collapsed road reserve along the seaward side of the Mosquito Creek which has fallen into the sea due to persistent tidal erosion, will the Minister inform the House what urgent steps, if any, would be taken to address this immediate and dangerous development which poses a grave threat to motorists and members of the public?

**The Minister in the Ministry of Works and Transport (Sen. The Hon. Richie Sookhai)**: Mr. Deputy Speaker, thank you. And Member for Oropouche West, thank you for your question in concern. However, the Ministry of Works and

Transport currently right now is not aware of any recent reports of the tidal erosion at the Mosquito Creek whereby the 750 feet of roadway that you are suggesting has collapsed. Right? So we are then requesting maybe further information.

However, Member, notwithstanding that, the Ministry of Works and Transport continues significant work for the coastal protection, especially with the critical work that has been going on. So a lot of critical coastal protection/preservation programme has been attended to where we have, to date, 22 contracts totalling a sum figure of \$262,740,959.03. The programme is focused on the vulnerable coastal work and we are looking at also the tidal issues, erosions and the urgent suitability to be able to protect our valuable coastline.

Furthermore, the Ministry of Works and Transport, through the efforts of NIDCO, continues to treat the roadway at the Mosquito Creek with high priority. Currently, there is a proposal put forward by NIDCO in review right now, and we are looking at other viable options to be able to find the best fit solution for this current issue. Thank you.

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

**Mr. Deputy Speaker:** Supplemental, Member for Oropouche West.

**Mr. Tancoo:** Thank you, hon. Minister. Allow me to tell you that I am not very comforted that the Ministry is not aware of this very important development. So that you can—

**Hon. Member:** [*Interruption*]

**Mr. Tancoo:** Well, yes. Allow me, please.

**Hon. Members:** [*Crosstalk*]

**Mr. Tancoo:** Allow me, please. Given that the Ministry is not aware of this—

**Hon. Members:** [*Crosstalk*]

**Mr. Deputy Speaker:** Member, one second. Members, Members.

**Hon. Members:** [*Crosstalk*]

**Mr. Deputy Speaker:** Hon. Members, it is very early in the sitting; very, very early. I only recognize Oropouche West with a supplemental. Proceed.

**Mr. Tancoo:** Thank you. Given that the Ministry is not aware of this very serious issue, can the hon. Minister indicate why we should find some comfort that substantial work is being done everywhere else in costal remediation, et cetera, as he has indicated, but no work has been done to even recognize and acknowledge that such a crisis exists on the Mosquito Creek?

**Mr. Deputy Speaker:** Minister.

**Sen. The Hon. R. Sookhai:** Mr. Deputy Speaker, thank you once more. To the hon. Member on other side, it is not that the Ministry does not recognize, we understand. For us to be able to execute, it is planning. As an engineer myself, we do not just execute and go on with this. We look at the situation. However, the concern that you are having, and that particular concern with the 750 feet of collapse, the Ministry is kindly requesting further information. If you do not mind, just bring it to the Ministry's—to us—to our attention right now, where we could be able to attend to this particular situation. However, that whole costal side with Mosquito Creek is being attended to. As I indicated before in my contribution, we do have several proposals that we are looking at the before we implement.

**Mr. Deputy Speaker:** Supplemental.

**Mr. Tancoo:** Supplemental.

**Mr. Deputy Speaker:** Oropouche West.

**Mr. Tancoo:** Hon. Minister, following your question, is the Minister stating that the Ministry of Works and Transport is unable to do its job and hence—

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

**Mr. Tancoo:**—from the time of filing this question, was not able to find a person

to put at Mosquito Creek to verify the issue?

**Mr. Deputy Speaker:** Minister in the Ministry of Works and Transport.

**Sen. The Hon. R. Sookhai:** Mr. Deputy Speaker, allow me to quote the famous Peter Tosh:

“...fools die for want of wisdom.”

With that being said, let me explain. It is not that the Ministry is against or not looking at certain areas. We are aware of some of the issues that they are having right now at the Mosquito Creek. We are currently working with NIDCO to formalize a solution. However, this particular problem that you brought forward was now brought to the Minister’s desk and we are now going to attend. And if you have any further information, we are just requesting pictures and more information, so that we can look into it. That is all I am saying. It is not that we are not attending to the issue.

### ANSWERS TO QUESTIONS

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you very much, Mr. Deputy Speaker. There are three questions for response and we will be answering all three.

### ORAL ANSWERS TO QUESTIONS

#### Rehabilitation Works on Naparima Mayaro Road

(Status Update on)

**166. Mr. Barry Padarath** (*Princes Town*) asked the hon. Minister of Works and Transport:

Further to the response provided to House of Representatives Question No. 53 on December 02, 2022, will the Minister provide an update on the status of the following:

- a) the expected completion date for rehabilitation works along the Naparima Mayaro Road, in the vicinity of Fairfield Junction, Craignish Village; and
- b) a breakdown of the projected cost of this project?

**Mr. Deputy Speaker:** Minister in the Ministry of Works and Transport.

**Hon. Robinson-Regis:** I will be answering these questions.

**Mr. Deputy Speaker:** Leader of the House.

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, the estimated completion time for the landslip repairs along the Naparima Mayaro Road in the vicinity of Fairfield Junction, Craignish Village, is December 2023.

The project details are as follows: general, \$1,501,200; earthworks, \$1,904,050; temporary shoring, \$455,000; roadworks, \$772,300; structural works, including pile supported RC wall, \$3,550,420; ancillary structural works, \$485,100; drainage works, \$525,750; traffic management works, \$16,275; utility infrastructure, \$326,500; ancillary works, \$391,650; day works, \$239,938, with a subtotal of \$10,158,083; a 10 per cent contingency of \$1,015,808.30.

The subtotal is \$11,173,890.30; VAT at 12.5 per cent, \$1,396,736.41; bringing a total, with VAT inclusive, of \$12,570,627.071. Thank you. One landslip.

**Mr. Deputy Speaker:** Supplemental, Member for Princes Town.

**Mr. Padarath:** Thank you, Mr. Deputy Speaker. To the hon. Minister, I noticed the Minister in the Ministry of Works and Transport is here but he is not being permitted to answer. But maybe if the Minister took a look at the question, one of the areas was for a completion date. Could the Minister provide the completion,

which was not addressed in the question?

**Hon. Robinson-Regis:** Mr. Deputy Speaker, that was the first thing I said.

**Naparima Mayaro Road**

**(Details of Landslips Work)**

**167. Mr. Barry Padarath** (*Princes Town*) asked the hon. Minister of Works and Transport:

In light of the numerous landslips along the Naparima Mayaro Road excluding the land slip in the vicinity of Fairfield Junction, Craignish Village, will the Minister indicate:

- a) the number of contracts that have been awarded to date;
- b) the expected commencement date for rehabilitation works;
- c) the names of the contractors awarded the contracts; and
- d) a detailed breakdown of the projected cost of these projects?

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you again, Mr. Deputy Speaker. Mr. Deputy Speaker, along the Naparima Mayaro Road, contracts for seven projects have already been awarded, three of which have already been completed under the Highways Division with details as follows:

- Construction of reinforced concrete retaining wall at 25 kilometres, Naparima Mayaro Road. The contractor is Ricky Raghunanan Limited. The project cost is \$951,311.25, and that is completed.
- Piling and shoring along the Naparima Mayaro Road, 26.1 kilometres; R. Baldeosingh Services Limited; the cost, \$538,200. That has been completed.
- Emergency interim repairs at Naparima Mayaro Road, 30.4 kilometre mark; R. Baldeosingh Services Limited; the cost, \$252,641.25. That has

been completed.

- The emergency landslip repair at Naparima Mayaro Road within the vicinity of the 30.3 kilometre mark. Namalco Construction Services Limited was the contractor and the amount of the project is \$839,812.50. This work commenced during the first week in May 2023.
- Emergency slope stabilization and drainage works on the Naparima Mayaro Road. Transit Equipment Rental Limited was the contractor, and the amount of the project \$934,290. Work is scheduled to commence today.

**1.45 p.m.**

- Emergency slope stabilization works along the Naparima Mayaro Road, at the 38.6 kilometre mark. Kallco Limited is the contractor, and the project cost is \$931,137.75. And work started on May 22<sup>nd</sup> of this year.
- Emergency slope stabilization works along the Naparima Mayaro Road at the 37.8 kilometre mark. Kallco is the contractor. The project cost, \$983,104.87, and work is scheduled to commence today.

Thank you, Mr. Deputy Speaker.

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

**Mr. Deputy Speaker:** Princes Town, next question.

**Landslips Along St. Julien Road**

**(Details of)**

**168. Mr. Barry Padarath** (*Princes Town*) asked the hon. Minister of Works and Transport:

In light of the numerous landslips along St. Julien Road, will the Minister provide:

- a) the tendering process; and



b) the expected commencement date for rehabilitation works?

**Mr. Deputy Speaker:** Leader of the House.

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Mr. Deputy Speaker, the landslips located along the St. Julien Road are being and will be addressed by the Ministry of Works and Transports on a phased basis. This calendar year 2023, funds permitting, the Highways Division plans to undertake slope stabilization works along the St. Julien Road at the 5.2 kilometre and 2.4 kilometre marks. A contract has already been awarded for interim slope stabilization works at the 5.2 kilometre mark via competitive tendering. This project is expected to commence this week. A project for slope stabilization works approximately the 2.4 kilometre mark is currently in the development stage, with an aim for award of contract in fiscal 2023 or 2024, subject to availability of funds.

In addition, the PURE Unit has three other proposed slope stabilization projects along the St. Julien Road that are in the design stage currently. These projects are located at the 2.1 kilometre, 5 kilometre and 6.5 kilometre marks respectively. And subject to availability of funds, these landslip repair projects are planned for implementation in fiscal to 2024. Thank you, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Attorney General.

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

**MUNICIPAL CORPORATIONS (EXTENSION OF  
TERMS OF OFFICE AND VALIDATION) BILL, 2023**

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I beg to move:

That a Bill to extend the terms of office of Councillors and Aldermen elected in December 2019, to provide for elections in 2023 and to validate the

actions of the said Councillors and Aldermen between 2<sup>nd</sup> December 2022 and 18<sup>th</sup> May 2023, be now read a second time.

Mr. Deputy Speaker, I am privileged today to stand here to pilot the Municipal Corporations (Extension of Terms of Office and Validation) Bill, 2023. The Bill is short. It comprises five clauses to achieve three principal objectives: the extension until the 18<sup>th</sup> of May, 2023, of the terms of office of all councillors and aldermen elected in December 2019, and whose terms expired on the 2<sup>nd</sup> of December, 2022. Secondly, to provide for elections within three months of the 18<sup>th</sup> of May, 2023. And thirdly, to validate the functions and actions of those councillors and aldermen between the period 2<sup>nd</sup> of December, 2022 and 18<sup>th</sup> of May, 2023, and until the commencement of this Act for which this is the Bill.

Mr. Deputy Speaker, two significant circumstances have promoted the need for this Bill and deserve appropriate reflection. The first is the mandate of this Government to empower the people of Trinidad and Tobago to improve on their lives within their communities. The second concerns an interesting part of the history of this country and the considerations which have informed the passage of local government legislation, and which serve to lend clarity to the approach, which we take today.

As to the first, the mandate of this Government to empower the people of Trinidad and Tobago was expressed by the hon. Prime Minister and has been placed on the record of this Parliament by way of amendments introduced in the 2022 by this Government to bring about a comprehensive reform of the Municipal Corporations Act, 1990. That record exists, Mr. Deputy Speaker, in the Prime Minister's statement delivered in this House on the 24<sup>th</sup> of May, 2023, and it suffices for me to say that as part of my pilot today, I entirely adopt and accept that statement as informing our considerations today for the passage of this Bill into

law.

This brings me to the second point, Mr. Deputy Speaker, the second point of importance. The clarity and simplicity of this Bill against the historical evolution of our local government legislation. That clarity promotes to passage of this Bill today by a simple majority so that the people's business may proceed, respecting this Government's adherence always to democratic principles, consistency in governance, and respect for due process and the rule of law.

Local government legislation in Trinidad, Mr. Deputy Speaker, started in 1927, when Trinidad was divided into eight counties by the Division of Trinidad Act. County councils were established in 1945, with further legislative amendments and enactments in 1967 by Act No. 22 of 1967. In the consultations informing our constitutional ethos and development and after independence, the topic of local government was addressed by stakeholders before the 1974 Wooding Commission, leading into the drafting of the 1976 Republican Constitution of Trinidad and Tobago.

In 1990, Mr. Deputy Speaker, the Municipal Corporations Act came into force. Throughout, the law governing local government has remained under development driven in particular by this Government. As we know, further amendments of a novel nature were introduced by the 2022 Act, the Miscellaneous Provisions (Local Government Reform) Act, No. 11 of 2022.

Here we are today therefore, Mr. Deputy Speaker, with the benefit of the most recent judicial interpretations of the Municipal Corporations Act as amended, pronounced by the Judicial Committee of the Privy Council on the 18<sup>th</sup> of May, 2023. The Privy Council accepted the Court of Appeal of Trinidad and Tobago's record of the historical evolution of this legislation up to the proclamation of sections 11(4) and 12(5) of the Municipal Corporations Act.

The Privy Council has held (a), that the extension of the term of office of incumbent councillors and aldermen by one year constituted no violation of the Constitution of Trinidad and Tobago, but that (b), that extension by amendment could not be interpreted as applying to the incumbent councillors and aldermen whose terms expired in December 2022.

Assembled then as we are here today, Mr. Deputy Speaker, our task is simple, we accept the ruling of the Privy Council. We accept now that today we must provide, with clarity, for the period that has run its course since December 2022 to the 18<sup>th</sup> of May, 2023, the date of the decision of the Privy Council, and up to and including the passage into law of the Act for which this is the Bill.

Mr. Deputy Speaker, in the decision of the Privy Council delivered on the 18<sup>th</sup> of May, 2023, up to that time, the corporations continue to function lawfully and consistent with the provisions of the Municipal Corporations Act, and supported until then by the unanimous decision of the Court of Appeal of Trinidad and Tobago. This reality is put beyond doubt, Mr. Deputy Speaker, in the applicability, if it were needed, of the de facto officer doctrine which is summarized in the authoritative text, *Wade and Forsyth's Administrative Law*. With your leave, if I may quote from the Ninth Edition, 2004, pages 285 to 286, and I quote:

The acts of an officer may be held to be valid in law even though his appointment is invalid and in truth, he has no legal power at all. The logic of annulling all of his acts has to yield to the desirability of upholding them where he has acted in the office under a general supposition of his competence to do so.

The incumbents, Mr. Deputy Speaker, continued in office initially on the basis of the view legitimately held by this Government, that the proclaimed amendments

applied to the incumbents, thereby extending their terms of office from three to four years. This was plainly not an unreasonable view and was one held in good faith since this was also the view of a unanimous Court of Appeal of Trinidad and Tobago. More directly, Mr. Deputy Speaker, the incumbents acted in their offices after the 10<sup>th</sup> February, pursuant to the decision of the Court of Appeal which held on that date that the four-year term applied to them.

It is plain therefore, Mr. Deputy Speaker, that the incumbents acted under the general supposition that they were competent to so act, and the logic of annulling all of their acts has to yield if to the desirability of holding them.

It follows then that despite the 18<sup>th</sup> of May, 2023 decision of the Judicial Committee, the actions of the incumbents should be considered legitimate in the eyes of the law. The incumbents continued to perform their functions and the State duly paid their salaries in exchange for their services. In addition, the wider public received the benefit of those services in the public interest. Indeed, there is therefore a case to be made that the Government need do nothing to alleviate the uncertainty created by the decision of the Privy Council, that the term of office of the incumbents expired in December 2022.

But that is not the way of this Government, Mr. Deputy Speaker, there is a good case to be made for legislatively validating those acts. The public interest advantage of doing so removes any uncertainty which has been created with regard to whether the public may rely on those acts and decisions, and avoids the possibility of further or any uncertainty.

This takes me, Mr. Deputy Speaker, to the clauses of the Bill. Clause 1, the “Short Title”:

“This Act may be cited as the Municipal Corporations (Extension of Terms of Office and Validation) Act, 2023.”

Clause 2, “Interpretation”:

“In this Act-

‘Councillors and Aldermen’ means the Councillors, Aldermen elected in December, 2019 in accordance with the Municipal Corporations Act.”

The rationale for that proposed clause, Mr. Deputy Speaker, is that it is intended that this Act will apply to all councillors and aldermen who were elected on December 02, 2019, in accordance with section 11 of the Municipal Corporations Act, Chap. 25:04.

Clause 3, “Extension of terms of office of Councillors and Aldermen”:

“The terms of office of the Councillors and Aldermen which expired on 2<sup>nd</sup> December, 2022 are hereby extended until the 18<sup>th</sup> May, 2023.”

The rationale for that proposed clause, Mr. Deputy Speaker, as we have already acknowledged, is the applicability of the de facto officer doctrine based on public policy and in the public interest, so that this provision is indeed in obedience to that further public interest principle being introduced ex abundante cautela.

The advantage of doing so, Mr. Deputy Speaker, is that it removes any uncertainty, which has been created with regard to whether the public may rely on those acts and decisions, and avoids the possibility of any further uncertainty. It is in the public interest that the proceedings and actions of the local government councillors and those persons, members of the public who rely on them, should proceed with confidence and certainty.

Councillors and aldermen are required, Mr. Deputy Speaker, to represent effectively the interest of the electoral district or municipality for which they are elected, and deal with constituents’ enquiries and representations. Councillors continuously work diligently and tirelessly to improve the lives of all persons in

their community within the remit of local government. Local government responsibilities, among others, cover public health; municipal police; spatial planning and building inspectorate; disaster management; repairs and maintenance to government schools and specified public buildings, cemeteries and crematoria.

Clause 4, Mr. Deputy Speaker, the “Period for 2023 Local Government Elections”:

“An election referred to in section 11(1) of the Municipal Corporations Act for the year 2023 shall be held within three months of the 18<sup>th</sup> May 2023.”

**2.00 p.m.**

Mr. Deputy Speaker, the rationale for this proposed clause is incontrovertible. The proclamation issued on the 7<sup>th</sup> of November, 2022, which brought a small number of the provisions of the 2022 Act into force, with effect from the 8<sup>th</sup> of November, substituted four years for three years as the periods of office of councillors and aldermen.

During the currency of the challenges brought in the High Court and the Court of Appeal, Mr. Deputy Speaker, the law remained enforced. This Government, led by the hon. Prime Minister Dr. Keith Rowley, fully endorses that local government elections must now be held so as to ensure the continuity of life of local government corporations for all the persons throughout this country.

This clause therefore provides for the period being within three months of the 18<sup>th</sup> of May, 2023, and that the writs of election shall be issued in due course by the Elections and Boundaries Commission. This ensures that each member of the public can exercise his or her rights in accordance with the Municipal Corporations Act to participate in the local government elections.

Mr. Deputy Speaker clause 5, “Validation” that provides that:

“Where the Councillors and Aldermen under section 3, exercised the functions of Councillors and Aldermen between 2<sup>nd</sup> December, 2022 and the 18<sup>th</sup> May, 2023, and thereafter exercised the functions of Councillors and Aldermen up until the commencement of this Act, the exercise of those functions and all acts or things done pursuant thereto shall be deemed to have been as valid and effectual as if the Municipal Corporations Act expressly empowered them to exercise those functions.”

The rationale for this clause, Mr. Deputy Speaker, is to validate the functions and all acts or things done by councillors and aldermen for that period between the 2<sup>nd</sup> of December, 2022 to the 18<sup>th</sup> of May, 2023, and indeed, until the commencement of this Act for which this is the Bill.

Mr. Deputy Speaker, the hard work diligence and daily achievements, the progression of projects vis-à-vis the use of plant, machinery and equipment by the councillors and aldermen are recognized, did not go unnoticed by this Government and are therefore to be validated. Local government bodies have the responsibility for a number of different functions, examples: the construction and maintenance of local roads and bridges; the construction and maintenance of drains and watercourses; local health, general sanitation and rodent control; garbage collection and disposal; development and maintenance of recreation grounds, parks and public spaces; development and maintenance of cemeteries and crematoria, markets and abattoirs; disaster management; building inspectorate; municipal police; collection and disposal of fecal waste; and distribution of truck borne water in areas where there is no supply. These are all areas, Mr. Deputy Speaker, which fundamentally affect the livelihood and quality of life of the citizens of this country.



There are 14 municipal corporations that form the local administration. These municipal corporations each have an elected council made up of councillors and aldermen. Councillors are directly elected by voters at local government elections and aldermen are elected by the councillors.

Mr. Deputy Speaker, this Bill underscores the Government's vision for an effective local government system to facilitate the transformation and modernization of local communities. The policy on local government reform, approved by the Cabinet in August 2016, spoke to local government as the democratic representative of communities, bringing the communities closer to people and central government, and can be dubbed the voice of communities.

The People's National Movement which forms this Government will ensure that with the devolution from the Ministry of Local Government and Rural Development, municipal corporations report directly to the Ministry of Finance, particularly on fiscal matters, and are adequately equipped and resourced to provide quality service to their communities, and to make and improve the quality of life for all citizens.

Mr. Deputy Speaker, I thank you for the opportunity to provide clarity and explanation as to the purpose and remit of the five clauses within this short Bill which has significant impact as part of the legislative package of amendments encompassing local government reform. I thank you, Mr. Deputy Speaker, for this opportunity to pilot this Bill. I beg to move.

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

*Question proposed.*

**Mr. Deputy Speaker:** I recognize the Member for Siparia.

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

**Mrs. Kamla Persad-Bissessar SC:** Thank you very much, Mr. Deputy Speaker, for this opportunity to speak on the Bill before this honourable House. The hon. Attorney General was very short with what he termed as a very simple Bill that is before the House. It is a short Bill. It may not be necessarily simple because it is short, but it is indeed a very short contribution from the AG in a matter that is so fundamental as having affected the democratic rights of citizens of Trinidad and Tobago.

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

**Mrs. K. Persad-Bissessar SC:** Why are we here today? Why are we coming to Parliament today? Why will we be coming to Parliament next week, the Senate, to debate this Bill? It is because of the crisis in which the Government, by its actions, has placed this country. That is why we are here today.

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

**Mrs. K. Persad-Bissessar SC:** This is not simply a matter of validating and correcting an error. This is the Government acting due to the decision of the Privy Council, which found that when Government—that Government is wrong to deny the people of Trinidad the right to vote in the local elections at the stipulated time. The Privy Council has ensured that the rule of law will be followed here and those rights to elect their representatives will be followed.

I want to ask a question, what we are correcting here, the error that is being corrected, whether it is a genuine error, or whether it is one that has devious, nefarious thoughts behind it?

**Hon. Member:** Yes.

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

**Mrs. K. Persad-Bissessar SC:** Was this error that was caused by genuine intentions on the other side? And when you examine it, I would say this, what

turned out was not as the Minister of Rural Development and Local Government once told us here, did not have to do with striking out any part of the law in the local government reform statute that was passed last year in 2022—in June 2022 in fact. It has nothing to do with striking out the law. So, you know, we always said, you know, we could not get someone worse than the former Attorney General, but the present Attorney General has proved to be far worse in performance than the then Attorney General.

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

**Hon. Member:** “Faris blushing”.

**Mrs. K. Persad-Bissessar SC:** Because, you see, Mr. Deputy Speaker, the former Attorney General had the honour and privilege in this House to pilot the 2019 version of this Bill that created the sections that are being impugned—or the interpretation of those sections. And when that debate took place in this honourable Chamber, the then Attorney General, the Member for San Fernando West, was at pains to point out how hard they had worked to bring forward that Bill and many other pieces of legislation. And so I would like to quote from the *Hansard* with your leave, Mr. Deputy Speaker.

During the debate on the second reading of the Miscellaneous Provisions (Local Government Reform) Bill, 2019—and the provision that we are all discussing here, why we are here, is identical in that Bill, as it was in the 2022 Bill, which has now become an Act—former AG, Al Rawi, said as follows—this is at the *Hansard* dated 26 June, 2019, at page 218, and I quote with your leave:

“I myself...”

—well, I cannot see how I could be except with myself, so redundant.

“I myself together with the hard-working staff of the Ministry of Local Government and Rural Development, the Attorney General’s Office, hard

work of the Member for Port-of-Spain North/St. Ann's West, the hon. Sen. Franklin Khan..."—well, now departed—"...the hon. Haji Sen. Hosein, the Minister of Finance, the hon. Prime Minister, the Minister of Planning and Development, because we tie in the planning and facilitation development legislation as well, the public procurement legislation, the Revenue Authority, all of these articulating pieces..."

The former AG likes to use those words, "articulating pieces".

"...the Minister of Health for his input on the Public Health Ordinances, et cetera."

Before I continue the quotation, I want to point out that these are amongst the most senior Ministers in the PNM Government of Prime Minister Dr. Keith Rowley. It continues, and what the former AG told us was:

"I..."—worked—"...together with the...staff...Ministry of Local Government and Rural Development, the Attorney General's Office...Member for Port-of-Spain North/St. Ann's West...Sen. Franklin, the hon. Haji Sen. Hosein, the Minister of Finance, the hon. Prime Minister, the Minister of Planning and Development...the Minister of Health..."

We all worked on this piece of legislation which was the local, inter alia, the reform piece of legislation that was put into place. The then AG continued:

"We spent months of perfection of drafting, we spent hour upon hour of surgery upon the law, we sat at the Attorney General's Office and we did hard work on this law, but we were very sensible."

**Hon. Members:** [*Laughter*]

**Mrs. K. Persad-Bissessar SC:** The then AG continued—

"We made sure that ever no poison UNC pills in this Bill..."

**Hon. Members:** "Hmm".

**Mrs. K. Persad-Bissessar SC:**

“...I am going to be brutal tonight—no poison UNC pills in this Bill because we do not trust them and by hook or crook in the process of a joint select committee, we will get the stakeholders in, we will receive their logic...”

So the AG takes parentage of this particular section, together with the hard work of all these other senior Ministers, including the Prime Minister, they take parentage, they take ownership of that provision that is now under review and it is such a controversial one.

So all is well and fine. Fast forward to 2022, the second version, incarnation, of that reform piece of law is in place with the identical provision. But before we go there, I want to point something out. We have a piece of legislation that is very difficult, after all this hard work, to read, and it will turn out to be almost impossible to implement as we shall see down the road. And we see that they have tried, and some would say deceitfully, but I will not use that language, but they have tried, really by a side win, to partially proclaim the law to delay local government elections. The Privy Council sent them packing and so they are forced to call elections.

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

**Mrs. K. Persad-Bissessar SC:** What is instructive again, in that 2019 incarnation with the Bill, with this identical provision in the 2022 Bill, which has now become an Act, same provision—same provision. I did not have a crystal ball then, you know. But in that debate in 2019, when I spoke, I raised very serious matters. And I warned the country that the PNM will delay local government elections.

**Mr. Hosein:** Since 2019.

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

**Mrs. K. Persad-Bissessar SC:** Since 2019—2019 in this House, I warned the population because we cannot trust them.

**Mr. Indarsingh:** Trust them.

**Mrs. K. Persad-Bissessar SC:** We cannot trust them.

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

**Mrs. K. Persad-Bissessar SC:** So as I said, I did not have that crystal ball, but we know their pattern of behaviour. And I will come back to it. So I want to quote from the *Hansard* of that date from my contribution, 26 June, 2019, four years ago, 26 June, 2019, at page 182. I quote from my *Hansard* contribution on that day, Mr. Deputy Speaker:

“...I would have proposed it today, were we going through the finality of the Bill...”

And I made that comment—I pause on the quotation. I made that comment because they had already indicated from the other side they would send the Bill to a joint select committee. So I said:

“...I would have proposed it today, were we going through the finality of the Bill, and that amendment would be to amend what is known as the proclamation clause, which is clause 2 of the Bill, to make it clear, the proclamation clause of the Bill—this Act will come into effect on a date to be proclaimed.”

That is a clause. And I continue from my *Hansard* contribution.

“And I will like us to insert in there, the drafters will help us...”

“...I will like us to insert there...”—I repeat—“...the drafters will help us, except that should not be”—the proclamation—“prior to the expiry date of the present councillors...”

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

**2.15 p.m.**

**Mrs. K. Persad-Bissessar SC:** The proclamation date should not be before the expiry of the present incumbents who were there. So in that way we are very clear in law that it will not extend beyond its three-year term—

**Hon. Members:** Oh my gosh.

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

**Mrs. K. Persad-Bissessar SC:** —2019—June 2019. But that is not all in what is happening here, you know. It is not that I warned all of us in the country about what could be the—what could follow through based on that amendment to the section, section 11(4), I believe it is of the Municipal Corporations Act, where you changed one word from “three years”—changed it from “three” to “four”; from “triennial” to—whatever the word for four—

**Mr. Hosein:** Quadrennial.

**Mrs. K. Persad-Bissessar SC:** Quadrennial—to “quadrennial”; changed those words in the section 11(4) of the Act. And I am saying, you said this Act would come into force on a date to be proclaimed, but the way it is worded it is ambiguous. It is not clear and therefore we should put it in clearly, in expressed words—

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

**Mrs. K. Persad-Bissessar SC:**—that they will not apply to the incumbents. So said, the rest is history. I said, I think that is something very important. I continue from that *Hansard* contribution:

“In any event were you to do it that way, I mean, it is going to be chaotic, there is no way...”—this—“...very complex activity and administrative things that have to be done, can be done in time for that to take place; so that is my first point.”

**Hon. Members:** “Ohhh”.

**Mrs. K. Persad-Bissessar SC:** The local government reform—but the hon. Attorney General mentioned that, that they had predicated upon, and the hon. Prime Minister, about this local government reform, reform, reform. We will be hearing those words ad nauseam, and I will deal with that on another occasion. But with respect to this provision which has been interpreted by the Privy Council, not to include incumbents, I make that point first of all that I warned that we could be doing this.

“...I make the point, again...”

I continue from my *Hansard*:

“...I think it is very important for us to ensure that we do not extend the life inadvertently of these councillors.”

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

**Mr. Hosein:** “No, man”.

**Mrs. K. Persad-Bissessar SC:**

“...of these councillors.”

I want to repeat that:

“...I make the point, again, I think it is very important for us to ensure that we do not extend the life inadvertently of these councillors.

I make the point that delays have been—there is a poor track record in...”—the PNM—“...holding local government elections.”

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

**Mrs. K. Persad-Bissessar SC:** That was the crystal ball I had. The only crystal ball I had—because I am not a “see-er” woman or a “see-er” man. The only crystal ball I had was the track record, the pattern of behaviour by the PNM—

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



**Mrs. K. Persad-Bissessar SC:**—from time way back in the day; way back in the day. And I will come back to it.

And when I made those points, when I raised those concerns way back in 2019—way back, this is what the then Attorney General responded.

**Mr. Hosein:** Who is that? San Fernando West?

**Mrs. K. Persad-Bissessar SC:** The Member for San Fernando West. You know, the Prime Minister has this habit of going on stage and talking about, “Dey only calling the Member for San Fernando West”, and he calls his name and he does a little dance like this, you know—[*Member gestures*—and he says we are always calling to fire him, and what happened? That is exactly what the Prime Minister did.

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

**Mrs. K. Persad-Bissessar SC:** He fired him. He replaced him. He listened to what everyone was saying. And therefore, when that Member for San Fernando West, the hon. Member, responded on that very day, I will quote from the *Hansard* his words:

“I will answer Siparia’s question. This nonsensical argument...”—

**Hon. Members:** [*Laughter*]

**Mrs. K. Persad-Bissessar SC:** Sounds familiar? Sounds familiar?

“This nonsensical argument that we are going to somehow extend the life of people who are serving by one year and the hon. Member asked for an amendment to the proclamation clause.”

He continued, the hon. Member:

“As the Prime Minister says often, poppy cock.”

**Hon. Members:** [*Laughter*]

**Mrs. K. Persad-Bissessar SC:**

“Absolute nonsense. Because, Mr. Deputy Speaker, we have to be reminded that the hon. Prime Minister said, an election will be called when it is due...”

**Hon. Member:** Oh my God.

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

**Hon. Member:** No. No way. No, no way.

**Mrs. K. Persad-Bissessar SC:** Through you, those were the words of the hon. Member for San Fernando West—

**Hon. Member:** When was that?

**Mrs. K. Persad-Bissessar SC:** In June 2019.

**Mr. Hosein:** “Nah”.

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

**Mr. Deputy Speaker:** Silence. Silence, Members.

**Mr. Charles:** Shame.

**Ms. Ameen:** “You smiling, boy”?

**Mrs. K. Persad-Bissessar SC:** No, no, no—

**Mr. Hosein:** Absolute poppy cock.

**Mrs. K. Persad-Bissessar SC:** I am not done with the story, you know. The hon. Member has good reason to smile because I never thought I would give “Jack his jacket” to Faris Al-Rawi, the Member for San Fernando West, through the Deputy Speaker.

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

**Mrs. K. Persad-Bissessar SC:** I thought the day would come one day, you know, where I may have to say, “Okay”. So there we are, this is what the hon. Member then said in the 2019 debate. So I was spot on. As I said, I did not have the crystal ball but I knew that they could not trust the PNM.

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

**Mrs. K. Persad-Bissessar SC:** What I warned about in 2019 happened in 2022 into 2023, which is the scenario that we are now in. They have, in a sense, really misled the electorate by those words that San Fernando West uttered in this House in June 2019, boasting, in a sense, they will not extend the term of the current councillors and aldermen, only later on for that exactly to happened.

So this is what the hon. Member for San Fernando West said and, okay, that is fine, but this is strange. When you look at the events, the Member for San Fernando West then—and as I said, I did not think I would give “Jack the jacket” to the hon. Member. What he said then was totally correct, that that provision did not seek to extend to incumbents and that is why when we went to court, we did not seek to strike out the section.

**Mr. Young:** When we went?

**Mrs. K. Persad-Bissessar SC:** Yes, when we went. Yes, we went.

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

**Mrs. K. Persad-Bissessar SC:** Yes, I am taking that.

**Mr. Young:** “It is we went”.

**Mrs. K. Persad-Bissessar SC:** We went. When we went to court with the team of lawyers led by Anand Ramlogan—

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

**Mrs. K. Persad-Bissessar SC:**—which we also had in that team our own Sen. Jayanti Lutchmedial.

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

**Mrs. K. Persad-Bissessar SC:** And when our a team of lawyers went to court on this matter—because I had said from the day in November 2022, when the then now renamed Minister—San Fernando West is now renamed Rural Development and Local Government, he was that person—that Member was the person who was

pushed forward to change everything. In the same way they are pushing him—he is being pushed now as the poster boy for this local government elections, we will deal with that on another day.

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

**Mrs. K. Persad-Bissessar SC:** And I would advise the hon. Member, who has such a lovely smile at the moment—

**Hon. Members:** [*Laughter*]

**Ms. Ameen:** He is feeling nice.

**Mrs. K. Persad-Bissessar SC:**—I would advise the hon. Member, “doh get chain up”.

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

**Mrs. K. Persad-Bissessar SC:** “Don’t get chain up”, because when the dust settles, they will push you over the cliff, so “don’t get chain up”.

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

**Mrs. K. Persad-Bissessar SC:** So let us back up a bit, you know. We had the law, 2019, the Bill, it was not passed. It lapsed because the 2020 general elections came upon us and it was brought back in the next session, which is this Twelfth Parliament, this session, yes, and of course debated in this House. Now, nowhere in that debate, Mr. Deputy Speaker, nowhere—that is why you cannot trust these people—not a single line—our team has looked at the *Hansards* for that debate. The Bill was then piloted by the hon. Member for Arouca/Maloney, the 2022 version, and not a single word in that *Hansard* talked about extending the life of the incumbents.

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

**Mrs. K. Persad-Bissessar SC:** Not a word. Not a word. So what changed? Exit the hon. Member for San Fernando West as the Attorney General, enter the legal

adviser to the Government in the form of the person of the present Attorney General—

**Mr. Indarsingh:** The weekly apologist.

**Mrs. K. Persad-Bissessar SC:** And then—so I am saying San Fernando West had it right.

**Mr. Lee:** What?

**Mrs. K. Persad-Bissessar SC:** That is what I am saying.

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

**Hon. Member:** What?

**Mrs. K. Persad-Bissessar SC:** Those words that I quoted—

**Mr. Lee:** “Nah”, I am not hearing you right.

**Mr. Hosein:** “I not hearing right. I not hearing right”.

**Mrs. K. Persad-Bissessar:** No, I am telling you.

**Mr. Lee:** I am not hearing you right.

**Mrs. K. Persad-Bissessar SC:** If we are listening to the Privy Council, the hon. Member was right.

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

**Mrs. K. Persad-Bissessar SC:** Because what they said, nothing is wrong with the section—nothing is wrong with the section, it is what happened after. And what happened after, Mr. Deputy Speaker, there is the intervention by the Cabinet, and who was the legal adviser to the Cabinet in November 2022? Who was the legal adviser?

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

**Mr. Hosein:** Senior Counsel.

**Mrs. K. Persad-Bissessar SC:** That was not the non-Senior Counsel, Member for San Fernando West—

**Hon. Members:** [*Laughter*]

**Mrs. K. Persad-Bissessar SC:**—the legal adviser at that time. The Cabinet could not have taken that decision without legal advice. And what was the advice? The advice is demonstrated in the statement made by the favourite poster boy in November 2022, when the hon. Member said, “Listen, no local government elections”. This section 11, as amended in 2022 Act, this section means that local government elections will be postponed for one year.

**Hon. Member:** No, San Fernando West.

**Mrs. K. Persad-Bissessar SC:** No. No. Remember the case that was brought in the Privy Council—brought right up to Privy Council. It is a case against the Cabinet, *Ravi Balgobin Maharaj v The Cabinet of the Republic of Trinidad and Tobago*. The Attorney General is joined in the case because that is what the law says, to be joined in matters brought against the State.

So therefore, it was the Cabinet who took a decision, which is the decision that we have challenged, that was challenged by the team of lawyers and by Mr. Maharaj. That decision was to make that section, the section 11(4) as amended, to change “three” into “four”, and “triennial” into “quadrennial”; that was what was being challenged. So nothing was wrong with the law. That is what I am saying, I am agreeing for once with San Fernando West—for once. But here it is we are here today, we are here to clean up—I thought it first it is incompetence, but it is not incompetence. That is why I asked the question at the start, was this a genuine error or was it one that is predicated upon malintent—

**Mr. Hosein:** Mala fide.

**Mrs. K. Persad-Bissessar SC:** —mala fide, or other purposes apart from the purpose that they keep pushing? They are saying it is about local government reform. We wanted that extra year for what?—local government reform. Well, tell

me, what you have done?

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

**Mrs. K. Persad-Bissessar SC:** That law was passed in June 2022. We are almost in June 2023, one year, what has happened with the local government reform which you said gave you the platform to postpone local government elections, to take away the right of electorate of people, the right of people to select whom they want to represent them? You said it was predicated upon local government reform. So what has happened?

**Mr. Indarsingh:** The only reform is property tax.

**Mrs. K. Persad-Bissessar SC:** It has been one year now, you know, Mr. Deputy Speaker. It is one year. Nothing. I have been talking to some of the corporations and they can point to nothing, except—

**Mr. Indarsingh:** Property tax.

**Mrs. K. Persad-Bissessar SC:** Well, we will talk about property tax another day. We will do it another day.

**Mr. Deputy Speaker:** Again, Members, Standing Order 53 is clear, right?— Member for Siparia, and you all must listen in silence. Proceed.

**Mrs. K. Persad-Bissessar SC:** Time goes fast when you are enjoying yourself, Mr. Deputy Speaker.

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

**Mrs. K. Persad-Bissessar SC:** So where was I before I was so interrupted? I was saying—

**Mr. Deputy Speaker:** No, Member—

**Mrs. K. Persad-Bissessar SC:**—what has—

**Mr. Deputy Speaker:** Member, again, you know, your statement, we can interpret it different ways so—

**Mrs. K. Persad-Bissessar SC:** I am sorry?

**Mr. Deputy Speaker:** No, your statement you just made, it could be interpreted in different ways.

**Mrs. K. Persad-Bissessar SC:** [*Inaudible*]—positive way, Sir.

**Mr. Deputy Speaker:** Right. But, again, just be careful.

**Mr. Charles:** [*Inaudible*]

**Mr. Deputy Speaker:** No, and again, Member for Naparima, and seeing that I am on my legs, first of all you are not in your proper seat, so again the tolerance of disturbance will be very minimal. Proceed, Member for Siparia.

**2.30 p.m.**

**Mrs. K. Persad-Bissessar SC:** Thank you, Sir. If any offence, I withdraw. There was no intention to offend in the statement.

I have been speaking with some of the corporations as to what has been done on the local government reform issue. I am told that apart from some correspondence in the month of May, where the hon. Minister has asked for information on certain matters, things to do with flood-prone areas, data on flood-prone areas, on vestings and a few other areas, and apart from 10 persons being hired to assist in gathering the data, they could not point me to any concrete or substantial matter with taking the local government reform forward. So I hope the Members on the other side can give us the assurance, because this is what you postponed those elections for, saying you want to use the year to go forward for local government reform. So that is one major point there, that I am saying the problem arose in November 2022, when a wrongful interpretation was given to the section to preclude—or to include to say the section included the sitting councillors and aldermen.

I want to turn to another point, Mr. Deputy Speaker. I was saying that when



we debated this in its first incarnation in 2019, we did not trust the Government because the pattern of behaviour has been the same. I will just spend a very short time on that. We are here today to rectify yet another a predicament imposed by this inept Government. Again, I am saying at first we thought it was incompetence in drafting, but nothing is wrong in drafting. I want to get that point clearly across, it is not about incompetence in drafting. It is about either incompetence in interpretation of the section, and/or the Government acting in mala fides, because that is their pattern of behaviour. When they are under pressure, “doh call election, postpone de election, postpone it”.

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

**Mrs. K. Persad-Bissessar SC:** How did we get here? This is not an isolated error. There has been a pattern of behaviour. So let us look at it. In the THA elections in 2021, the PNM lost significant ground in the January 25, 2021 elections. What happened? There was a tie, six-six. This PNM Government, instead of utilizing the established procedure for resolving tiebreakers, the PNM in a stunning act of executive overreach directed the EBC to carve out 15 more seats, and kept the incumbents of the six-six tie, that could have been resolved by recourse to the Standing Orders of this House. There is a provision that where there is a tie, you come to the Standing Orders of the House of Representatives, and that tells us how to break the tie.

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

**Mrs. K. Persad-Bissessar SC:** The Government refused to use that provision. So almost a whole year the PNM imposed its will on the people of Tobago until the new elections were held December 06 and, of course, resulted in a massive loss for the PNM in the THA election. That is the pattern, to postpone elections.

In the Debe South by-election, the same thing happened. The Debe South

councillor had passed away tragically, February 14, 2021, so the seat became vacant, and the law again it was clear that you would have to call a by-election. It was not until January 2022, almost one year later, that that PNM Government triggered the by-election for that electoral district. They refused to call that by-election for a year. Sounds familiar? Right now that is what going on. That is what is happening right now, they refused to call it for over a year, and they had to backtrack. Why, Mr. Deputy Speaker? Because I wrote a pre-action protocol letter threatening to take the Government to court.

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

**Mrs. K. Persad-Bissessar SC:** That is not the only one. The same thing happened for the Belmont by-election. They refused—the councillor, God rest his soul, had passed away and again by-election is due. They refused to call it until, once again, we sent them a pre-action protocol letter threatening to take them to the court, and then they called the election.

**Hon. Member:** Barataria.

**Mrs. K. Persad-Bissessar SC:** The same thing happened with the Barataria by-election. The person had passed, by-election due, they would not call it until, once again, I sent the pre-action protocol letter, and it came.

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

**Mrs. K. Persad-Bissessar SC:** So it is a pattern of behaviour on the part of the Government. It is also pattern of behaviour on the part of the Government, unless you take them to court they will never budge. They will never budge.

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

**Mrs. K. Persad-Bissessar SC:** So we had to get this matter right up to the Privy Council. When you look, for example, the failure of the Minister of Finance to file the NIB report, it was only when legal action was threatened.

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

**Mr. Deputy Speaker:** Hon. Member, your initial 30 minutes have elapsed, you have an additional 15. You care to avail yourself?

**Mrs. K. Persad-Bissessar SC:** Yes.

**Mr. Deputy Speaker:** Kindly proceed.

**Mrs. K. Persad-Bissessar SC:** Thank you very much, Sir. Thank you.

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

**Mrs. K. Persad-Bissessar SC:** There are many others. The Commissioner of Police Order that was in this Parliament, we had to go to court, Harridath Maharaj, in that matter as well. And there are several others like that, time will not permit me, but the point is to be made, that unless you carry them kicking and screaming to the courthouse, they will continue in their illegal ways to abridge people's rights.

Look at that case yesterday, that judgment. Is that not a horrific thing for a child? The Zika judgment that came out yesterday, where the Ministry of Health—the Minister of Health—the case is against the Minister of Health—for their failure with respect to that child.

**Mr. Deputy Speaker:** Hon. Member, again, I will not allow any elaboration on the point, so please let us do not go down that way. I would prefer you, you know—yeah.

**Mrs. K. Persad-Bissessar SC:** The point is kicking and screaming to the courthouse to enforce rights.

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

**Mrs. K. Persad-Bissessar SC:** There are many, many examples. So in the few minutes left with me, I would say the Bill is innocuous in and of itself, except that we must never ever forget, we must bolt this on to the chest of hon. Prime

Minister—

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

**Mrs. K. Persad-Bissessar SC:**—this delay in allowing the citizenry in Trinidad to have their right to select their representatives. It is not the Government, not this Parliament, but for the people. We say vox populi, vox dei. It is for the people to select their representatives, and they really subverted that process by the illegal postponement of the elections.

Now, when we come to the Bill, as I say it is innocuous in and of itself, remembering though as I say the circumstances which have brought us here and brought this Bill before this House, but what troubles me in this is clause 5. Clause 5 I find very, very troubling, because clause 5 is now telling us to validate things that have not yet happened. So the clause it says, let us validate up to 18<sup>th</sup> May, but then the clause 5 is asking us to validate forward.

Now, Mr. Deputy Speaker, in my limited knowledge of life, I know the last time that a man was raised from the dead was 2000 years ago. These councils expired, retired, died, in other words, December 2022.

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

**Mrs. K. Persad-Bissessar SC:** December 2022. But clause 5 provides for the validation of actions taken on decisions made by the councils between December 2022 and 18 May, 2022. That is clause 5. It says:

“Where the Councillors and Aldermen under section 3, exercised the functions of Councillors and Aldermen between 2<sup>nd</sup> December, 2022 and 18<sup>th</sup> May, 2023, and thereafter exercised the functions of Councillors and Aldermen up until the commencement of this Act, the exercise of those functions and all acts or things done pursuant thereto shall be deemed to have been as valid and effectual as if the Municipal Corporations Act

expressly empowered them to exercise those functions.”

We are being asked to validate things that have not yet happened. We do not know what these things are. How can we come here today—perhaps the Members on the other side would give us an idea of what those things could possibly be, because you would not even know. You do not know, because they have not happened yet. I would really like some kind of clarification, how a Parliament could be called upon to validate future prospective actions and decisions of a dead council. How can we do that?

The wording of clause 5 suggests that the acts and decisions of councillors and aldermen will—that the act and decisions of these incumbents will be validated until the commencement of this Act. There is no proclamation clause, so that means on assent. What does this mean then? Does this mean that the councillors and aldermen have continued and will continue to occupy offices until the Act commences, even though the Privy Council has told us they have expired, they are retired?

When you look at section 11 of the Municipal Corporations Act, it expired December 2022, and you are saying they will continue to occupy office. If that is the case, then their acts and decisions will now be validated by this clause 5 going forward. When would this Act come into—when will there be a commencement of this Act? When? The day after it is passed today? No, we know that cannot happen. The day after it is passed in the Senate? When? And we do not trust you.

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

**Mrs. K. Persad-Bissessar SC:** Because in the same way you said that your amendments to section 11 of the MCA did not apply to the incumbents, I do not trust you that you would get this up to the President ASAP. So what is it that we are doing to validate things we do not even know what they may be? Some clarity

is needed, as the rest of the Bill suggests that the cut off time is 18 May, 2023. That is the date of the Privy Council judgment.

In fact, this clause 5 is in, in some senses, conflict with what is happening in the rest of the Act, because the Act acknowledges that the cut-off date is 18 May, 2023. It does not say, “Well, you could go two months down the road, or five months, and we will validate everything. I do not know what you are going to do. But hey, take this validation, take it, take it. Do what you want now.”

Is this then for them to use in their corporations to pull out money, to spend money, pave roads—that is already happening—pave roads all over, pave roads that they want, hire people? What is it for? What future things are you validating? Why are we doing this? It is in conflict with the Act.

And, you know, when you even read the Explanatory Note, nowhere in this Explanatory Note does it say that, you know:

“The Bill seeks to provide that those Councillors and Aldermen whose terms of office expired in December 2022, shall be deemed to have continued in office until 18<sup>th</sup> May, 2023.”

You hear that? So fine, deemed till 18<sup>th</sup>.

“It also seeks to validate their actions taken or decisions made between 2<sup>nd</sup> December 2022 and 18<sup>th</sup> May 2023: Lastly, the Bill seeks to provide that local government elections for the year 2023 shall be held no later than 18<sup>th</sup> August 2023.”

Where is this thing now about validating going forward? Not in the Explanatory Note. Again, you see how devious they are. Not in the Explanatory Note, but come inside the inside the Act and open up the fine print and see clause 5. Clause 5, validate after the 18<sup>th</sup>. Validate after the 18<sup>th</sup>, until some uncertain date. I feel very, very uncomfortable.

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

**Mrs. K. Persad-Bissessar SC:** I feel very uncomfortable with supporting a provision like that. The clause, as I say, as currently worded, conflicts with the remainder of the Bill. For example, the Bill extends the time of the term of office until May 18<sup>th</sup>, and then this clause 5 talks about validating actions and decisions beyond the 18<sup>th</sup> of May.

That is why I am calling it, in a sense, the Lazarus Bill, that you seek to resurrect a council, councillors and aldermen who are already retired. They are already, in effect, dead. They do not have the legal capacity to take decisions and actions based on the Privy Council ruling. So we will ask for some clarification about that.

The provisions with respect to validation, question—not about local government reform. I do not want to hear about local government reform here. That is not the Bill we are debating here today. The Prime Minister made the same mistake the last day he came here to talk on the borough—what is it?—the borough status. Coming to tell us about all the local government reform, and how much it is going to help, and not one of those things apply to any borough. No change whatsoever in the status. So the Bill we are debating here is a validation Bill. You have called it a validation Bill.

You know, we may have done it differently. I suggest we should have done what Mr. Manning did, when he postponed the elections how many times, about five or six times? For almost a whole decade there were no—

**Ms. Ameen:** Four years.

**Mrs. K. Persad-Bissessar SC:** Not four years, for almost a decade.

**Ms. Ameen:** Seven years.

**Mrs. K. Persad-Bissessar SC:** Almost for a decade there were no local

government elections by Mr. Manning, but his amendments were never challenged, because they were expressed words in the provision in section 11 of the Act, which said, you know, save for the elections for the year 2002, 2006, 2007, all these years, save for those, they shall be held within one year.

**2.45 p.m.**

And Mr. Manning's Cabinet and government came to the Parliament with those when the term of office of the sitting councillors, on one occasion, had already expired, which is the situation here today. I think San Fernando East should be very proud of that, that they got it right and that was not challenged. We could have easily done that here, extended the term of office toward a certain date for the calling of the elections. We did not do that. So I would respectfully suggest, and we will file an amendment, that the clause 5 should be deleted.

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

**Mrs. K. Persad-Bisessar SC:** And by extending the terms of office in the other sections up to a certain date, fix a date. Fix a date. You extend them—

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

**Mrs. K. Persad-Bisessar SC:**—to a certain date, not an uncertain date. Extend them to a certain date, and that is what we would want to do.

So with those words, again, I think it is really a sorry pass our nation has come to when a Government seems hell-bent on not listening to the people, not paying attention to what people want, and therefore in this local government election, whenever it is called, we are ready.

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

**Mrs. K. Persad-Bisessar SC:** And I say to people do not “tote” just go and vote. And when you go to vote, you go vote UNC. I thank you very much.

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



**The Minister of Rural Development and Local Government (Hon. Faris Al Rawi):** Thank you, Mr. Deputy Speaker. Just to confirm, Sir, is it 45 minutes—45 Minutes of speaking time?

**Mr. Deputy Speaker:** Thirty initially, and your additional 15.

**Hon. F. Al Rawi:** Thank you very much. Mr. Deputy Speaker, I rise to contribute to this validation Bill, 2023. It was interesting to listen to the Member for Siparia speak a moment ago. In winding up the hon. Member said, “I do not want to hear about local government reform”, after spending all her time on the Bill to deal with local government reform in 2019, in 2020, in 2022. Nearly three quarters of the hon. Member’s contribution was on local government reform. But in typical fashion for advice coming from the UNC, it is do as I say and not as I do.

So, Mr. Deputy Speaker, permit me to jump into the crux of what is before us. Let us go in reverse order. The hon. Member for Siparia has made a recommendation to this House that there should be a principle amendment to the Municipal Corporations Act, specifically by amending the Act and extending the life of the council and then to go on to provide for elections, that is what the hon. Member said. The hon. Member premised that upon the basis of amendments done in a previous government in the period 2022—2007.

Mr. Deputy Speaker, I want to remind that we are here debating a validation Act. That is what we are doing today. It is a validation Act, and that is very separate and distinct from the Municipal Corporations Act. There will be amendments to the Municipal Corporations Act if required. In fact, submissions are being considered by the hon. Attorney General. But the point is, the most important thing for us to do, priority number one, is to validate the acts of persons who sat as councillors and as aldermen in the period 2019 to May 2023. Why do we need to do that?

**Mrs. Persad-Bisessar SC:** No, it is 2022.

**Hon. F. Al Rawi:** May 2023. Mr. Deputy Speaker, the purpose is to validate the acts of persons who sat as councillors and aldermen in the period from 2019. When they were elected in December 2019, they ran a term which expired when the Privy Council's decision came. And the continuing effect of the law having to be validation law having to be passed is that we need to contemplate the ending of the cycle for debate and the assent to the law.

**2.50 p.m.**

So let us deal with the Bill before us. And I know that the hon. Attorney General has some amendments to circulate in respect of the Bill—

**Hon. Members:** [*Crosstalk*]

**Hon. F. Al-Rawi:**—very minor, very minor—to take care of a definitions aspect because, Mr. Deputy Speaker, sitting amongst us in this House are Members that sat in local government and there were several by-elections held. The Member for Moruga/Tableland, the Member for Point Fortin, the Member for Toco/Sangre Grande, the Member for Diego Martin Central, they all sat in the municipal corporations in 2019. And when they were elected into the House in 2020, they came in and therefore we had to have by-elections there. And then, of course, there was the Debe South where there was a death and we had to have a by-elections. So it is a small amendment to the definition of “Councillors and Aldermen”.

In treating with this particular law, we are here because of a decision of the Privy Council. The decision of the Privy Council has said—has produced what is now to be interpretation of the law principle. The fact is that in getting to the decision of the Privy Council, the High Court, and an unanimous bench in the Court of Appeal, and two dissenting judges in the Privy Council, all held the view

shared by the hon. Attorney General, our Attorney General, the hon. Reginald Armour SC, that the proclamation of an amendment to section 11 and section 12 of the Municipal Corporations Act would apply such that people who were elected for three years as councillors under section 11(1) of the Municipal Corporations Act and the persons who were appointed as aldermen under section 12 of the Municipal Corporations Act, by turning on the amendment to move from three years to four years, High Court judge, three Court of Appeal judges and two Privy Counsellors all held that that was sufficient to cause a move from three years to four years.

Mr. Deputy Speaker, it is true that an amendment to the Municipal Corporations Act could have been entertained. This is not the first time that the life of councils of municipal corporations are being extended. In fact, Mr. Deputy Speaker, historically speaking, the first local government elections was in 1968. The second local government elections was in 1971. The first postponement of a local government elections was actually 1974, when it was shifted to 1977. We held elections in local government in 1980 and 1983. We then had another postponement, the second postponement of local government elections, 1986. It was postponed to 1987. In 1990, we had another postponement of local government elections, this time to 1992. In 1995, there was another postponement of local government elections to 1996.

**Mr. Lee:** Under the PNM.

**Hon. F. Al-Rawi:** In 2002, there was a postponement to 2003. In 2003, there was a postponement in 2006. And in 2006, there was a postponement to 2010.

There were all reasons for these postponements of elections, be it what was then described as the Black Power Revolution in the 1970s; be it the 1990 coup attempt, which caused an extension of time; be it the fact that local government reform was being sought after legislatively in the period 2003 to 2007 to 2010,

those were reasons for local government elections postponement. What is very warming is that the Privy Council decision sets forward absolutely clearly that there is no breach of any constitutional right by the extension of time or the postponement of elections. Why? Because the Privy Council, as did our Court of Appeal, held very plainly that there is no reflection of local government in Constitution of the Republic of Trinidad and Tobago.

However, Mr. Deputy Speaker, there is a qualification to that statement because the Privy Council stopped short of going any deeper into the constitutional reliefs. They simply said there was no need to go deeper. They agreed with the Court of Appeal that the Constitution was not infringed by the move from three years to four years which had the effect of extending by one year.

If we are to take the hon. Member for Siparia's advice and amend the Municipal Corporations Act and simply extend the life of councillors and aldermen, we are going end up in the face of the dicta of the Privy Council. And the Privy Council was very careful in its language to say that that might be viewed as an interference in the right of the majority of people in this country to vote as it relates to their councillors. And therefore, prudence dictates that the validation Act treats with the extension of the life of council and the validation of their Acts, and that instead, as I have your attention, Mr. Deputy Speaker, we do not amend the Municipal Corporations Act to extend the life of the council. This is so, Mr. Deputy Speaker, because it is not the first time that interpretation has brought us a different result.

I will use by way of example as to why this is appropriate: the case of *Ravi Balgobin Maharaj v The Attorney General of Trinidad and Tobago* which challenged the acting appointment of a Commissioner of Police. What came up in that interpretation action was a change of the law. Our courts held that the tool

which we used by a Legal Notice No. 103 to appoint Acting Commissioners of Police without reference to the Police Service Commission, that that was wrong. The hon. Member for Siparia acted as Prime Minister for five years and three months and used that Legal Notice No. 103 hundreds of times wrongly in retrospect. Can we condemn the hon. Member for that? No. Because it was not until the court determined that Legal Notice No. 103 of 1999 was wrong—of 2009, sorry, was wrong, that it became known to us.

So now we have a situation where the Privy Council—three judges in the Privy Council disagreeing with two judges in the Privy Council, three judges in the Court of Appeal, and one High Court judge, they have now come to say that, “If you are going to make amendments and you are going to proclaim them, that you need to make sure that you say that the incumbent people are affected by it”. And that is why in 2019 when I piloted the local government Bill, in referring it to a joint select committee, I was as plain in the language that I used as I did. And that is why the hon. Member for Siparia had to come back and say that the hon. Member never thought the day would come when she would agree with me publicly, as she did today. Because—

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

**Hon. F. Al-Rawi:**—Mr. Deputy Speaker, what I am pointing out to you is that the reason is not dissimilar from previous reasons. This is not the first time that we are dealing with an extension of time for the life of a council. This is not the first time that we are here as a Parliament treating with a validation Act. But, Mr. Deputy Speaker, the point is, a validation Act is a validation Act. It must be a stand-alone piece of legislation. We did one in respect of the THA when there was confusion by the Office of the President then over the calling of a THA election and we had to come on a Saturday, I sat in the Senate on a Saturday to validate—to bring

validation legislation.

So, Mr. Deputy Speaker, a validation Act is a stand-alone piece of law. There are amendments to the Municipal Corporations Act, which we piloted in the 2022 reform Act. The Privy Council has now, by a majority decision, disagreed with all of the judges coming before and two of their own to say, “Listen, if you are going to proclaim a law and apply it to people, make sure it is done by way of expressed words.” That is something that we will have to treat with. Now, Mr. Deputy Speaker, as to the hysteria of “call an election, call an election”, that the hon. Member referred to—

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

**Hon. F. Al-Rawi:** —let me point out to you that the hon. Prime Minister has been pellucidly clear that an election will always be on the cards.

**Mr. Charles:** When?

**Hon. F. Al-Rawi:** In treating with why there is a need for a validation Act, as we do now, let me point out, it is tied to the need to implement reform.

**Mrs. Persad-Bissessar SC:** No way.

**Hon. F. Al-Rawi:** And, Deputy Speaker, I say that because the fact is, the hon. Member for Siparia, when I was authorized by the Cabinet on November 03, 2022, to inform of the advice that the Government had received, that we will be proclaiming the extension from three years to four years and that the elections would be deferred as a result of that, on November 3<sup>rd</sup> I informed that we were dealing with local government reform. The immediate response coming from the Member for Siparia was that that was not necessary, call an election now. That is what the hon. Member said. The hon. Member said, it was inappropriate for me to say that we needed to put the reforms in place before an election was called. But, Mr. Deputy Speaker, I am therefore warned that the Privy Council has agreed with

me.

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

**Hon. F. Al-Rawi:** Because, Mr. Deputy Speaker, the judgment of the Privy Council says plainly in its majority and minority judgments that it is essential, at paragraph 11 of the Privy Council judgment, this is *Ravi Balgobin Maharaj—et cetera—v the Attorney General*—it is the judgment of the Privy Council 2023, UKPC 17. The Privy Council said that it is imperative that any reforms that are operationalized, ie., proclaimed, must expressly apply to incumbents. And therefore, Mr. Deputy Speaker, if you took the advice of the Member for Siparia in November 2022 to say, “Yuh could call an election now and put on the reforms after”, let me tell you what the devious trick in that statement is, because the hon. Member was saying that Member was searching for whether it was an innocent act or a devious act. But let me explain what is devious about saying, “Put on the amendments after an election”. The Privy Council has now plainly said, Mr. Deputy Speaker, that if you are turning on an amendment after an election that it will not apply to incumbent councillors.

So if we had an election in December 2022 or up to March 2023, and the reforms were not proclaimed, the very Ravi Balgobin Maharaj decision in the Privy Council would have said, “Sorry, your local government reform will come in four years later, not in the period March 2023 to March 2027”. And you know why that is the case, Mr. Deputy Speaker? It is because the hon. Members opposite do not want local government reform. And this Government is on record speaking to the fact that local government reform is critically necessary because, Mr. Deputy Speaker, we wish and we desire and we will ensure, as we must, that the reforms and the amendments to the Municipal Corporations Act happen and apply in the term of the council which is to be elected. What do we want? We want a

municipal council in the new section 33B of the Municipal Corporations Act. We want an executive council of full-time members in the new section 33C. Mr. Deputy Speaker, we wish to receive—

**Mr. Charles:** Standing Order 48(1), relevance.

**Mr. Deputy Speaker:** Overruled.

**Hon. F. Al-Rawi:** Mr. Deputy Speaker, we wish to receive a mayor who can control and direct a CEO pursuant to section 33E. We wish to have secretaries of functions that are critically necessary for—

**Mr. Charles:** What does this have to do with the validation Bill?

**Hon. F. Al-Rawi:** That is not a Standing Order.

**Mr. Charles:** 48(1). We are talking about validation of the terms—

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

**Mr. Deputy Speaker:** Okay. All right. Okay, Member.

**Mr. Charles:** —not the—[*Inaudible*]

**Mr. Deputy Speaker:** Member, thank you. Thank you. And just like before, overruled.

**Hon. F. Al-Rawi:** I did not even hear a Standing Order, Mr. Deputy Speaker. Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Proceed.

**Hon. F. Al-Rawi:** Mr. Deputy Speaker, I am not giving way. And I am saying that in making sure that the reasons are set forward as to why we are validating today, it refers back to the reasons for extension in the first place. And, Mr. Deputy Speaker, we insist that municipal corporations shall have the power to hire under the amendments to section 34 of the Municipal Corporations Act. And, Mr. Deputy Speaker, we insist that corporations receive millions of dollars extra in revenue by taking residential property tax, pursuant to amendments to the Property



Tax Act by a new section 9A of the Property Tax Act, where all revenue for residential property taxes go to the municipal corporations and that it is spent by amendments to section 10 of the Property Tax Act.

**Mrs. Persad-Bissessar SC:** Standing Order—

**3.05 p.m.**

**Hon. F. Al-Rawi:** Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Member, one second.

**Mrs. Persad-Bissessar SC:** On a Standing Order.

**Mr. Deputy Speaker:** Which one?

**Mrs. Persad-Bissessar SC:** Standing Order 48(1). What does the property tax has to do with this validation Bill?

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

**Mr. Deputy Speaker:** Overruled, Member.

**Hon. F. Al-Rawi:** Mr. Deputy Speaker, the validation Act, therefore, standing as it must where every other validation Act in the history of this Parliament was a stand-alone validation Act. That is the first point. You will think the hon. Member for Siparia would know that. Secondly, Mr. Deputy Speaker, the fact is that the Municipal Corporations Act has been partially proclaimed. We now have guidance which tells us that all things are equal, and that we are therefore clear that any amendments to law, which have to be put on, must be specified to be for incumbents. So that is a signal to the need for the Government's completion of its decision-making on the need for further amendments to the Municipal Corporations Act.

But, Mr. Deputy Speaker, when you get to the further issues raised by Member for Siparia, the Member for Siparia, in looking at clause 5 in particular, said that this was a dead man clause, a Lazarus clause. The hon. Member said that

clause 5 was asking for something which had never been done before. And, Mr. Deputy Speaker, if you look at clause 5, which is the validation clause, it says:

“Where the Councillors and Aldermen under section 3, exercised functions of Councillors and Aldermen between 2<sup>nd</sup> December, 2022 and 18<sup>th</sup> May, 2023, and thereafter exercised the functions of Councillors and Aldermen up until the commencement of this Act, the exercise of those functions and all acts or things done pursuant thereto shall be deemed to have been as valid and effectual as if the Municipal Corporations Act have expressly empowered them to exercise those functions.”

So let us deal with what needs to be validated. Mr. Deputy Speaker, it is the hon. Member for Siparia who would be most aware of the case of Chandresh Sharma. That was a case which had judicial pronouncement on the right of a Member to receive salary and emoluments. If we accept the Member for Siparia’s view today, is it that aldermen and councillors are not to have lawfully received their remuneration and perquisites, Mr. Deputy Speaker? Is that what the Member for Siparia wishes? Surely not. Mr. Deputy Speaker, what are the acts of council? The hon. Member sought to pour suspicion and odium, saying that she has never participated in a validation Act where things are unknown.

Mr. Deputy Speaker, the record of the Parliament will show that validation Acts never come with itemized specificity as to what was done. It is always a generalized perspective, but for the record, Mr. Deputy Speaker, permit me to put this on record. The following sections of the Municipal Corporations Act are triggered where only a council can act. So the suspicion that the hon. Member for Siparia paused to say, “Well, we do not know what they are going to do. They are going to build road, and they are going to do things that we don’t know”. Mr. Deputy Speaker, that is just hysteria. Number one, we have turned on the

municipal corporations to work under the public procurement law—that is number one—where there are challenge proceedings and transparency. Number two, Mr. Deputy Speaker, resolutions of the council are what are required.

And if you look to the section 10(1) of the Municipal Corporations Act, the power of a corporation to be exercised are to be exercised by the council. Secondly, section 45(1) of the Municipal Corporations Act, it is the council to fix an establishment and appoint, discipline, suspend and dismiss employees. That is the act of council. Thirdly, section 46, it is the council to consult with majority unions. Next section 57(1), the council is to dispose of personal property used in commission of an offence. That has now been changed by the public procurement Act. Next, sections 66, 117, 137, 151, it is the council to make rules, standing orders, regulations, by-laws, issue licenses.

Section 108, it is the council to submit estimates of expenditure in accordance with the call circular 2023. Section 110, it is the council to approve payment into and out of the chairman's or mayor's fund. Section 112(2), it is the council to approve unspent balances. Section 118, it is the council to approve vouchers for payments of money to be disbursed. Section 120, it is the council to approve virements for approval by the Minister. Section 130, it is the council to approve taking over streets. Section 131, section 132, it is the council to erect fountains, plant and maintain trees, et cetera. Sections 136, 138, 142, 162, 163, 172, 175 to 178, 163 to 168, 189 to 1991, 200 to 204. So it is right there in the law.

Mr. Deputy Speaker, when you look to some of those provisions that I have just read, the virements and positions and the acts of council, to take care of the suspicion that the hon. Member put on the record, none of those expenditure items can be done by a lone wolf councillor, unless it is a councillor who has been charged with fraud, as the hon. Member for Siparia is well accustomed to seeing in

UNC corporations—

**Hon. Members:** “Ooooooh”.

**Hon. F. Al-Rawi:**—where her own chairman and own councillors are before the courts of Trinidad and Tobago on acts of fraud and still in office.

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

**Hon. F. Al-Rawi:** But, Mr. Deputy Speaker, why I am raising that is to say those kinds of actions, well known to Siparia, who will not deal with it in the only manner a political leader can, which is to forthwith call for your resignation and fire you, Mr. Deputy Speaker—

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

**Mr. Indarsingh:** Mr. Deputy Speaker, 48(6).

**Hon. F. Al-Rawi:**—that cannot happen in this validation.

**Mr. Deputy Speaker:** One second.

**Mr. Indarsingh:** Mr. Deputy Speaker, I stand on 48(6) based on the remarks that are being made by San Fernando West towards the Member for Siparia.

**Mr. Deputy Speaker:** Member, I am understanding where you are going, but I would like to you, you know what I mean, come back on stream—right?—directly. Okay? Right, Member?

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

**Hon. F. Al-Rawi:** Being firmly in the stream as I continue to deal with responses now to the contribution from Siparia, who said of the Government repeatedly that she was searching for—the hon. Member was searching for deviousness in the decision here before us, I say to the hon. Member, we share no part in your fantasy—

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

**Hon. F. Al-Rawi:**—because your reality is to ignore people on charges and call

them as heroes in your camp, Mr. Deputy Speaker.

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

**Hon. Members:** [*Crosstalk*]

**Hon. F. Al-Rawi:** So, Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Silence. Silence.

**Hon. F. Al-Rawi:**—when we treat with the matters before us of validation—

**Hon. Members:** [*Crosstalk*]

**Mr. Deputy Speaker:** Silence on both sides.

**Hon. F. Al-Rawi:**—and when we treat with these things in accordance with the responses on the record, I have read to you all of the sections of the Municipal Corporations Act where validation of the acts of the councils are required. Now there is material difference between this particular approach today. By causing an extension of time to May 18<sup>th</sup>, the hon. Prime Minister, the Cabinet on the advice of the Attorney General, has now effectively triggered section 11(4A). What does that mean?

By validating the life of councils to May 18<sup>th</sup>, what we have done is to ensure that an election is now to be held in the period May 18<sup>th</sup> to August 18<sup>th</sup>, 2023—three months. If this Government was interested in doing other things, it could have, as many other Parliaments did, it could have put in an advisory committee. Advisory committees were used by amendments to section 273 of the parent Act on umpteen occasions, Mr. Deputy Speaker, to cause persons who had expired to continue in advisory capacity, but we did not do that. What we did, Mr. Deputy Speaker, by extending the validation in clause 5 to the 18<sup>th</sup> of May in particular, we have triggered the fact that an election must be called within three months by bringing back to life the expiry date so section 11(4A) can apply. What does not that mean? Section 11(4A) says, an election:

“...shall be held within three months of the expiry of the term of office of the...councillors...”

These councillors and aldermen were not there by a flight of fantasy. The High Court—the hon. Attorney General, the High Court, the Court of Appeal and two Privy Counsellors, all held the view in very careful—and I agree with them—positions to say that, Mr. Deputy Speaker, the life of the council could be extended. And, Mr. Deputy Speaker, in treating with that, we must now recognize that councillors and aldermen served in lawful office, and therefore we are not going to rely on the implied terms of construction. We want to give all persons cover. And who do we want to give cover to, Mr. Deputy Speaker? Last time I checked—

**Mr. Deputy Speaker:** Hon. Member—

**Hon. F. Al-Rawi:** May I have my extension of time. Thank you.

**Mr. Deputy Speaker:** —your initial 30 minutes has expired. You have an additional 15. Care to avail?

**Hon. F. Al-Rawi:** Yes.

**Mr. Deputy Speaker:** Proceed.

**Hon. F. Al-Rawi:** Thank you, Sir. Mr. Deputy Speaker, in ensuring the validation, let me put this on the record. There are 14 corporations, seven held by the PNM, seven held by the UNC. Today we come to validate all 139 seats, Mr. Deputy Speaker, now 141.

**Mrs. Persad-Bissessar SC:** 141.

**Hon. F. Al-Rawi:** It was 139 in 2019, it is now 141. And, Mr. Deputy Speaker, in validating the acts, we are seeking to ensure that nobody as a councillor or alderman, be they red in complexion politically, or yellow in complexion politically, PNM or UNC, that nobody can say that they received their salaries,

their emoluments unlawfully, or that the acts of their councils particularly in the months of November and December, where emergency works were undertaken, could fall into odium.

Mr. Deputy Speaker, this is a benefit that we must take—the hon. Attorney General put on record the de facto officer doctrine, and that that would take care of us. The de facto officer doctrine in our local context is perhaps best set out by our Court of Appeal. And our Court of Appeal made it plainly clear that this was in relation to considering the acts of a judicial officer who had to be reinstated to give a judgment, they traversed the length and breadth of de facto officers. And that basically says you ought to make sure that you uphold the acts and decisions of people who quite simply were complying with what they thought was lawful. In this case here it is not a thought. The High Court said that their occupation of office was lawful, the Court of Appeal said that their occupation of office was lawful, the Privy Council had a split decision in respect of it, but the point is we have to act on the clarification of the law.

Mr. Deputy Speaker, I would not be surprised if the current decision of the Privy Council was held in a different way at a future date. That is not uncommon. We saw it in the case of Matthews, where we were dealing with the death penalty where there had to be a reversal of decisions, Mr. Deputy Speaker. The law is there to evolve, and an interpretation summons is just that. It interprets the law. So, Mr. Deputy Speaker, there is no suspicion to be found in validation. I have read into the record the sections of the Municipal Corporations Act which apply. We want to give legislative protection and immunity for all 139 councillors. There will be 141 in the next elections. We wish to ensure, Mr. Deputy Speaker, that an election is held quickly. We do not want the Interpretation Act to have to apply. In default of an expressed deadline date, you will be obliged to have an election

within a reasonable time.

When the Member for Siparia stands up and say, “We had to take them to court and we had have an election in 2021 and they delayed”, the hon Member “just so, clean forget about COVID” and what the reason for the delay was, Mr. Deputy Speaker. The reason for the delay was in the COVID pandemic, Mr. Deputy Speaker. So all of this hysteria and hyperbole in relation to election dates—

**3.20 p.m.**

the hon. Attorney General has piloted a Bill today which anchors the fact that we can have a local government election within 90 days from May 18 up to August 18, 2023.

Now, Mr. Deputy Speaker, the one thing that we are sure about, as I have said publicly before, we are very happy with the hon. Member for Siparia occupying the seat of Leader of the Opposition. It is the good luck which the PNM has to have a leader of that level run a party in consistent losses. We are grateful and we hold the hon. Member dear and pray for the hon. Member’s good health.

Mr. Deputy Speaker, the point is, the polls are the polls. What do we wish in this validation Bill to do? We wish to cause time for the implementation of reforms to be measured and implemented. One of those facts, Mr. Deputy Speaker, is we want the executive full-time councillors. We want it to apply in the four years of the next term. Not four years after because it does not apply to incumbents. How do we treat with that? Not in this validation Act.

**Hon. Members:** No, no.

**Hon. F. Al-Rawi:** That is dealt with by a different mechanism, but I cannot get into that because it would be irrelevant at this point. What I am trying to tell you, Mr. Deputy Speaker, is the validation Act is the springboard from which—



**Mr. Ratiram:** Mr. Deputy Speaker, I rise on Standing Order 48(1). The Member himself recognized that speaking on the topics that he is speaking on is irrelevant.

**Mr. Deputy Speaker:** Thank you.

**Mr. Ratiram:** He himself—

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

**Mr. Deputy Speaker:** All right. Thank you. Proceed.

**Hon. F. Al-Rawi:** Thank you, Mr. Deputy Speaker. I thank you for your guidance. I am not concerned by affidavits and pressures elsewhere. So these things go well to encourage you to stand up, Mr. Deputy Speaker.

The key to a validation Bill is to protect those who have acted. The springboard that it comprises here today, that it constitutes today, is a springboard into an election. The elections has a time frame that is to be applied. The proclamation takes us to the next steps of full time and very importantly, to executive councillors. The members of local government in the UNC camp all have plainly said that they do not have the courage to oppose Siparia openly but they all want local government reform, and I say that without fear of contradiction as the Minister in charge of Rural Development and Local Government that has met with councillors and aldermen repeatedly.

So, Mr. Deputy Speaker, I support this legislation. I support the need for validation. I separate it from any proposed amendments to the Municipal Corporations Act. I reject, most respectfully, the arguments coming from Siparia, even though the hon. Member had to say publicly today that she agrees with me on certain things. I wish to say specifically I support the hon. Attorney General in the piloting of this law and the rationale behind this. I think the hon. Attorney General has made very clear where we stand and there is nothing to contradict that advice and therefore, I thank you.

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

**Mr. Saddam Hosein** (*Barataria/San Juan*): Thank you very much, Mr. Deputy Speaker. I rise to contribute to this Act:

“...to amend the terms of councillors and aldermen elected in December 2019, to provide for elections in 2023 and to validate the actions of the said Councillors and Aldermen between 2<sup>nd</sup> December 2022 and 18<sup>th</sup> May 2023”. And in the circumstances and in the light of a defeat in the Privy Council, I would have expected San Fernando West, who is the line Minister and named as a respondent in that matter, to have changed his tone.

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

**Mr. S. Hosein:** His tone was very unbecoming in a debate like this in the face of enormous defeat.

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

**Mr. S. Hosein:** Mr. Deputy Speaker, because I thought he would have been a bit more timid because I saw the claimant Mr. Ravi Balgobin Maharaj in the public gallery.

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

**Mr. S. Hosein:** And, Mr. Deputy Speaker, because you have 45 minutes to speak in a debate, it does not mean you have to take all of the 45 minutes because sometimes you end up talking rubbish. Because I heard the Member for—

**Mr. Deputy Speaker:** No. Member, again, I am sure you could use a better word, please.

**Hon. Members:** [*Interruption*]

**Mr. S. Hosein:** Thank you very much. I am guided. And, Mr. Deputy Speaker.

**Hon. Members:** [*Continuous interruption*]

**Mr. Deputy Speaker:** One second. Member for Naparima, all right, I think I

need to make note of it now. Okay? Please, you continue to make these little outbursts ever so often. I have noted it, please. So I think I need to get it on the record. Proceed.

**Mr. S. Hosein:** Mr. Deputy Speaker, I heard the Member for San Fernando West say COVID was one of the reasons why this election has to be delayed. We had a general election during COVID.

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

**Mr. S. Hosein:** The Member for San Fernando West has a seat in this House because there was a general election during COVID. So it is absolute nonsense, a ridiculous submission—

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

**Mr. S. Hosein:**—to suggest to this honourable Parliament that COVID was one of the reasons for the delay of the local government elections. And the reason why we are here today, we are not here today only because of a Privy Council decision, we did not have a matter before them in a vacuum. It was because of the decision of the Cabinet of Trinidad and Tobago led by Diego Martin West.

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

**Mr. S. Hosein:** And, you know, Mr. Deputy Speaker, as the Member for Siparia said, the PNM has consistently used local government reform to delay local government elections. They have done it.

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

**Mr. S. Hosein:** And they wanted to do it again last year, Mr. Deputy Speaker, in November, but they were afraid to come to the Parliament.

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

**Mr. S. Hosein:** So what they did, they legislated by proclamation in this country. They were afraid to face the parliamentarians.

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

**Mr. S. Hosein:** When Mr. Manning—he was a brave man apparently, because he came to the Parliament with Bills, with expressed laws to expressly amend the Municipal Corporations Act, saying it applies to incumbent councillors. This Government, coward as they are from the electorate, have now come to a point where they are forced to call the election because we had to rely on the courts in this country.

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

**Mr. S. Hosein:** Mr. Deputy Speaker, in any democratic society, ordinary citizens who wish to express their right to vote should not have had to go to the UK to let a court in England tell Trinidad and Tobago what to do.

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

**Mr. S. Hosein:** But this Government is hell-bent on suppressing citizens' right to expression—

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

**Mr. S. Hosein:**—because the population will judge them for all of the unemployment, for shutting down Petrotrin—

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

**Mr. S. Hosein:**—for our roads being littered with potholes, for flooding in people's houses over weeks. The population will judge them.

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

**Mr. S. Hosein:** But the Member for San Fernando West is talking about, “It was pellucidly clear that the law is telling us when is election date”. No, no, no, no, Diego Martin West must be pellucidly clear today to tell us what date is the elections. Call the elections.

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

**Mr. Young:** [*Inaudible*]—this is the House of Representatives of the Parliament and we are on a Bill.

**Mrs. Persad-Bissessar SC:** [*Inaudible*]

**Mr. Young:** [*Inaudible*]

**Mr. Deputy Speaker:** Okay, thank you. Again, Member for Port of Spain North/St. Ann's West and Siparia, please, you all can have the discourse on the outside. Right, again, proceed, Member.

**Mr. S. Hosein:** Thank you very much, Mr. Deputy Speaker. This Bill that we are talking about is really giving the Parliament an indication of the time period in which the elections will be called, so I urge my colleague from Port of Spain North/St Ann's West to read clause 4 of the Bill. At least read it before you raise on a Standing Order and have to embarrass yourself.

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

**Mr. S. Hosein:** And, Mr. Deputy Speaker, we have to go back in the history and we have to see the reasons in which and how previous governments would have dealt with delaying local government elections, and that is the PNM Government, because the UNC government in 2010 had to call the elections after seven years when it was postponed by the PNM.

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

**Mr. S. Hosein:** And when you look at what happened in 2002, and this is by precedent, this is by way of example, and I am making a suggestion of what may or what should have been done, was that when you look at Act No. 13 of 2003, that was with respect to extending the terms of councillors for the year 2002 for a period further one more year. What Mr. Manning did then, when he was Prime Minister, was brought an expressed piece of legislation—

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

**Mr. S. Hosein:**—saying that the elections due in the year 2002:

“...shall be held within one year of the expiry of the terms of office of the Councillors and Aldermen...”

Expressly providing to the Parliament what he intends to do. Expressed. There was no mention in that Act of 2003 of any validation of any actions by the councillors and aldermen. Their term had already expired in October 2002 of the previous year, the Bill came to the House in 2003, post when the terms would have expired; same thing like what we are dealing with here, the terms expired in December 2022, we are now here in May 2023. When Mr. Manning was Prime Minister, the term expired in October 2002, a Bill came in 2003 but there were no expressed words of validating the actions of the councillors and the aldermen.

And then I wondered why this clause ended up in this Bill. Because you would remember, Mr. Deputy Speaker, last week, in the other place, the Attorney General stood up in the other place when asked a question by Sen. Dr. Paul Richards, well, what is the position of these aldermen and councillors, and he said he is relying on the de facto officer doctrine. And he said all of these councillors are operating legally, the aldermen are operating legally, the councils are operating legally. So then, what are you validating if you yourself are relying on the de facto officer doctrine?

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

**Mr. S. Hosein:** What are you saying? And then, you see the thing is, San Fernando West is raising some fear that councillors may not be able to be paid since December 2022 because we have to validate—no, no, no, it is the legal adviser—you were once the legal adviser. It is the new legal adviser of the Cabinet who is telling the population that they could be paid because of the de facto officer doctrine.

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

**Mr. S. Hosein:** And Siparia was right—Siparia was right when she said that we are going to validate actions prospectively.

Now, Mr. Deputy Speaker, this Parliament passed laws already, where we validated things retroactively. This Government, I think they made an error with the THA election date at some point in time. They are always making these errors. Sloppy. Sloppy governance, incompetent drafting.

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

**Mr. S. Hosein:** And we had to come to this Parliament and fix it. There was something with some licensing committee, again, we had to come to validate in this Parliament.

**Mrs. Persad-Bissessar SC:** THA validation.

**Mr. S. Hosein:** THA validation, they had to validate. So all of those Bills dealt with what? Validated actions in the past, retroactively, things that were already done. You know what this Bill is telling us, Mr. Deputy Speaker? This is the logic. Let us divorce ourselves from legal principles for a while and let us just look at common sense and logic.

This Bill is telling us step by step, December 2022, terms expired. Privy Council ruled in 18<sup>th</sup> of May, 2023, that the terms had expired in December. So the Bill now comes to extend the term until 18 May, 2023. So basically the new expiry date will be when? The 18<sup>th</sup> of May, 2023, new expiry date. But then when you read clause 5 of the Bill, it is validating acts of persons whose offices have expired post 18 May, 2023. So if I am no longer a councillor, I am no longer an alderman, what am I able to do to validate?

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

**Mr. S. Hosein:** I know the law escapes them, Mr. Deputy Speaker, but you cannot

tell me common sense also escapes them.

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

**Mr. S. Hosein:** It is like saying if this Attorney General, and I hope this does not happen, if he is fired in the morning, can he still be able to act as the Attorney General the day after? And the simple answer is no.

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

**Mr. S. Hosein:** So what they are saying is that the terms of offices of the councillors and aldermen expired on the 18<sup>th</sup> of May, 2023, but we must be able to validate actions up until this Bill comes into force. When is that? We do not even know. You are asking this Parliament to legislate uncertainty. We do not do that in any democratic society.

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

**3:35 p.m.**

And if for the life of me, the only time I may have to disagree with Siparia is when she commended the Member for San Fernando West. But, Mr. Deputy Speaker, when you look at the drafting of this Bill, it is totally incompetent, it is against basic legal principles—

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

**Mr. S. Hosein:** —basic legal principles. And you know this Government, they have a “tabanca when dey loss”, that they try to nitpick, nitpick, nitpick, Mr. Deputy Speaker. Mr. Deputy Speaker, we have a Privy Council ruling—look I have the judgment in my hand here. We have a Privy Council ruling yet they are telling us what the High Court said, yet they are telling us what the Court of Appeal said, yet they are telling us what the minority judges in the Privy Council said, but they are not telling us what majority said, you know.

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



**Mr. S. Hosein:** I know my learned senior, the Attorney General, when I was in law school, first year law school in St. Augustine, he, I believe, would have taught law and legal systems, Sen. Armour SC. And one of the first classes in law and legal systems—I am sure he remembers or maybe not—is something called the doctrine of stare decisis, that in Trinidad and Tobago we are governed by this doctrine called stare decisis. It means that if the High Court has a ruling and the Court of Appeal overturns the High Court, we listen to the Court of Appeal.

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

**Mr. S. Hosein:** And if the Privy Council overrules the Court of Appeal, we are bound by the decision of the Privy Council.

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

**Mr. S. Hosein:** So when you want to add up three judges in the Court of Appeal, and two in the Privy Council to get five, and five more than three—no, no, no, no, no, nonsense. Anand Ramlogan went in England—

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

**Mr. S. Hosein:**—and “hang all yuh jack”. This is not all fours yuh playing where yuh counting de amount of judges” to see if you have a majority. No, it does not work like that. Three—

**Hon. Members:** [*Interruption*]

**Mr. S. Hosein:** Three judges—

**Mr. Deputy Speaker:** Please, Members.

**Mr. S. Hosein:**—three judges in the Privy Council ruled against the Government and that was the majority decision that we are bound by.

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

**Mr. S. Hosein:** And as I said when I started off my contribution, this is one of the reasons why we are here, because of this decision by—and I think we should look

at who are the judges who would have decided on this matter; very, very, eminent judges: Lord Reed, Lord Hodge, Lord Briggs, Lord Kitchin and Lord Richards. And these judges, three of them, in their wisdom would have decided this matter. And in this matter, Mr. Deputy Speaker, I want to put on the record—and I hope that you permit me to put these things on the record because they are very important for when people after us go back in our history to understand where the PNM took this country. At paragraph 31 of the judgment it says:

“The essential characteristic of a representative democracy, whether at a national or local level, is that the representatives are chosen by popular vote. In a modern democracy, such as Trinidad and Tobago, all individuals have the right to participate in the popular vote, subject only to specified conditions and disqualifications.”

And then I go on to paragraph 34, and this is very important. Paragraph 34, and I quote, it says:

“It is inimical to a representative democracy that the representatives are chosen by anyone other than the electorate. It is not for Parliament, still less the Government, to choose the representatives.”

Mr. Deputy Speaker, I want to repeat that:

“It is not for Parliament, still less the Government, to choose the representatives.”

And what this Government did in November 2022 was substitute themselves as the electorate to extend these terms of councillors by one year, something that was condemned by the Privy Council.

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

**Mr. S. Hosein:** And, Mr. Deputy Speaker—

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

**Mr. S. Hosein:** Mr. Deputy Speaker, I want to say that I will speak as long as I want about this judgment and nobody can hold me in contempt of court.

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

**Mr. S. Hosein:** Because after that solid defeat, I saw the Attorney General go on live television telling people, “Doh talk about this judgment because you could be locked up for contempt of court.”

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

**Mr. S. Hosein:** The Law Association had to condemn such statements because they are not conducive to a representative democracy like Trinidad and Tobago, Mr. Deputy Speaker, like Trinidad and Tobago. Mr. Deputy Speaker, what is happening with this country right now is that the PNM has took us to a place where we are all embarrassed to be.

**3.40 p.m.**

We should not have to be here, Mr. Deputy Speaker, validating or extending terms of councillors. An election should have been held in March 2023 already.

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

**Mr. S. Hosein:** It should have been held. And now you are asking us, “Let us validate”. What are we validating really? Because we need to understand that. Because whatever laws we pass here can be subject to challenge. They are not insulated from challenges by the court. And are we validating the office of the councillors and aldermen, or are we validating the decisions of the councils of the corporations? And there is a stark difference between the two. Because if you do not have the capacity to make a decision, then you cannot make a decision. And if at that time they did not have the capacity to make the decision, are we validating the decisions that they made? It is a very technical and complex area of the law, Mr. Deputy Speaker.

And the *Hansard*, based on the piloting of this Bill, did no justice to it by the Attorney General. Because we are still left in a state of confusion with respect to how this Bill—or what are the intentions of this Bill. Because this, in the history of Trinidad and Tobago and the history of local government, is the first time we are doing something like this, in terms of validating. In the past, Mr. Manning would have extended the terms of the offices. This is the first time that we are engaged in a validation exercise, Mr. Deputy Speaker.

And, Mr. Deputy Speaker, you see, when we look, again, at the clauses of this Bill, we are hearing that there is going to be an amendment to be made—that there is an amendment. We are here since 1.30 this afternoon and you cannot yet circulate the amendment to the Opposition?

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

**Mr. S. Hosein:** You cannot circulate the amendments to the Opposition?

**Mrs. Robinson-Regis:** [*Inaudible*—in Opposition.

**Mr. S. Hosein:** I mean, Arouca/Maloney you had your chance to pilot this Bill—

**Mr. Deputy Speaker:** Please, Members.

**Mr. S. Hosein:** —and it reached to in the Privy Council.

**Mr. Deputy Speaker:** Again, please address the Chair. Members, silence.

**Mr. S. Hosein:** Thank you very much, Mr. Deputy Speaker. Thank you very much. I am being disturbed by these Members from the—[*Inaudible*]

**Mr. Deputy Speaker:** Proceed, Member. I have ruled. Proceed.

**Mr. S. Hosein:** Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, while I hear two speakers, the Attorney General and also the Member for San Fernando West, spoke of that there are no breaches of any constitutional rights, well, that is obvious because local government is not entrenched, one, in the Constitution, first.

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

**Mr. S. Hosein:** I remembered when I spoke on this debate in 2022, I said, why should we have entrenched local government in the Constitution? We should do it, because Guyana did it. Jamaica has it. Why can Trinidad and Tobago not give local government the respect that it deserves by giving it constitutional protection?

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

**Mr. S. Hosein:** Because we have seen time and time again the whims and fancies of the simple majority of the Government can come and—

**Hon. Members:** [*Interruption*]

**Mr. S. Hosein:** —run roughshod over the rights of the electorate—

**Mr. Deputy Speaker:** Please, Members.

**Mr. S. Hosein:** Mr. Deputy Speaker. I know my friend from San Fernando West—I thought he would have been nicer today because he was complemented by Siparia. The Member for Siparia said that the former Attorney General at that time in 2019, Member for San Fernando West, was right when he said that the Bill—well, the law, the local government reform, section 11(4), did not apply to incumbents. He said it in 2019. But then when he came in November 2022, he said he is proclaiming it to apply to the incumbents. What changed your mind, San Fernando West? What changed your mind? Did Mr. Armour wring your hand and said you have to do this? “Nah”, I do not think Mr. Armour is a man of that character. I do not think he is a man of that character at all. But something changed the mind of San Fernando West, and we must ask San Fernando West to tell us what changed his mind.

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

**Mr. S. Hosein:** Because he could have saved this country a lot of money and he could have saved this country a lot of time, because we could have had the

elections in March 2023, Mr. Deputy Speaker.

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

**Mr. S. Hosein:** Mr. Deputy Speaker, I want to say that San Fernando West and the rest of the Government can run as fast as they can, but they cannot hide.

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

**Mr. S. Hosein:** Because they now have to go on the political hustings to justify why they wanted to delay local government elections by one year. This Bill was in your possession since June 2022—one year. We did not hear what steps, what actions you are going to take, or you are taking, or you want to take in order for the next six months to delay local government elections. You cannot just come and deny people rights not to vote because you are saying that we have to implement local government election, when you are not giving us the specifics and the particulars of what you are trying to implement.

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

**Mr. S. Hosein:** And now, I want ask a very important question. When this election is held within the three months from the 18<sup>th</sup> of May, 2023, are we going to elect councillors for four years? I hope the Attorney General can answer that question. Are you going to elect councillors for four years and appoint aldermen for four years? I want to ask the Government that. Because they cannot implement the local government reform that they are trying to do in the next three months—less than three months they have now, Mr. Deputy Speaker.

So, Mr. Deputy Speaker, I do not wish to detain this House any longer, Mr. Deputy Speaker. I wish to go outside and meet with the people of Trinidad and Tobago, Mr. Deputy Speaker.

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

**Mr. S. Hosein:** Mr. Deputy Speaker, I wish to go and tell the people of Trinidad

and Tobago what this PNM Government has done to them, Mr. Deputy Speaker. I wish, Mr. Deputy Speaker, to go on the platforms and convince this population that the PNM is no good for them. They have suffered the people for far too long, Mr. Deputy Speaker. I hope that the election date falls out the Prime Minister's pocket when he is on the golf course, so we can know what is the date of election, Mr. Deputy Speaker, and I thank you very much.

**Mr. Deputy Speaker:** I recognize the Member for Port of Spain South.

**Mr. Keith Scotland** (*Port of Spain South*): Mr. Deputy Speaker, I do take some credit and I apologize for the Member for Barataria/San Juan. He did not take his tutorial well at law school and some of the fault may lie with me.

**Hon. Members:** [*Laughter*]

**Mr. K. Scotland:** Mr. Deputy Speaker, all law, particularly legislation, is subject to different interpretations and the Municipal Corporations Act is no different. And only simple minds with a lack of honest intent will try to mislead and say otherwise to the public.

This country deserves to fully appreciate what actually transpired and why we are here today with the Municipal Corporations (Extension of Terms of Office and Validation) Bill, 2023. This is because the uninformed narrative will want the country to believe that the Government of the day did something unconstitutional. That is not so. The uninformed narrative will have the country believe that the Government arrived at this stage in a vacuum.

Allow me to give some factual context in order to support that main theory about the differing of interpreting one piece of legislation or the law. Mr. Deputy Speaker, by virtue of sections 11(4) and 12(5) of the Municipal Corporations Act, all councillors and aldermen were elected for a term of three years, that is until the 1<sup>st</sup> of December, 2022.

The local government reform Bill was assented to in July 2022 and became Act 11 of 2022. The Government took the view that certain sections of the Act enabled an increase or an augmentation, in terms of the limit of aldermen and councillors from three to four years. The challenge to this was on two fronts. The challenge came on these two fronts, Mr. Deputy Speaker: one, that the amendments contravened the entrenched rights to join political parties and express political views under section 4(e) of the Constitution, or in the alternative that the amendments did not apply to incumbent councillors and aldermen.

Mr. Deputy Speaker, one piece of legislation, two differing interpretations. At first instance, which is important—and I notice no one from the other side took time to condescend to what Madam Justice Jacqueline Wilson SC had to say about the application for an injunction. But at first instance, this is what the learned judge said:

“...having regard to the range of services that the Corporations provide to the community, the potential impact of a disruption, the scope of the measures that may be taken in the absence of a functioning Council, and the fact that the unlawful consequences asserted by...”—Mr. Balgobin—  
“...turn upon the construction of legislation, the validity of which is not in dispute, the refusal of the injunction was likely to cause the least...”—  
irreparable—“...harm or prejudice.”

Mr. Deputy Speaker, these are the words of the court. If this injunction is granted, there will be irreparable harm. And granting the injunction would:

“...cause the least irremediable harm or prejudice.”

Not granting of the injunction.

This matter went to the Court of Appeal, and the Court of Appeal unanimously held as follows, that there was no violation of any constitutional



rights, and that the Government was correct to interpret the legislation as permitting the extension of the incumbent councillors and aldermen from three years to four years.

Mr. Deputy Speaker, on May 18, 2023, the Privy Council arrived at a decision, and for the avoidance of doubt, I want to quote at paragraph 15 of the decision on the constitutional point. Here is what the Privy Council had to say:

“While it appears from the judgments in the Court of Appeal...”—

**Mr. Deputy Speaker:** Member, fix your mike properly.

**Mr. K. Scotland:** Is that okay, Mr. Deputy Speaker?

**Mr. Deputy Speaker:** Yes.

**Mr. K. Scotland:**

“While it appears from the judgments in the Court of Appeal that the appellant's submission based on the Constitution was his primary case, it was presented to the Board as a secondary argument.

The Board can deal briefly with the submission based on the Constitution, which must in our view fail.”

Therefore, the Privy Council held unanimously that the actions of the Government of Trinidad and Tobago were not unconstitutional. Why have they not put that on the *Hansard*, Mr. Deputy Speaker? Because it does not support their narrative.

On the second issue of the extension of the term of office for the councillors and aldermen, at paragraph 51, the Privy held as follows—and if I read the decision that goes against, I will read the one that goes for. I will put on the *Hansard* the one that went against. And this is what the Privy Council had to say.

“For reasons given in this judgment, the Board is unable to agree with the Court of Appeal that the amendments to sections 11 and 12 of the MCA, increasing terms of office from three to four years, applied to the incumbent

Councillors and Aldermen. The Board therefore allows the appeal.”

So here is where the Board differed from the Court of Appeal and, to so some extent, the learned trial judge.

But, Mr. Deputy Speaker, even when the Privy Council made that ruling, it—and I will now alert the public that this decision was not unanimous. It was a majority decision. And most importantly, what it meant is that Lord Briggs and Lord Kitchin disagreed with the majority. If you take the extension—by extension, sorry, the submission from the hon. Member for Siparia, did these two Law Lords have malintent? Because they agreed with the Government’s interpretation. Did they have mala fides when they came to that decision?

**3.55 p.m.**

That is why, Mr. Deputy Speaker, I began by saying that—

**Hon. Members:** [*Interruption*]

**Mr. K. Scotland:** Mr. Deputy Speaker, I am hearing a lot of noise that is very much disturbing.

**Mr. Deputy Speaker:** Again—I will protect you. Again, Members. Hon. Members, please. Couva North and others, please let us ensure that we listen in silence, please.

**Mr. K. Scotland:** Thank you, Mr. Deputy Speaker. So the Privy Council’s judgment in this very matter, that is being bandied about as some great victory, validates and corroborates my point. And I ask, the two Law Lords who agreed with me, on what basis were they acting in this matter? For the Government of Trinidad and Tobago? They agreed, Mr. Deputy Speaker, because it demonstrates that based on the language of the legislation, it was a reasonable interpretation by the Government to say it gives the ability to extend the terms of office of councillors and aldermen from three to four years.

But, Mr. Deputy Speaker, following the doctrine of stare decisis and the hierarchical structure of the courts in Trinidad and Tobago, the Privy Council is the highest court of the land, and therefore the Privy Council, albeit by a majority, has ruled. And may I boldly say that having ruled, this Government subscribes and abides by the rule of law.

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

**Mr. K. Scotland:** And it brings to mind a fundamental misunderstanding that that is why we are here because the Government, by presenting this Bill, is adhering to the decision of the Privy Council and trying via its legislative agenda to address—

**Mr. Ratiram:** Mr. Deputy Speaker, I rise on Standing Order 55(1)(b). This matter has already been raised by the mover and the Member for San Fernando West.

**Mr. Deputy Speaker:** Overruled.

**Mr. K. Scotland:** Thank you, Mr. Deputy Speaker. I will now go on to what I call a treatise on law. Maybe the Member for Couva North may take notes. As a matter of looking backwards, Mr. Deputy Speaker, whilst the matter was progressing through the courts, the aldermen and councillors, they were acting. It was prudent to have the aldermen and councillors not cease their endeavours and it is prudent now not to have their endeavours undone.

The hon. Member for Siparia stated on the *Hansard* that the aldermen and councillors are dead. This is what you do when you are in Opposition perennially, everything is dead. But as a Government, we say that we choose life, and we choose the life of the aldermen and councillors. And that is why we bring this piece of legislation out of an abundance of caution to ensure that every act committed between December 2022 and now, and continuing, is validated.

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

**Mr. K. Scotland:** The Members on the other side speak, sometimes they speak, Mr. Deputy Speaker, and I wonder if they live in Trinidad and Tobago. If the acts of the aldermen and councillors are dead, what happens to the corporations that are under the UNC control? What are you saying to your burgesses? That everything done during that period is nullity? What happens, Mr. Deputy Speaker, to the Borough of Chaguanas, the region of Couva/Tabaquite? What happens to Penal/Debe? What happens to the region of Princes Town? What happens to the region of Siparia with its nine electoral districts? Why do not you come up with a solution for your burgesses? People who claim when they stand up to talk that they were weaned, they were weaned on local government, and all they can say is to call elections for another licking.

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

**Mr. K. Scotland:** That is all they saying. They have missed, however, Mr. Deputy Speaker, the fundamental principle. And what this is, is that something must be done to validate and it is imperative that any negative impact of the Privy Council's decision be addressed, and that is why we have brought this legislation here. The hon. Attorney General must be complimented for the high principles of law that was adopted in this matter and brought in this legislation.

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

**Mr. K. Scotland:** And I want to say, Mr. Deputy Speaker, he did not drill down into it, but it stems from the very Privy Council in a decision of *Bowe v The Queen*; *Davis v The Queen* cited at Privy Council appeal No. 44 of 2005. Mr. Deputy Speaker, in that appeal to the Privy Council, there was a shift in the law in the early 2000s where it was said in the OECS, it was the procedure on a premise that once you were convicted of murder the mandatory death penalty applied. But in *Reyes v The Queen* and *Spence v The Queen* that changed. What happened, an

issue arose in *Bowe* as to what happened to persons who were convicted in 1973 when that was not the law. And Lord Bingham of Cornhill had to deal with that issue to see how governments, how the Legislature, how Parliament must deal with this new thinking on the law.

And, Mr. Deputy Speaker, at paragraph 42 this is what the Privy Council had to say:

“These appeals present a difficult and novel problem. If the appellants’ case, based on principles established and authorities decided before 1973, is judged to be sound, should the appellants be barred from relief because the soundness of the case was not recognised at the time? The problem is acute, because the Board does judge the appellants’ case, so based, to be sound. The Crown cogently argues that it is unreal to hold that the effect of the law was otherwise than was understood at the time. It is, however, clear that it took some time for the legal effect of entrenched human rights guarantees to be appreciated, not because the meaning of the rights changed but because the jurisprudence on human rights and constitutional adjudication was unfamiliar and, by some courts, resisted. The task of the court today is not to conduct a factual enquiry into the likely outcome had the present challenge been presented on the eve of the 1973 Constitution. That would be an inappropriate exercise for any court to adopt, perhaps turning on personalities and judicial propensities. The task is to ascertain what the law, correctly understood, was at the relevant time, unaffected by later legal developments, since that is plainly the law which should have been declared had the challenge been presented then.”

Mr. Deputy Speaker, what it means is having pronounced—the Government must act and the Government must look back and apply the law as pronounced by the

Privy Council on the 18<sup>th</sup> of May, 2023, and as enunciated by Lord Bingham of Cornhill in the case of *Bowe v The Queen; Davis v The Queen*. There was no choice but to do what is being done today. And what is important, Mr. Deputy Speaker, is that the Government has acted within one—within a fortnight.

The Government has respect for the intelligence of all the citizens of Trinidad and Tobago. And by this debate we are engaging the citizenry on matters that concern them, not only at present, but presently and in the distant future because, Mr. Deputy Speaker, we are here so that any dire consequences that may befall the population if this validity Bill is not passed, we are here to avoid that. We want the population to embrace and enjoy the work done by the councillors and aldermen for their benefit and for the benefit of the country.

And I ask, how come none or no Member on the other side has addressed that issue? Because we are just not here just to pass law. The hon. Member for Siparia accuses the Government of having malintent. What was the reason for this extension in the first place, Mr. Deputy Speaker? Let us go to that discourse and understand what was the reason.

The extra year was to enable the Government to roll-out the relevant sections of the law, including but not limited to: transforming councillors who are executive members into secretaries akin to the THA, that is one. Two, operationalizing the 13 separate divisions inside local government including planning, engineering, auditing. It was the intention that the next local government elections would have been run under the new law in its full form, which involves critical financial benefits to the corporations for their efficient operations.

Mr. Deputy Speaker, the extension of time of the term was done, in my respectful view, from the Government's perspective, in the best interest of the citizens of Trinidad and Tobago. Mr. Deputy Speaker, the intent was to give life to

an August 2016 Cabinet-approved draft policy on local government reform. That is 2016, some six to seven years hitherto for. The aim was to bring local government closer to the people of Trinidad and Tobago and then call an election, but all we are hearing from them is, “Call the elections, call the elections”. The Government was not about delaying elections because if that is so, there is another cause that could have been undertaken.

Mr. Deputy Speaker, you know, the hon. Members on the other side they love to quote newspaper clippings. Why have they not quoted the *Guardian*, 24 May, 2023 article, quoting esteemed political scientist Prof. Hamid Ghany, and here is the headline:

“Govt can legislate an extension of Local Govt term...”

Why have they not quoted that? Because that is an option. If this Government was just about extending time and delaying local government elections, that is an option from an esteemed political scientist. The Government is not about that. We are about the people of Trinidad and Tobago and we are about democracy.

So, Mr. Deputy Speaker, I want to bring some context to this Bill. The Bill has five clauses, the hon. Attorney General has I think adequately gone through the five clauses. But I want bring context as it relates to the democracy that is Trinidad and Tobago.

Mr. Deputy Speaker, 60 years ago, a true patriot and the original and first Member of Parliament for Port of Spain South gave a definition of democracy. I wish at this stage to add respectfully and humbly to that definition. Democracy is a government adopting an interpretation of a piece of legislation. Democracy is a member of the public challenging that interpretation. Democracy is that challenge going all the way to the apex court of the land and the apex court not agreeing with the Government. And democracy is within a fortnight the Government abiding by

the rule of law and adhering to the rule and the ruling of the Privy Council even though it was against it.

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

**Mr. K. Scotland:** That is the hallmark of democracy and that is the hallmark of a PNM Government; the hallmark of a PNM Government.

Mr. Deputy Speaker, from 1956 to now, this is all that the PNM Government has done: adhere to the rule of law. And in bringing this piece of legislation, it is my respectful view that the hon. Attorney General is continuing that legacy. Mr. Deputy Speaker, I thank you.

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

**Mr. Deputy Speaker:** I recognize the Member for Chaguanas West.

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

**Mr. Dinesh Rambally** (*Chaguanas West*): Thank you Mr. Deputy Speaker, for the opportunity to contribute. Mr. Deputy Speaker, having regard to the comprehensive analysis and response of the Member for Siparia, Leader of the Opposition—

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

**Mr. Dinesh Rambally:**—I do not think there was really any need for anyone else on our side to contribute to this debate. But I have listened to my friend, Member for Port of Spain South, and it is in that context, you know, having heard him, along with other members as well, my other friend member for San Fernando West, that I think I should put a few matters on the record, please, Mr. Deputy Speaker.

**4.10 p.m.**

Now, Mr. Deputy Speaker, I listened to my friend, the Member for Port of Spain South. He started off by, you know, premising his argument on one piece of



law, two interpretations. So I think he was trying to make an argument as to why we should somehow find solace in the fact, or whether his side, you know, should be forgiven for the actions which they undertook in postponing the local government elections by virtue of the fact that you have a Privy Council ruling now saying that that was not the proper course to follow. So he said one piece of law, two interpretations.

Now, I want to say that that only applies where you have a situation as now. Law is open to difficult interpretations only when you cannot draft competently and you ignore salient principles of interpretation, such as the principle of legality, and that is where the Government fell short, in respect of how they brought the November 2022 amendments. So I do not seek any solace in what Member for Port of Spain South has said, when he said, one piece of law, two interpretations. This does not save the Government. It does not apply in what we are dealing with here today. So they cannot use that as a defence.

Now, he went on, on some elaboration about the principles of granting an injunction on appeal. And I do not know what was the relevance of that please, Mr. Deputy Speaker, talking about the principles that the first instance judge would have taken into account, and why it is, you know, irreparable harm would have somehow prevailed and therefore, you know, there was a need for the judge to rule how the judge ruled at first instance. Mr. Deputy Speaker, we have a Privy Council ruling. So I do not see, again—

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

**Mr. D. Rambally:** —the benefit of going back to the first instance judge. I do not know in this Privy Council ruling that there was any challenge to the principles that were employed and/or utilized by the first instance judge when she refused—when her ladyship, the first instance judge, refused to grant an injunction. So I

think that that really was just making up time, Mr. Deputy Speaker, and it has no relevance. Someone—

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

**Mr. D. Rambally:** An unsuspecting Member of the public might think that there is relevance in what he has said, but not when it comes to that part of his contribution. The other point he spoke about is that the Members of the Opposition are bandying about this Privy Council ruling as a big victory and as though, well, Ravi Balgobin Maharaj lost before the Privy Council. I want to say that Mr. Ravi Balgobin Maharaj was present from the beginning of the sitting. Today, in this House, I want to say on the record that kudos must be paid to him.

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

**Mr. D. Rambally:** Because having followed through with litigation in what he believed to be a wrong committed upon the citizenry, having obtained a judgment in his favour, in the Privy Council, the highest court of the land, he still sees it fit, obviously, to see things through, and that is why he is here today.

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

**Mr. D. Rambally:** And it is a big victory, Mr. Deputy Speaker, and the victory is one for the people. It may not be one for the Members of the Government, but it is certainly a big victory for the people of Trinidad and Tobago.

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

**Mr. D. Rambally:** Now, I hear a lot of talk by the hon. Attorney General, hon. Member for Port of Spain South, hon. Member for San Fernando West, and even in a previous statement which was made by the hon. Prime Minister in this House in relation to this matter, that the victory that they are claiming, the Government that is, is that the court did not rule that there was a breach of the Constitution. That is a big victory on their part, that there is no ruling in this, that there was a breach of

constitutional rights. But this is really to treat with the judgment of the Privy Council in a very superficial, in a very artificial manner.

You see, Mr. Deputy Speaker, my learned colleague for—Member for Barataria/San Juan, when he spoke, he pointed to certain paragraphs of the judgment, so I will not read it. And essentially it was paragraph 34, paragraphs 36, 39, and where it says that:

“It is inimical to a representative democracy that the representatives are chosen by anyone other than the electorate.”

And that is why this is a big victory. And why it is we have been saying, and I think it is really artificial if we do not understand, that the Privy Council has in effect held that there was some unconstitutional action on the part of the Government is to take too superficial an approach. And I will tell you why, Mr. Deputy Speaker.

You see, Mr. Deputy Speaker, the law which was brought November 2022 is unconstitutional in the sense that the Parliament attempted to circumvent the constitutional values underpinning a democratic society. That is what was being played at, at paragraph 34. And that right that underpins a democratic society is where you have a citizen's right to elect his representatives. So, it is misleading for the Government to simply say that the Privy Council did not find that the Government acted unconstitutionally. That is misleading, Mr. Deputy Speaker. What the Privy Council found was that the Government did something which the law did not permit. That is what they found. And it has always been the law since *Entick v Carrington*, 1765, that the Executive must act within the bounds of the law. That is the essence of the rule of law. That is the essence of the rule of law and the Constitution by which we govern ourselves in this country. So a breach, Mr. Deputy Speaker, of the rule of law is a breach of the Constitution.

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

**Mr. D. Rambally:** And to come here and pass it off—

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

**Mr. D. Rambally:** To come here and pass it off as though this was merely a claim to interpret the law and the law was found to be wrong, a citizen had to file a claim to stop the Government from acting unlawfully.

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

**Mr. D. Rambally:** That is what the Privy Council ruled on. If the Government wanted—I mean, the Government now—if they wanted a simple interpretation to the law, then it could have filed what is known in law as an interpretation summons. It did not do so and therefore, they were prepared to use vague legislation to undermine the rule of legislation—the rule of law—

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

**Mr. D. Rambally:** —by unlawfully extending the terms of office of representatives. It is just that simple. So do not come here and, “It is a three to two, and we had three down in the local courts and those three ruled somehow, but the first instance judge in dealing with the injunction held that they would have irreparable or irreparable harm”, all of those things, Mr. Deputy Speaker, are totally irrelevant to what we are debating here.

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

**Mr. D. Rambally:** Mr. Deputy Speaker, it is also, when we talk about extending the term of representatives, it is undemocratic, both because it deprives the right to vote, but it also is undemocratic because, as I said, the Executive is taking a step which is not permitted by law. The Government, Mr. Deputy Speaker, was infringing the principle of legality and this is what was clearly held by the Privy Council. The Government was infringing the principle of legality and legal

certainty, both of which are constitutional imperatives. So you could swing that how you want, you could call whichever Law Lord you want, in whichever case from 2000, or whatever my learned friend from Port of Spain South wanted to cite, the fact of the matter is when you are infringing the principle of legality and legal certainty, you have bad law.

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

**Mr. D. Rambally:** Principle of certainty is very simple, Mr. Deputy Speaker. All it says is that law must be understandable and predictable to the ordinary citizen. When the Government tried to use the law for a purpose for which it was not intended, it violated that principle of legality. So, Mr. Deputy Speaker, you cannot undermine constitutional rights with unclear legislation.

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

**Mr. D. Rambally:** So no matter how my friends tried to slice it and dice it on the other side, regardless of the spin they attempt to put on it, and no matter how much the Government tries to convince us, you have violated constitutional principles and democratic principles. That is what this Privy Council has held.

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

**Mr. D. Rambally:** So there may be a ruling with respect to a breach of a specific provision of section 4 rights, we accept that. But if you cannot interpret exactly what they have said, with respect to postponing the local government elections and saying that the law was vague, you are really playing smart with foolishness.

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

**Mr. D. Rambally:** And you know what is surprising, Mr. Deputy Speaker? My learned colleague, Member for Baratavia/San Juan, spoke about the—upon obtaining this judgment on the 18<sup>th</sup> of May, he spoke about the actions, or the immediate actions of the hon. Attorney General, so I will not go into that again.

But what you have is that—that was the 18<sup>th</sup> of May, and then on the 25<sup>th</sup> of May, I believe, was the statement made in this Parliament consequent upon this ruling, the statement of the hon. Prime Minister, and he came to lecture us, and to lecture the population by extension, and of course he did it last week Thursday on a political platform, that the population should read the judgment. So I want to tell them, respectfully, they should read the judgment.

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

**Mr. D. Rambally:** And a little word of caution to the hon. Prime Minister, he should not read the summaries of his failed Attorney Generals. The present Attorney General—and according to my friend from Barataria/San Juan, the previous current Attorney General, both of them have been discredited on account of what the Privy Council has ruled. So that is something that I want to put on the record in response to what my learned friend from Port of Spain South was trying to convince us of, but his analysis of the law, his ratio decidendi is off target.

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

**Mr. D. Rambally:** I think he should have stuck to the obiter dicta and try to make some sense out of that.

Now—so, Mr. Deputy Speaker, another point which was raised by my learned friend for Port of Spain South was, he was talking either—well, I have to say Port of Spain South, in conjunction with San Fernando West, stare decisis and, you know, the principle of how we have to adopt what the higher courts have said, and that is accepted law. Now, I want to let them know that it is our Constitution and the Supreme Court of Judicature Act which sets up a holistic system of justice; which includes, as most parts, the common law jurisdictions and we have an appellate system of justice. The decisions, to make it clear—because somebody listening to how we could add three to two upstairs and how we could go back to

the first instance who was dealing with an injunction, that ordinary layperson may get confused. Port of Spain South was confusing them with that analogy. The decisions—

**Mr. Deputy Speaker:** Okay. Hon. Member, I think the maths, the “mathsing” in the Bill now, I think that we have reached a stage which part we need to—we could border on tedious reputation. Right?

**Mr. D. Rambally:** Yes.

**Mr. Deputy Speaker:** I think the maths has been used by every speaker so far. Right? So, again, I will think from now in—

**Mr. D. Rambally:** Yes.

**Mr. Deputy Speaker:** —we are staying clear of that.

**Mr. D. Rambally:** So, Mr. Deputy Speaker, I take your guidance on that. The mathematics of, or the permutations which we have heard from Members on the other side—I thought you were about, Mr. Deputy Speaker, no disrespect, to say the “maths not mathsing”.

**Mr. Deputy Speaker:** No, no.

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

**Mr. D. Rambally:** So I take your guidance, please. So I go quickly along to the appellate system of how our court system works, and which is simply to say that the decisions of higher courts are not singular. So the first instance judge who dealt with that matter of injunction, amongst other things, it went to the Court of Appeal, you have a Court of Appeal of three judges, and then you went yet higher—

**Mr. Deputy Speaker:** Again, Member, move on from that particular aspect of it. All right?

**Mr. D. Rambally:** Yes, please.

**Mr. Deputy Speaker:** If I did not make myself clear just now, but the whole rationale behind the Privy Council ruling and the “this one and that one” and the numbers, move on from that particular point.

**Mr. D. Rambally:** So, Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Every Member spoke about that.

**4.25 p.m.**

**Mr. D. Rambally:** Yes. Mr. Deputy Speaker, I am not on the numbers, I am on when you go higher in the appellate system—

**Mr. Deputy Speaker:** Member—

**Mr. D. Rambally:**—you have more judges.

**Mr. Deputy Speaker:** Member—

**Mr. D. Rambally:** Yes.

**Mr. Deputy Speaker:** I have ruled.

**Mr. D. Rambally:** Yes.

**Mr. Deputy Speaker:** I have so ruled.

**Mr. D. Rambally:** So, Mr. Deputy Speaker, let me make this point very clear without numbers. You have collective wisdom of the appellate courts and that is what we abide by.

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

**Mr. D. Rambally:** So I move on from the virtues of collective wisdom and I go to another point which was raised by Member for Port of Spain South.

Now, he spoke a lot about democracy and what prevails in a democratic society. And when he was speaking, I thought to myself that if we are talking about democracy, how is it in a democratic society we would take decisions to postpone people’s electoral rights with vague legislation? Why would you do something like that? The Member for Siparia, Leader of the Opposition, questioned why you



would want to postpone the general elections. I go no more into that. But if you are talking about democratic rights, you have to look at what is the will of the people, you have to act in the interest of the people, you rule by the people, and you do what is in the best interest for them, you rule for the people. So I do not know what argument he was attempting to make when he said that, “In a democracy, PNM stands for democracy”. I think the PC ruling says otherwise—

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

**Mr. D. Rambally:**—so I would advise him to look at that again.

I believe he may have quoted a speech of the late Dr. Eric Williams, and I want to let him know that in that same speech, Dr. Eric Williams was the one who said:

“Democracy...”—is—“...much more, than the right to vote...”

But in doing so, he took it as a given that what was the main right of a person, a person would not have to come to court and fight for that right, Mr. Deputy Speaker. So he took it as a given that that was a right that everybody would enjoy. Never in his comprehension he would have thought that you would have had later incarnations taking away that right.

Now, Mr. Deputy Speaker, just one of the points which I heard a previous speaker talking about, and I would just like to respond to that, this is particularly the Member for San Fernando West. And he made this broad-brush statement about how the Member for Siparia was somehow or the other acquiescing or maybe encouraging acts of fraud on the part of councillors. Now, this is something that I want to say—I want to remind the Member for San Fernando West of an investigative journalist’s piece which was reported in the *Trinidad Guardian* on the 16<sup>th</sup> of July, 2019, one by Mr. Mark Bassant, and what that *Guardian* article is entitled is, “Gangsters benefit from contracts through corporations”. And what it

says in this article was that:

“...money was paid to alleged gang leaders based in communities in the Port-of-Spain to Diego Martin areas over the last three years.”

That is a 2019 report. And it went on into how several:

“...reputed gang leaders in north Trinidad have benefited from State contracts worth close to \$6 million...”—

**Mrs. Robinson-Regis:** Please, 48(1), please.

**Hon. Member:** [*Inaudible*]—Deputy Speaker.

**Mrs. Robinson-Regis:** Oh, please.

**Hon. Members:** [*Crosstalk*]

**Mr. Deputy Speaker:** Again—

**Mrs. Robinson-Regis:** It is not relevant.

**Hon. Members:** [*Crosstalk*]

**Mr. Deputy Speaker:** Okay. Members, listen, I need to rule. Okay? I need to rule. I need no help from on both sides. Okay. Again, so, now, Member, you said you were responding, so, again, I would like you to tie it up and bring the rationale within the particular Bill.

**Mr. D. Rambally:** Yes.

**Mr. Deputy Speaker:** Right?

**Mr. D. Rambally:** Thank you, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** So I would give—you just to wrap it up.

**Mr. D. Rambally:** Yes. Thank you. I will wrap it up quickly. So what that investigative journalist’s piece said was that you had reputed gang leaders benefiting from state contracts to sum total of \$6 million in spite of the fact that, you know, you are dealing with crime, increasing crime, and it spoke about the Government’s role in this. So when it is the Member for San Fernando West takes

a position that on this side we are somehow acquiescing in fraudulent conduct, far from, Mr. Deputy Speaker. Our record on this side will show that once there is proper evidence brought forward, that evidence must be channeled to the appropriate authorities and the appropriate authorities must act. That has always been the track record on this side.

So, Mr. Deputy Speaker, I want to dismiss—I know you have given me some limited room, and I abide by that, but to say that that article is something, “Gangsters benefit from contracts through corporations”, it was not any UNC councillor or UNC corporation, so I put that on the record.

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

**Mr. D. Rambally:** Now, Mr. Deputy Speaker, I want to say that in terms of the—I know I have other colleagues who will come after me, but I want to place it on the record that if we are talking about validation legislation, I want to put it on the record that an amendment, a proposed amendment signed by the Member for Barataria/San Juan, and it ought to be in circulation already, we are making a proposed amendment to this validation legislation, and that is following the advice from the Member for Siparia, hon. Leader of the Opposition, that clause 5 should be deleted outright.

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

**Mr. D. Rambally:** And I want to say that when I heard the hon. Attorney General and I heard the Member for San Fernando West, they provided no clarity, no incentive as to why it is that clause 5 in the Bill would somehow provide assurances in the interest of the public, and let me explain that. From the very inception, when we had the judgment of the Privy Council, the hon. Attorney General spoke about the fact that we ought not to be concerned, and we ought not to be concerned because he had reference to some venerable and old aged

principles of law, namely de facto officers and de facto conduct, which is in contrast to de jure. But he spoke about de facto principles, and that de facto office principle is one which he said would cover all actions of councillors and local government officials in question until the ruling of the Privy Council which was the 18<sup>th</sup> of May. These were the words of the Attorney General. I believe he would have cited cases like, *Scadding v Lorant* and some other authorities; very, very old authorities, but they remain good law. So if we are to take the Attorney General by his own analysis, and we presume he is acting on advice as well, that if it is you have all the local government officials being protected and any transactions conducted on their part, albeit without the colour of lawful authority, that the de facto principle will apply to them and protect them until the 18<sup>th</sup> of May, one questions why this Bill is being brought, this clause 5. And even if you want to make it certain—let us assume you want to make it certain that you now have the weight of statute, the weight of legislation to protect these officials, then why is it that you are going beyond the 18<sup>th</sup> of May? And not only that, it is not just going beyond the period, 18<sup>th</sup> May till now, it is going until sometime in August, 18<sup>th</sup> August.

Mr. Deputy Speaker, this is not the first time that we have had to hold a local government elections in Trinidad and Tobago. So you would normally have a situation where certain persons would continue in office and if they act outside of authority they can be held liable. If they acted even outside of lawful authority but they acted with bona fide intent, there are principles such as the de facto that will apply to them and protect them. But in this case why—and to echo the sentiments of the Leader of the Opposition, why are you going further than today? Why are you going to such distant time in the future, 18<sup>th</sup> August, to protect all the actions of these persons? What is it that they intend to do so if it is we now accept, based

on the Privy Council ruling, that the local government elections should have been called in March 2023, and now we have a mandate from them as to how we can act lawfully? Why are we including this clause 5? So it is somewhat absurd as a matter of law and also as a matter of fact to bring that clause 5 to say that we want to cover the actions of all officials between November 2022 to August 18<sup>th</sup>.

And this brings me to the other point, Mr. Deputy Speaker, why not just cure all of this and simply announce the date for local government elections?

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

**Mr. D. Rambally:** Why is the Government running from calling this date and holding the elections? I could say for sure with certainly, we on this side, we are ready for the local government elections.

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

**Mr. D. Rambally:** I could say with certainly, my sister from Chaguanas East, we are ready in Chaguanas. We are raring and ready to go.

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

**Mr. D. Rambally:** And I see another colleague of mine on the other side, I hope he does not feel he can infiltrate Chaguanas.

**Mr. Deputy Speaker:** Address the Chair.

**Mr. D. Rambally:** Yes. So, Mr. Deputy Speaker, the point I want to make is that, why are we legislating for something which is already provided for in the law and we can simply trigger the local government elections by announcing the date? Why are we doing this? So I leave that there, Mr. Deputy Speaker.

Now, another point I want to make is that, I can understand, with respect to the clause 5, and I do not think this was mentioned, and if it was mentioned—I highly doubt it was by the hon. Attorney General. And, you see, the point that has to be made, so that persons on the outside can understand why this clause 5 is

coming, certainly in part, is because while the de facto doctrine will offer protection and give lawful authority to the officials, it does not validate invalid legislation. So that is a point which we cannot hammer home enough. It is a situation of where bad law has been brought. It is a situation of where we had to get the Privy Council to rule. And now that we have the benefit of that ruling, what it means now is that we are now passing a law to validate invalid law, and this really is an undesirable state of affair, Mr. Deputy Speaker.

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

**Mr. D. Rambally:** So the last point which I wish to make, Mr. Deputy Speaker, is we have in Trinidad and Tobago a system by which local government operates, the Municipal Corporations Act. And I have already said, Mr. Deputy Speaker, that we know what the pertinent provisions are for the purposes of this debate. We have maintained that we are not in support of clause 5 and we have proposed that amendment, which is a total deletion of clause 5 of this Bill. We have also put on the record that our position is that the date for local government election should be announced forthwith, and that is not today's position. We have been saying that since November 2022, we have been saying it in May 2023, and here it is again, we are here today to say, "Announce the date". But what is important about that?

Mr. Deputy Speaker, under our Constitution—and I have referred to it but I will not repeat what I have said before. This rule of law which pervades the very fabric of our laws, which pervades our society, which is the backbone of our democracy, that rule of law, which some people think is the domain of lawyers but really and truly it is the pillow that every citizen, law-abiding citizen sleeps upon every night, this rule of law is something that we are being judged by, all countries in the world, some 104 countries are being judged by this rule of law.

A government and a society's adherence to the rule of law is something that is now being measured. There is a tangible measurement that is apportioned and we are being measured. Why is that important to this debate and why is it important generally? It is important to this debate because the actions that we have seen, since November 2022 till now, will make us drop in the rankings in that Rule of Law Index. That is what is pertinent here and that is not a good sight. That is not a good evaluation for Trinidad and Tobago. And outside of this debate—I say “outside” loosely—what is the importance of that ranking? It is because our international counterparts, business counterparts, foreign investors, everybody is looking towards that to determine whether Trinidad and Tobago is a place where they want to come to invest or they want to spend holidays, or what have you, and we have dropped in that Rule of Law Index, Mr. Deputy Speaker. Between the pandemic, 2020 to 2022, we dropped one place, 63 out of 139 countries is what we ranked. And we have now had the 2022 till now, that index—

**Mr. Deputy Speaker:** Okay. Hon. Member, your initial speaking time has elapsed, you have an additional 15 minutes. But before I present for you to accept, I would like to suspend the sitting at this time—

**Mr. D. Rambally:** Yes, please.

**Mr. Deputy Speaker:**—and we will resume in 30 minutes. We will resume in 30 minutes.

**4.39 p.m.:** *Sitting suspended.*

**5.10 p.m.:** *Sitting resumed.*

**Mr. Deputy Speaker:** Okay. As we resume, Chaguanas West, you have your additional 15 minutes. Care to avail? Proceed.

**Mr. D. Rambally:** Thank you, Mr. Deputy Speaker. Just to close off the points that I was making, and I will not go into any detail, but I think I had just referenced

the Rule of Law Index. I spoke about what it means in terms of being evaluated as a country and a government adhering to the rule of law, and I will just make the simple point that we were rated as 63 out of 139 countries, and that was in 2021. In 2022, we are now rated 67 out of 140 countries. So this is something that we definitely need to keep an eye on.

Mr. Deputy Speaker, no disrespect of any of our international counterparts, but when you look at some of the countries that have scored ahead, I say it in the context of they having civil riots, and they have different issues over the last two decades, that it is something that we have to take stock of. In terms of our region, regionally, we have scored 14 out of 32.

So, Mr. Deputy Speaker, I leave that there. I think that these are matters, when we look at the factors upon which they assess us, one of the factor is constraints of government powers, open government, these are matters that I think are applicable when we see what we are dealing with here today. Respecting fundamental rights of citizens is another one. So I leave that there.

Mr. Deputy Speaker, I will not use my entire remaining time. I know Members for Port of Spain North/St. Ann's West, and San Fernando West have prevailed upon me to keep it short on this side of the recess.

I want to say, and I will end, that it is said that—and I am quoting a famous quote from John Locke in the *Two Treatises of Government*, and that says:

“Wherever law ends, tyranny begins...”

It is something that we must make sure that we do not find ourselves being labelled anywhere close to that description:

“Wherever law ends, tyranny begins...”

And I say “tyranny” from the point of view of respect for fundamental rights. So I know Diego Martin Central may want to respond to that, but that is something that



I want to place on the record.

An author that is more at home for us, and I speak of none other than VS Naipaul, VS Naipaul said:

“...a government that breaks its own laws can also easily break you.”

So:

“...a government that breaks its own laws can also easily break you.”

That is from *A Bend in the River*. So that is VS Naipaul.

Mr. Deputy Speaker, as I conclude, I want to say to the Government that all of this could have been avoided if it is they had simply followed the law and had called the local government elections in time, which was before March 2023, and that is something which I do not wish to get into, according to the Privy Council ruling.

I want them to know that leaving here today, I see no reason why—we in the Opposition see absolutely no reason why you cannot have an announcement, whether in or out of the Parliament, as to when is the local government election date. And that is something that we can have as quickly as possible, and that will ensure that we can return to some normalcy in terms of the running of the municipal corporations. We can see a return to the practice of the rule of law that we should abide by, and we can also see a return to good governance.

Mr. Deputy Speaker, I want to tell Members on the other side that they can run, but they cannot hide. Local government elections is upon them and they need to call that date so they must answer to the people. The people wish to exercise their rights.

Mr. Deputy Speaker, I thank you for this time.

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

**Mr. Deputy Speaker:** I recognize the Attorney General.

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

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you very much, Mr. Deputy Speaker. I do not propose to spend a lot of time in my wind up. I wish to address just a few of the points that have been made by the Opposition speakers today.

A point which has been made, that I will immediately respond to, by the Leader of the Opposition, is to her seeking to call into question the validity, efficacy and wisdom of clause 5 of the Bill before this House. She sought to suggest that the purpose of the clause is to seek to have this House validate things into the future. That is wrong and a simple reading of the language of clause 5 makes it clear that what clause 5 seeks to do is two things: one, to validate the functions of councillors and aldermen between the 2<sup>nd</sup> of December, 2022, and the 18<sup>th</sup> of May, 2023, that is to say the date of the Privy Council ruling. That is the first thing that it seeks to do.

The second thing that it seeks to do, recognizing that we are before the Parliament now in the present, to ask the Parliament immediately into the future to bring legislation into effect, is for this Parliament to pass legislation, which upon commencement will have validated the Acts and functions of the councillors and aldermen up to the point in the immediate past, on the commencement of this Bill into law, to validate that which proceeded the passing into law.

So there is no seeking on the part of the clause before this House to validate anything into the future. And if I may say so with the greatest of respect, that is one instance of a quality of sophistry that I have had the opportunity to listen to this afternoon. So I reject that strained interpretation on the part of the Leader of the Opposition.

The Leader of the Opposition has raised a second point, which I would take

together with a point also raised by the Member for Chaguanas West. It is to suggest that somehow or the other what the Privy Council has done is to rule that this Government has acted unconstitutionally. The Member for Chaguanas West, in particular, allowed himself to utter a most strained, and if I may say so with respect, misrepresentation of the language of the Privy Council in the majority.

I hope, Mr. Deputy Speaker, you would permit me the latitude, because the record is important for the public listening, as well as for the record of this House. Permit me to read in clear terms paragraph 20 of the decision of the Privy Council. What the Privy Council said at paragraph 20 is:

“...on any footing, the absence of any detailed provisions concerning local government elections leads to the inevitable conclusion that a change in the length of the terms of office of incumbent Councillors and Aldermen cannot amount to a contravention of the Constitution. The term for which representatives have been elected is important but an increase by one year in the term of incumbent Councillors and Aldermen does not of itself breach any provision of the Constitution.”

That language is, with respect, uttered by the Privy Council, Her Majesty’s English language. And it is a language that we have adopted, that we have been to school, we have been taught, we have learned and we profess to be able to speak it. It could not be more clear. The English language word to describe what I just read at paragraph 20 of the ruling of the Privy Council is “pellucid”.

So that it is not to be, with the greatest of respect, condoned for the dignity of this House to be used to put about a misrepresentation of the ruling of the Privy Council. In no terms did the Privy Council say that what this Government has done amounts to a breach of the Constitution, quite the contrary.

I have said it in another place, and I will repeat it, the constitutionality of the

Government's actions have been pronounced on by no less than eight judges: the High Court judge of Trinidad and Tobago, three judges of the Court of Appeal of Trinidad and Tobago, and together, unanimously, three judges in the majority and two judges in the minority in the Privy Council, who ruled clearly that this Government did not breach any provision of the Constitution in extending the triennial to a quadrennial.

I hope that my learned friends—and I used that term out of the other place where I have spent some time and perhaps I should stop using it in this place to refer to my friends on the other side. I hope that they would understand that it is not correct, for whatever purpose, to misrepresent that which has said by a court of law. It wins no friends. It wins no respect.

If I may come to a further point, and “sophistry” again is the word to describe it. The Leader of the Opposition spent her entire contribution speaking to the interpretation which the majority of the Privy Council arrived at, in ruling that the incumbent councillors, by the amendment which was passed in November 2022, were not caught by that amendment and therefore their term had come to an end.

In listening to the Leader of the Opposition, one might have been tempted to believe that that point of interpretation was a point which formed the centre of the arguments of those who represented the political activist when he went before the High Court, when he went before the Court of Appeal of Trinidad and Tobago.

So, again, with your leave, Mr. Deputy Speaker, I ask your permission to read paragraphs 15 and 16 of the judgment of the Privy Council. Paragraph 15 of the majority:

“While it appears from the judgments in the Court of Appeal that the appellant's submission based on the Constitution was his primary case, it

was presented to the Board as a secondary argument.”

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

**5.25 p.m.**

**Sen. The Hon. R. Armour SC:** The short point there, Mr. Deputy Speaker, is that the political activist, whose clarion call is being heralded through this judgment, did not go to the High Court or to the Court of Appeal and argue on a matter of interpretation. His case was cast squarely on the fact that the Government had acted unconstitutionally, and that argument was rejected in the High Court, in the Court of Appeal and by the Privy Council. And it was only when he got to the Privy Council, as the Privy Council tells us at paragraph 15, that the argument over the interpretation of section 11(4) and section 11(5) meant that the incumbent councillors had ended their term and could not be extended into the quadrennial. That interpretation argument was, for the first time, presented as the primary argument of the political activist. It was not the main plank of his argument.

So that to listen to the Leader of the Opposition suggest that throughout this was an argument that had been mounted as the core of the case for the applicant, was just simply a misrepresentation of how the case arose, how it was presented and indeed how it was determined by the Privy Council. So, again, I reject that approach to misrepresenting the state of the arguments that resulted in the majority judgment of the Court of Appeal.

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

**Sen. The Hon. R. Armour SC:** Mr. Deputy Speaker, I am going to ask your leave, and I genuinely will wish your leave here to correct a further a misrepresentation that is being put out by Members on other side which speaks to misrepresenting what I have said about this decision in this matter. It was said here today by the Member for Chaguanas West—rather, I beg your pardon, it was

said here today by the Member for Barataria/San Juan that I must not talk about the judgment being a contempt of court. And the Member for Barataria/San Juan allowed himself to cite the fact that in things that I have said as Attorney General, I have been criticized by the Law Association of Trinidad and Tobago in misrepresenting what this judgment says. And I want your leave, Mr. Deputy Speaker, to correct for the record of this House, which must be careful to ensure that its records are clear, and to correct for the record of the listening public, what I have said and which is on record about this judgment when it is charged that I have somehow suggested that in criticizing this judgment persons are committing a contempt of court. There is nothing further from the truth than that. So with your leave, Mr. Deputy Speaker, I will read paragraphs 11 and 12 of a statement which I made, which has given rise to this misrepresentation of what I have said as threatening contempt of court against persons who speak to this judgment. I said on the 18<sup>th</sup> of May, paragraph 11 of my written statement:

It bears emphasis that nothing in the way of these amendments and nothing in the decision of the Privy Council can support any argument that this Government, by these amendments, was seeking to disenfranchise the rights of citizens of this country to vote their elected representatives into office.

**5.30 p.m.**

I went to say at paragraph 12:

I emphasize this point because this decision is, of course, one with a political dimension.

I emphasize that no rational possibility exists for any political capital to be gained out of anyone misrepresenting this judgment. That would be wrong, tantamount, almost to a contempt of court. I urge citizens to take the time to

read this judgment carefully. A responsible media should print the judgment in full in a pull-out edition of the Sunday papers so that all citizens can read and intelligently understand the true significance of this judgment without any mischievous spin.

I did not say on that occasion, I have never said on any occasion, that for the media to print about this judgment is a contempt of court. And I wish that to be corrected for the record of all time.

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

**Sen. The Hon. R. Armour SC:** Mr. Deputy Speaker, the only other matter that I seek your leave to address, in the comments that have been made by the other side, is the suggestion that has emanated from the Leader of the Opposition and all those who support her, that this Government has delayed in calling elections. I am on record, and every speaker on behalf of this Government on this Bill is on record, and I will not repeat it lest I be accused of tedious repetition, we are on record as saying that the commitment of this Government has been to enable there to be a proper process of local government reform and it is to that end that the election date was competently and legally extended from the triennial period to the quadrennial period. We accept now that the Privy Council has ruled that the quadrennial does not apply to incumbents and it is for that reason why we are therefore before this House afternoon, Mr. Deputy Speaker, to move the Bill which is before this House. And may I say, before I take by seat, that when we get to the committee stage I will be moving two short amendments to the Bill which is presently before us to introduce one recital and to amend section 2 the definition of “Councillors and Aldermen” in the Bill which is presently before this House. Mr. Deputy Speaker, with your leave I thank you.

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

**Mr. Deputy Speaker:** I beg to move, Sir.

**Sen. The Hon. R. Armour SC:** And I beg to move.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

**Mr. Chairman:** Hon. Members, I now call this committee meeting to proceed. Welcome from the AG's Office. Now, hon. Members, before we move on, all documents have been circulated? Chief Whip? All right. Leader of the House? Lovely. All right.

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed:* That clause 2 stand part of the Bill.

B. In clause 2 by deleting the definition "Councillors and Aldermen" and substituting the following new definition-

““Councillors and Aldermen” means the persons who served in the corporate office of the Council during the period December 1<sup>st</sup>, 2019 to May 18<sup>th</sup>, 2023”;

**Mr. Armour SC:** Mr. Deputy Speaker, I have circulated—

**Mr. Chairman:** AG.

**Mr. Armour SC:**—a proposed amendment, Mr. Chairman, I have circulated a proposed amendment to clause 2 and that is to delete from clause 2 the definition of “Councillors and Aldermen” and instead to substitute the following new definition:

““Councillors and Aldermen” means the persons who served in the corporate



office of the Council during the period December 1<sup>st</sup>, 2019 to 18<sup>th</sup> May, 2023.”

**Mr. Chairman:** Barataria/San Juan, Member.

**Mr. Hosein:** Thank you very much, Mr. Chairman. Mr. Chairman, I am looking at the new definition that the Attorney General want to insert. And, AG, I do not know if this is an error, but if I remember the elections were held on the 2<sup>nd</sup> of December, 2019, not the 1<sup>st</sup> of December, 2019.

**Mr. Armour SC:** Just a sec. Yes. Thank you.

**Mr. Hosein:** You have the 1<sup>st</sup> of December, so it is—

**Mr. Armour SC:** It is the 2<sup>nd</sup>.

**Mr. Hosein:** The amendment you circulated is the 1<sup>st</sup>, you know.

**Mr. Chairman:** Hon. AG. All right. So according to the date change, it is December 2<sup>nd</sup>.

**Mr. Armour SC:** 2019.

**Mr. Chairman:** Right. 2019 to May 18<sup>th</sup>, 2023. Right. So noted, Member for Barataria/San Juan.

**Mr. Chairman:** Hon. Members, again, clause 2 as amended and then the further amendment with regard to the date, December 02, 2019. So noted.

**Mr. Armour SC:** Thank you.

**Mr. Chairman:** Right. So noted.

*Question put and agreed to.*

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

*Clauses 3 and 4 ordered to stand part of the Bill.*

*Clause 5.*

**Mr. Chairman:** Attorney General, your amendment as circulated.

**Mr. Armour SC:** I have—[*Inaudible*]

**Mr. Chairman:** Barataria/San Juan, sorry. Barataria/San Juan.

**Mr. Hosein:** Thank you very much, Mr. Chairman. Mr. Chairman, for the purposes of the record, my amendment that was circulated is to delete the entirety of clause 5. The reason and the rationale for this particular amendment is the fact that we are of the belief that if we are extending the terms of the councillors for the period up until the 18<sup>th</sup> May, 2023, what the Bill or this particular clause does, it now validates acts of persons' offices that have expired on the 18<sup>th</sup> of May, 2023, till the commencement date of this law. Now, how can we validate actions where persons' offices have already expired even after the extension? So that is the first point with respect to this entire amendment.

The second part of it is, when this was done in 2023, you would remember that the elections were due in October of 2002. The Bill came to the Parliament around February 2003. When that particular Parliament extended the terms of the life of the councillors and aldermen, there was just a simple extension of the terms of office and there was no validation per se, because if we are extending the terms of the offices from December to May and then the Attorney General also relied on the doctrine of de facto officer, then there is no need to validate. That is the next issue.

So the two points are one. We are validating for the future for councillors and aldermen whose offices have expired based on the extension, 18<sup>th</sup> May, 2023. And secondly, that there may not be a need to validate based on the practice that was adopted by this Parliament in 2003. Thank you.

**Mr. Chairman:** Attorney General.

**Mrs. Persad-Bissessar SC:** May I—[*Inaudible*]

**Mr. Chairman:** Okay. Member for Siparia.

**Mrs. Persad-Bissessar SC:** Sure. I support the contribution of the hon. Member

for Barataria/San Juan. In my contribution, I had raised this issue of the deletion of clause 5, as clause 5 being in conflict with other parts of the Act. And we do not think it is necessary to insert this clause 5 to take us forward, for actions and decisions that would be taken after the 18<sup>th</sup>, when on the 18<sup>th</sup> the councillors had already expired or retired as the case may be.

**Mr. Chairman:** Attorney General.

**Mr. Armour SC:** Thank you very much, Mr. Chairman. Mr. Chairman, I do not accept the proposed amendment. I have already addressed in my winding up the fact that this Act is not speaking into the future. It is seeking to validate the two periods: the period from the 2<sup>nd</sup> of December to the 18<sup>th</sup> of May, and the period up to the commencement of the Act. And I think that that answers the point squarely because at the end of the day, with the greatest of respect, the validation, consistent with the de facto doctrine which the Member for Barataria/San Juan has already conceded applies, all that this amendment is seeking to do by clause 5 is to give legislative efficacy to the de facto doctrine up to when the Act—this Bill becomes an Act of Parliament. So I decline to accept the suggestion for the amendment in its entirety.

**Mr. Chairman:** Okay. Hon. Members, we proceed.

*Clause 5 ordered to stand part of the Bill.*

*Preamble.*

*Question proposed:* That the Preamble be approved.

A. In the Preamble by inserting after the second recital the following new recital:

“And whereas there have been two By-elections during the period 2<sup>nd</sup> December, 2022 to 18<sup>th</sup> May 2023;”

**Mr. Chairman:** And I now call on the Attorney General.

**Mr. Armour SC:** Thank you, Mr. Chairman. I wish to propose the Preamble, after the third Preamble, to add a new Preamble.

**5.45 p.m.**

So the third Preamble currently reads:

“...whereas the said Councillors and Aldermen have continued to exercise the functions of Councillors and Aldermen from 2<sup>nd</sup> December, 2022 to 18<sup>th</sup> May 2023:”

That is the existing third. I wish to add a fourth which will read:

And whereas there have been by-elections during the period 2019 to 2023.

**Mrs. Persad-Bissessar SC:** What I have in front—

**Mr. Chairman:** Member for Siparia.

**Mrs. Persad-Bissessar SC:** I thank you, Sir. What I have in front of me:

“And whereas there has been two By-elections...”—

**Mr. Armour SC:** No, I have deleted—sorry. I have deleted the word “two”—

**Mrs. Persad-Bissessar SC:** When did you do that?

**Hon. Member:** In his presentation.

**Mr. Armour SC:** In my presentation, as I just articulated.

**Mrs. Persad-Bissessar SC:** You know, two simple amendments brought by this hon. Attorney General, and both of them have been wrong. The ones that you have given us on the piece of paper is different from what we are now proceeding. So, okay, you said you have now changed it to read what? There were no two by-elections in that period?

**Mr. Armour SC:**

Whereas...

—as I just read Leader of the Opposition—

**Mrs. Persad-Bissessar SC:** Go ahead.

**Mr. Armour SC:** The amendment which I propose is:

Whereas there have been by-elections—I delete the word “two”—during the period—and I delete the words “2<sup>nd</sup> December”—and I introduce the year “2019 to 2023”.

**Mrs. Persad-Bissessar SC:** May I kindly ask what is the rationale for this Preamble?

**Mr. Armour SC:** The rationale is to capture the history of the by-elections that have occurred in the period 2019 to 2023.

**Mrs. Persad-Bissessar SC:** And what value will that be to this validation Bill? What benefit will it bring us?

**Mr. Armour SC:** The benefit of that has to do with the definition, the interpretation that we have introduced, which has already been voted on, to introduce clause 2 as amended.

**Mrs. Persad-Bissessar SC:** Thank you, Sir.

**Mr. Armour SC:** Thank you.

**Mr. Hosein:** Mr. Chairman—sorry. Sorry, Attorney General.

**Mr. Chairman:** Attorney General.

**Mr. Armour SC:** Yes. Thank you very much, Mr. Chairman. I have been asked to draw to your attention, a printer’s error in the long title, which I would like to amend as well.

**Mr. Hosein:** Mr. Chairman, before I go there, may I just—because this contribution is on the amendment to the Preamble, not the long title.

**Mr. Armour SC:** I give way.

**Mr. Chairman:** Go ahead.

**Mr. Hosein:** Sure. AG, you will have to amend your amendment because you said:

“In the Preamble by inserting after the second recital...”

That should now be read, “third recital”. This is the amendment that I have in front of me, AG. And then the other thing, why are you extending the period 2019 to 2023? The reason I ask is because the last by-election we had would have been on the 7<sup>th</sup> of February, 2022. So there were six by-elections. There were five by-elections in 2021, and there was one in 2022. You are giving the whole period of 2019 to 2023. Yes?

**Mr. Armour SC:** Yes, that is what I said.

**Mr. Hosein:** Okay. We changed aldermen during that period?

**Mr. Al-Rawi:** [*Inaudible*]

**Mrs. Persad-Bissessar SC:** [*Inaudible*]

**Mr. Hosein:** No, what I am understanding, Mr. Chair—

**Mr. Chairman:** Barataria/San Juan, I recognize you. Go ahead.

**Mr. Hosein:** Yes. What I am understanding now is that there may be changes to aldermen. Are we going to capture this with this particular amendment? Because this only deals with by-elections for councillors. So let us just assume that someone became an aldermen on the 2<sup>nd</sup> of December, 2019, and then that person changed out because they probably died or there is change. Are we capturing those changes in aldermen?

**Mr. Armour SC:** The language of the amendment that I have read by way of the introduction of the fourth recital is wide enough. It says:

Whereas there have been by-elections during the period 2019 to 2023.

And I think that suffices, Member.

**Mr. Chairman:** Hon. Members, the question is that the Preamble to the Bill be amended as circulated and as follows:

And whereas there have been by-elections during the period 2<sup>nd</sup> December,

2019 to 18<sup>th</sup> May, 2023.

**Mr. Armour SC:** 2019 to 2023.

**Mr. Chairman:** Oh, you are leaving out the May 18<sup>th</sup> also?

**Mr. Armour SC:** Yes.

**Mr. Ratiram:** That is not what was circulated.

**Mr. Armour SC:** It is an amendment on the floor.

**Mr. Chairman:** I said as circulated and also amended as follows.

**Mr. Armour SC:** Yes, and I amended it on my feet.

**Mr. Chairman:** Right. Just for the records, let us get it for the records for the *Hansard*.

**Mr. Armour SC:** The amendment that I may read one more time is:

Whereas there have been by-elections during the period 2019 to 2023.

The dates “2<sup>nd</sup> December, 2022” and “18<sup>th</sup> May” are deleted.

**Mr. Chairman:** The question is that the Preamble to the Bill, be amended, as follows:

And whereas there have been by-elections during the period 2019 to 2023.

*Question put and agreed.*

*Preamble approved.*

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

*House resumed.*

**Mr. Deputy Speaker:** Attorney General.

**Sen. The Hon. R. Armour SC:** Mr. Deputy Speaker, I wish to report that the Municipal Corporations (Extension of Terms of Office and Validation) Bill, 2023, was considered in the committee of the whole and was approved with amendments. I now beg to move that the House agree with the committee’s report.

*Question put and agreed to.*

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

### ADJOURNMENT

**Mr. Deputy Speaker:** Leader of the House.

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Mr. Deputy Speaker, I beg to move that the House do now adjourn to a date to be fixed.

**Mr. Deputy Speaker:** Hon. Members, there are two matters that qualified to be raised on the Motion for the adjournment of the House. I will now call on the Member for St. Augustine.

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

#### St. Augustine Constituency

##### (Presentation of Disaster Relief Grants)

**Ms. Khadijah Ameen (St. Augustine):** Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I brought this Motion today because I, on behalf of the constituents of St. Augustine, am not satisfied with the response of the Ministry of Social Development and Family Services in an issue concerning the presentation of disaster relief cheques or disaster relief grants to the people of the constituency of St. Augustine.

Mr. Deputy Speaker, in the week beginning November 27<sup>th</sup>, many parts of Trinidad and Tobago started experiencing showers and thunder showers. Now, St. Augustine constituency is at the foothills of the northern range, and the southern boundary of St. Augustine is the Caroni River. So the Caroni River basin has certain activities that take place during heavy rainfall and it does affect the constituents. So by the first week of December, several areas within St. Augustine constituency started to see rising floodwaters, but it was not the usual flooding.



Areas such as Bamboo No. 2, Valsayn South, these areas had water up to neck height, literally. Real Spring Valsayn, Spring Village, St. Augustine South, the area known as Morang, the flooding levels were unusual, in my view, because of the negligence of the State.

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

**Ms. K. Ameen:** Mr. Deputy Speaker, the river banks that—on the tributaries towards the Caroni River—the Caroni River bank itself has been neglected for quite some time, as have been other infrastructure related to drainage in this country, under this Government. And who feels it? It is the regular citizen. In those areas, the river banks are supposed to be strengthened during the dry season, the watercourses are supposed to be grubbed or remove the shrubbery. In some areas, you have trees growing in the watercourse because of the length of time it has been without maintenance. There are floodgates in the St. Augustine constituency, in Bamboo No. 2 in particular, that were leaking before I became MP. I sent videos, I sent photographs, I sent letters, I have sent emails to those in authority, and to date—

**Mr. Indarsingh:** Eight years.

**Ms. K. Ameen:**—when I asked question in Parliament, the response is that I am writing too many letters.

**Hon. Member:** Who say that?

**Hon. Member:** Rohan.

**Hon. Members:** [*Crosstalk*]

**Ms. K. Ameen:** And that the report from the Drainage—

**Hon. Members:** [*Crosstalk*]

**Mr. Deputy Speaker:** Again, Members on both sides, again, please let us hear the Member for St. Augustine.

**Ms. K. Ameen:** Thank you. Mr. Deputy Speaker, my name is Khadijah Ameen and when I go to my constituents I mean business.

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

**Ms. K. Ameen:** And in order to represent my constituents, I have written letters; sent emails, photographs, videos of leaking floodgates, eroding river banks, to the various persons in authority, to date, with very little—

**Mr. Deputy Speaker:** Silence.

**Ms. K. Ameen:**—response.

**Mr. Indarsingh:** Inaction.

**Ms. K. Ameen:** And those floodgates are still leaking and the response coming out of the Minister responsible is that—

**Hon. Members:** [*Interruption*]

**Mr. Deputy Speaker:** Leader of the House. Leader of the House, please, your Members, silence.

**Ms. K. Ameen:** They are not disturbing me, Mr. Deputy Speaker. They are not disturbing me.

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

**Mr. Indarsingh:** They are trying to not hear the truth.

**6.00 p.m.**

**Ms. K. Ameen:** The response from those in authority has been poor. It is clear that they are getting incorrect information because they keep saying here in the Parliament and other places that the reports that I sent to them are incorrect, when I have been on the ground and in field. And the result of these pumps not being fully functional and manned, the floodgates not working, the watercourses having overgrown bush, and the river banks not being strengthened, is that because of the incompetence and negligence of the Government, the people of St. Augustine

experienced those devastating flooding.

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

**Ms. K. Ameen:** And in the Ministry of Social Development and Family Services, there is a flooding—well, a disaster relief grant that pays up to \$10,000—

**Mr. Imbert:** Point of order, Mr. Deputy Speaker, 48(5). The Member referred to herself by her name in breach of 48(5).

**Hon. Member:** No.

**Hon. Members:** [*Crosstalk and laughter*]

**Mr. Deputy Speaker:** Thank you, thank you, thank you.

**Hon. Members:** [*Crosstalk*]

**Mr. Deputy Speaker:** Overruled. Overruled.

**Ms. K. Ameen:** Mr. Deputy Speaker, I hope you will give me—

**Mr. Deputy Speaker:** Member, you only have 10 minutes. Proceed.

**Ms. K. Ameen:** Mr. Deputy Speaker, I hope my 10 minutes does not include that vexatious intervention from the Minister.

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

**Ms. K. Ameen:** You are robbing the people of St. Augustine of their time, Mr. Minister.

**Mr. Deputy Speaker:** Address the Chair.

**Ms. K. Ameen:** Mr. Deputy Speaker, I explained how the Government and the State, and the negligence and the incompetence from the Ministers on the opposite side have led to the severe damage and trauma of the flooding in St. Augustine constituency. And therefore, whatever little intervention the State could offer, by way of the disaster relief grant—which is a grant of up to \$10,000 given to these households.

Mr. Deputy Speaker, there are some Members of the Government who have

close relatives living in some of those areas because there are HDC developments and so on. So Ministers of Government were present in the area and they saw for themselves first-hand the type of damage. When there is four feet of water or water up to neck height in people's homes, everything is destroyed. Ten thousand dollars is but a drop in the bucket to help these people recover their lives. It is a drop. In fact, that disaster relief grant was \$10,000 under the leadership of Prime Minister Kamla Persad-Bissessar and, to date, it has not increased but everything has increased in price. So the value of that Flood Relief Grant has depreciated because of what is going on, in terms of cost of everything. This little \$10,000 now, they have people suffering and begging for it.

There so many people who, Mr. Deputy Speaker, went through all that was required to submit their applications properly. As a Member of Parliament, myself and the councillors for the affected areas—and I must mention Councillor Richard Rampersad and Councillor Seema Ramsaran who were on the ground facilitating and ensuring that every person came forward and produced their information. We ensured that the information going to the Ministry was, you know, in terms of the integrity was very sound, genuine applicants. These are not people who were making up a story. And to have these people waiting since December—

**Mr. Deputy Speaker:** Members, you have two more minutes.

**Ms. K. Ameen:**—of 2022—

**Mr. Charles:** Wicked.

**Ms. K. Ameen:**—to date, there is no other word but wickedness to describe it.

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

**Ms. K. Ameen:** There are persons who are applied and have had no response from the Ministry of Social Development and Family Services. There are persons who applied and got phone calls asking them to submit the same information over and

over again. There are people who got calls and got \$3,000. “Cyah even buy back ah washing machine”.

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

**Ms. K. Ameen:** And these people who are poor people. “Their washing machine float all the way down to the recreation ground in the flood and you cannot even give them money to buy back ah washing machine”. Thanks to this PNM Government. There are those who got the full \$10,000 but I know for a fact that that money is not enough. We know it is not enough. And I am asking, why is the Ministry of Social Development and Family Services taking so long to pay persons who were affected by the flooding, their Flood Relief Grant?

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

**Ms. K. Ameen:** I have been patient, I have been cooperative, I have been reaching out to the Minister, the Ministry and facilitating our constituents, providing the information. I have gone above and beyond in hot sun—

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

**Ms. K. Ameen:**—in the night, day and night, sun or rain, to facilitate this process. Mr. Deputy Speaker, I believe we have reached to the point now where it is inhumane, it is—

**Hon. Members:** [*Interruption*]

**Ms. K. Ameen:** Yes, I spent seven years in local government. It has reached to a point now where the treatment of the constituents of St. Augustine is inhumane and callous, and I call on the Minister to explain.

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

**Mr. Deputy Speaker:** Minister of Social Development and Family Services, you have 10 minutes in response.

**The Minister of Social Development and Family Services (Sen. The Hon.**

**Donna Cox):** Thank you, Mr. Deputy Speaker. The Ministry of Social Development and Family Services understands the negative impact of floods and other unforeseen events on families and communities. And in fact many of our own employees fall victim of these disasters, so we take our responses very personally. And this is why, Mr. Deputy Speaker, that following any major disaster, the Ministry, as a second responder, collaborates with the Office of Disaster Preparedness and Management and the Disaster Management Units of the municipal corporations to coordinate disaster relief for families. And these agencies are well-recognized first responders and we take guidance from them at all times.

Mr. Deputy Speaker, as a whole-of-government team, we hasten to provide relief to persons who have experienced loss of one type or another, and we know that outside of the loss of physical assets, disaster victims can experience distress, anger, fear, frustration, and other psychological and mental challenges. And when children are involved, Mr. Deputy Speaker, reactions to these disasters can lead to post-traumatic stress disorder, and this where our family services come in and provide counselling.

The Ministry offers assistance through a series of grants and psychosocial support to bring immediate and long-term recovery to affected residents. And I would like this honourable House to know that, I wish to be absolutely clear, when we engage in disaster relief activities on behalf of citizens, we are balancing two very important objectives: the absolute and necessary requirement to get relief to affected persons in the shortest possible time, so as to shorten their suffering and allow for a return to normal living as fast as possible. And the second, but no less important objective, is to safeguard and be accountable for the use of taxpayers' money as custodians of the public purse.

Mr. Deputy Speaker, this is a very delicate balancing act because it requires us to act both in haste and to be cautious and careful at the same time. And it is not good, in our respectful view, to go into a community, open our car trunk and distribute food cards to anyone passing by, as some has done in the past.

Mr. Deputy Speaker, there is a natural intention between these two objectives: to provide speedy relief and to deter fraud and corruption. So sometimes they collide with each other, but as we like to say, time is of the essence and we always give the highest priority to human suffering and loss of life and property.

**Hon. Members:** [*Interruption*]

**Sen. The Hon. D. Cox:** Notwithstanding, we do want to compromise—

**Mr. Deputy Speaker:** Members, let us hear the response, please.

**Sen. The Hon. D. Cox:** We do not want to compromise our responsibilities to the taxpayers of this country.

And all I have just said is that you can imagine the pain of the officers of the Ministry and our first responder partners when we became aware of this Motion about the alleged unsatisfactory, complete unsatisfactory response of the residents of St. Augustine who were victim of floods. This approach is disheartening and demoralizing to our public officers and to our partners. And to tell you the truth in this matter, during a natural disaster, we have to wait for clearance to enter as a second responder, and we must pay attention to the instructions provided by first responder partners and only to let our staff go into the affected communities when we have been told to do so.

Mr. Deputy Speaker, the Ministry as a responsible employer cannot allow staff to enter a flooded area if no clearance is provided by the ODPM. Unlike the Member of St. Augustine, we are not going to disregard ODPM's instructions to

hop on a pickup, where water is more than two feet high, to go through a community. And this is so unsafe and may place more lives and limbs at risk than the disaster itself. And everybody knows that ODPM gave strict instructions that no person should drive their vehicle through six inches to two feet of floodwater and more, and that even larger vehicles, such as pickup trucks and SUVs, are in danger of floating away. And the person who does this, of course, runs the risk of being electrocuted or getting stuck in a drain, which is difficult to see when the road is covered in water.

Once we received the greenlight, we proceeded to deploy resources to directly support those residents of the Tunapuna/Piarco region, including St. Augustine and the surrounding communities that were affected. And this is what the Ministry did: officers from the National Social Development Programme, National Family Services Division, our Citizens Engagement and Outreach Service, Social Welfare Division and Food Support Programme were assigned to the region to partner with the disaster management unit in distributing temporary food support to those who lost their food items; conducting outreaches at Real Spring, Spring Village, Bamboo No. 2 and other community centres; providing psychosocial support to those residents who needed it; and directly engage with residents and provided them with information about grants and services.

Mr. Deputy Speaker, altogether, the Ministry of Social Development and Family Services assigned 38 officers from five divisions and units to provide relief and support in communities severely impacted during the 2022 flooding, including St. Augustine. Additionally, we recently had three outreach programmes in the St. Augustine area. This level of resource deployment is what the Member for St. Augustine calls a completely unsatisfactory response.

Mr. Deputy Speaker, I want to speak about—we got some information from



some members from the St. Augustine community who were very happy with our response, and these are constituents of the Member for St. Augustine. Mr. Rennie Baboobal from Bassie Street, Spring Village, Valsayn received a cheque in the amount \$10,000 on January 12<sup>th</sup> and stated, and I quote:

The procedure was fast and I was pleased with it. The service was good and I was satisfied with that. The assistance was good and it helped me to buy my stuff and I really appreciated it.

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

**Sen. The Hon. D. Cox:** Ms. Surajmatie Mangroo, 66 years of Freeman Road, St Augustine, also received a cheque of \$10,000 on January 09, 2023, and I quote:

The process to collect the cheque was—

**Ms. Ameen:** [*Inaudible*]

**Mr. Deputy Speaker:** No, no, Members. Hon. Senator. Please, Members, we are still in the House. Decorum still maintains. Okay? Listen in silence. Proceed.

**Sen. The Hon. D. Cox:** Mr. Deputy Speaker, Ms. Surajmatie Mangroo, 66 years of Freeman Road, St Augustine, also received a cheque of \$10,000 on January 9<sup>th</sup>, and I quote:

The process to collect the cheque was good. The money was helpful and I am very thankful and grateful. People who received the grant should fix their business because not all the time you will get assistance and you need to put good use to it in the future.

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

**Sen. The Hon. D. Cox:** Ms. Leena Joseph of Pillai Street, Spring Village, Valsayn, received a cheque totalling \$10,000 on January 23<sup>rd</sup>, and I quote—

**Ms. Ameen:** Mr. Deputy Speaker, I just want to query whether these persons—

**Mr. Deputy Speaker:** No, Member, you had—

**Ms. Ameen:**—gave permission for their names to be called—[*Inaudible*]

**Mr. Deputy Speaker:** Member, you had your opportunity. Have your seat please. You had your 10 minutes. Proceed.

**Sen. The Hon. D. Cox:** Leena Joseph stated, and I quote:

The process was smooth and I bought a stove and fridge with it. I bought a fridge and a stove with it. The process was good.

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

**Sen. The Hon. D. Cox:**

The water damaged everything and the money was not unhelpful. And most important, I got my fridge and my stove that I needed.

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

**Sen. The Hon. D. Cox:** Another client of Spring Village, Valsayn, that person asked to remain anonymous, received a \$10,000 cheque on January 24<sup>th</sup>:

The process was seamless and I thought we got the cheques very quickly and it was very helpful.

And these are constituents of St. Augustine.

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

**Mr. Deputy Speaker:** Two more minutes.

**Sen. The Hon. D. Cox:** So, Mr. Deputy Speaker, a total of 1,929 assessments were from the Tunapuna/Piarco Regional Corporation and from this—

**6:15 p.m.**

**Ms. Ameen:** [*Inaudible*]

**Mr. Deputy Speaker:** No, Member for St. Augustine.

**Ms. Ameen:** I apologize.

**Mr. Deputy Speaker:** Member for St. Augustine, whether it is a debate or whether it is a matter on the adjournment, the decorum still stands. You had your

opportunity. Member, you just have about, just over a minute.

**Sen. The Hon. D. Cox:** But, Mr. Deputy Speaker, I need to get back my time. A total of 1,929 assessments were from the Tunapuna/Piarco Regional Corporation and from this total, the Ministry has processed a total of 1,318 applications.

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

**Sen. The Hon. D. Cox:** Two hundred and eighty-six cheques remain uncollected at the Ministry's Head Office, and 20 per cent of these uncollected cheques are for the region of Tunapuna/Piarco Regional Corporation. Twenty cheques are from the St. Augustine constituency, and the Ministry continues to make numerous attempts to contact persons to advise them that their cheques are ready for collection.

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

**Sen. The Hon. D. Cox:** So, Mr. Deputy Speaker, in the interest of transparency and accountability for public funds, before cheques are dispersed, we have to go through a thorough process of assessment and validation for the victims of disasters. And this is for the information of the Member of Parliament for St. Augustine. So far the Ministry has provided \$14,208,800 in household and clothing grants for flood relief, related to the disaster for December 2022. The Tunapuna/Piarco Regional Corporation accounts for 47.7 per cent of this expenditure, or \$6,775,900, covering 775 households in the Member of Parliament for St. Augustine's constituency.

**Mr. Deputy Speaker:** Thank you, Member, thank you. Member for Chaguanas—

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

**Mr. Deputy Speaker:** Member for Chaguanas West. And again, Members, please let us ensure that we hear the particular Member that is on the floor.

Proceed, Chaguanas West, 10 minutes.

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

**Financial and Infrastructural Support for Farmers Affected by Flood  
(Immediate Action to Provide)**

**Mr. Dinesh Rambally** (*Chaguanas West*): Thank you, Mr. Deputy Speaker, for the opportunity to raise this Motion which reads, the need for the Government to take immediate action to provide financial and infrastructural support to farmers and farming communities often affected by flooding.

Mr. Deputy Speaker, my colleague who preceded me would have touched on the effects of the flooding on different issues and in a different context. I, of course, want to touch on this because I think—because we are certainly now in the rainy season and we know what has happened certainly in 2022, leading up to November 2022. I think it is a matter to raise this Motion at this point in time. So, Mr. Deputy Speaker, the intention is to address the devastating impact that flooding continues to have on the farmers in the Chaguanas West constituency, the wider agricultural sector, and indeed the country as a whole.

Recent floods experienced up to November 2022 have caused extensive damage to crops and infrastructure, leading to a worrying decrease in food crop production and a subsequent increase in food prices. These instances of flooding are not only natural but man-made as well, as it has laid bare the Government's lack of planning and foresight to develop the food sector and to move this country towards a certain level of food security. Extreme weather events, Mr. Deputy Speaker, are expected to become more frequent and intense due to climate change, making it crucial to take action to mitigate their impact on the population and economy. Mr. Deputy Speaker, I turn quickly to the extent of damage when we have these floods.

The country's agricultural sector is one of the main sources of food, livelihood, employment and income, contributing significantly to the economy, and should be as protected as possible, yet it remains an at-risk sector. According to the Ministry of Agriculture, Land and Fisheries, the country has experienced significant crop losses in recent years due to flooding, particularly severe in areas such as Mayaro, Rio Claro, and Sangre Grande, which are located in the low-lying coastal planes of the country. The displacement of individuals and families from their homes, when their premises are flooded out, poses significant social and economic challenges. Displaced persons are entitled, like everyone else, to basic necessities, such as shelter, food and water, but they also suffer from a loss of income, particularly for those who rely on agriculture as their primary source of income.

**6.20 p.m.**

Mr. Deputy Speaker, turning to the devastating impact of flooding on farmers. The flooding that has affected farmers has been nothing short of catastrophic. Farmers in the region have lost crops, livestock, and agricultural equipment due to the excessive flooding. Mr. Deputy Speaker, some practical examples can be found in the Chaguanas West constituency. We have Soogrim Trace, Jerningham Junction farmers, Cunupia farmers, Caroni farmers, Felicity farmers. We have also seen an accompanying increase in the presence of the dreaded Giant African Snail. These are all practical realities consequent on flooding.

The floodwater has also caused soil erosion, which will have long-term consequences for the region's agricultural productivity. The livelihood of these farmers, many of whom are already struggling to make ends meet, have been

severely impacted by these floods.

Mr. Deputy Speaker, I spoke about Soogrim Trace as one of the practical examples, one of the areas affected. Just to give an indication, it is a major road that runs in an east-west direction in the Chaguanas West constituency. It separates two large agricultural sites referred to as Soogrim lands north and Soogrim lands south. My colleague for Chaguanas East will know about these areas as well. The northern side has major concrete lined drains running in an east-west direction alongside the main roads. These are occasionally maintained, but mostly overgrown, collecting debris and garbage, which obstructs the free flow of water, resulting in major flooding, especially in the rainy season. So, Mr. Deputy Speaker, that is one situation.

There exists a network of smaller earthen drains in the farmlands of both the northern and southern side of the Soogrim Trace lands. And these are prone to more vegetative growth, also disallowing the free flow of water. So these are matters which are practical. It occurs every year, but we need to treat with it so that we do not have the repeat of the devastation that we see from year to year.

Mr. Deputy Speaker, when we look at the effect on food crop production, the impact of the floods, on the food crop production has been significant. The loss of crops and agricultural lands has led to a decrease in food production which will ultimately result in higher prices for consumers. This will not only impact the residents of the Chaguanas West constituency but will also have a ripple effect on the wider economy.

It is unacceptable that the Government has not taken the necessary steps to mitigate these risks and protect the livelihoods of our farmers. When we look at the effect on food prices, Mr. Deputy Speaker, the increase in food prices that will

result from the decrease in food production is a serious concern. The rising cost of food will put an added burden on the already strained budgets of families in our constituencies. It is the responsibility of the Government to ensure that the basic needs of our citizens are met, and the rising cost of food will make this increasingly difficult. The Government's lack of planning and neglect of the agricultural sector have contributed to this situation and they must be held accountable for their inaction.

When we turn to destruction of infrastructure, the flooding has not only impacted the agricultural sector, but also has caused extensive damage to infrastructure in the regions. Roads and bridges have been washed away and buildings have been damaged. This destruction will have long-term consequences for the region's economy and will require significant investment to repair. The Government's failure to prepare for these types of disasters is simply unacceptable.

Mr. Deputy Speaker, I turn to the Government's neglect of the agricultural sector once again and to focus on the reasons why flooding has become such a significant issue for this sector, and in particular the lack of Government maintenance and preventative work from the Ministry of Agriculture, Land and Fisheries. I will also outline some of the steps that Government could take to protect farmers and residents from destruction.

It is clear that the Government's neglect of the agricultural sector has contributed to the devastating impact that flooding has had on our farmers and the wider economy. The Government has failed to invest in the necessary infrastructure and technologies that could mitigate the impact of flooding and other disasters. They have also failed to provide adequate support to farmers and have allowed the sector to stagnate. It must take—the Government must take a

multifaceted approach to protect our farmers and residents from the devastation caused by flooding, and this approach must include a combination of preventative measures and post-flood response and recovery efforts.

Mr. Deputy Speaker, may I ask how much time I have again?

**Mr. Deputy Speaker:** You just have about three more minutes.

**Mr. D. Rambally:** Thank you. Mr. Deputy Speaker, preventative measures include upgrading and maintaining the country's drainage infrastructure, investing in agricultural infrastructure and technology, and implementing measures to reduce the impact of human activities on the environment, such as deforestation and urbanization.

Furthermore, the Government has failed to implement measures to prevent deforestation and soil erosion, which can cause desiltation in rivers and waterways, reducing their capacity and increasing the risk of flooding.

Similarly, the Government has failed to regulate urbanization, which can lead to the paving over of natural surfaces, preventing water from being absorbed into the soil and increasing the risk of surface run-off and flooding.

Mr. Deputy Speaker, as I conclude, the Government must take immediate action to address the challenges posed by severe weather and flooding in Trinidad and Tobago. This can include investing in climate-resilient infrastructure and sustainable agricultural practices, providing financial assistance to affected farmers, and developing contingency plans to mitigate the impact of future extreme weather events.

The recent floods in 2022 have highlighted the urgent need for the Government to prioritize the agricultural sector and take the necessary steps to protect our farmers and the wider economy, and even the country as a whole. It



must invest in infrastructure and technologies that will mitigate the impact of flooding and other disasters. They must also provide adequate support to our farmers to ensure that they can continue to provide for their families and contribute to the economy.

It is time for the Government to take responsibility for their lack of planning and neglect of the agricultural sector, and take action to ensure that our citizens are protected from the devastating impact of disasters like flooding. Thank you, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Thank you, hon. Member. Thank you also.

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

**Mr. Deputy Speaker:** I recognize the Minister in the Ministry of Works and Transport, and Member you have 10 minutes in response.

**The Minister in the Ministry of Works and Transport (Sen. The Hon. Richie Sookhai):** Thank you very much. Thank you, Mr. Deputy Speaker, and thank you to the hon. Member for Chaguanas West. Mr. Deputy Speaker, I would like to highlight—and I understand the concerns of the Member for Chaguanas West. Like him and myself, we are sons of that soil, the food belt of Trinidad and Tobago, and I do appreciate him highlighting some of these issues. But also, in the effort to also pinpoint and highlight some of the efforts this Government has been taking to alleviate some of the concerns that he has been having—and I have the distinct pleasure, on behalf of the Minister, both Ministers in the Ministry of Agriculture, Land and Fisheries, Sen. Kazim Hosein and Sen. Avinash Singh, to then speak a bit on some of the initiatives that they have going forward.

So, Mr. Deputy Speaker, the Ministry of Agriculture, Land and Fisheries provide several avenues of assistance to registered farmers and fisherfolk. Year

after year, we are plagued by the negative effects of flooding to our farmers, our members and the farming communities. Flooding is a natural disaster and we as a Government continue to do our part with the resources available to ensure that our primary producers are given—

**Hon. Members:** *[Interruption]*

**Mr. Deputy Speaker:** Members, please, please. Again, any Member is free to depart the Chamber, once they desire, and again they are free to do so in silence. Proceed.

**Sen. The Hon. R. Sookhai:** I see that the Members are quite happy. But I assure you the “kurma” is ready as soon as we finish. So I will have it there to be able to, you know—everyone is excited it is Indian Arrival Day tomorrow. So as I continue—happy Indian Arrival Day in advance. Anyway, the flooding, this Government is doing their best with the resources to ensure that our primary producers are given support following these unprecedented impacts.

So I start with flooding compensation. Over the last five years, the Ministry has distributed \$113,992,575 in flood relief compensation. Mr. Deputy Speaker, these were claims made by approximately 12,923 members of the farming community across the length and breadth of this country.

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

**Sen. The Hon. R. Sookhai:** Grants: we have grants up to \$100,000. Mr. Deputy Speaker, I have seen the impact of both the Agro-Incentive Grant and the Youth “Fast Track” Programme. These government-funded programmes assist agriculture entrepreneurs with the assistance to expand their current operation. To date, approximately \$19.5 million in grant support has been distributed to 187 persons over the agriculture sector. This includes 26 young persons under the fast

track programme in the first phase.

Mr. Deputy Speaker, I am pleased to inform this honourable House that many of the young and enthusiastic applicants requested funding for climate-smart technologies. I know the Member was concerned about how we plan to mitigate the future. We understand that climate change is real and that is why we are providing the technology and the funding, so that our farmers, our future farmers, could understand what we are dealing with.

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

**Sen. The Hon. R. Sookhai:** Mr. Deputy Speaker, this is a clear demonstration of this Government working hard and hand in hand to provide aid for the growth and development of this sector.

Mr. Deputy Speaker, I want to talk a bit about the infrastructure, and I know the Member highlighted certain points. Over the last three fiscal years, the Ministry of Agriculture, Land and Fisheries has taken five major infrastructural programmes to alleviate flooding across high-risk farming communities. In doing so, a total of approximately \$8.6 million have been committed, with specific emphasis in areas such as Plum Mitan and Orange Grove, where 705 farmers will benefit.

And as we talk about infrastructure, you know, I would like to also, as the Member for St. Augustine—

**Hon. Members:** [*Interruption*]

**Mr. Deputy Speaker:** Silence!

**Sen. The Hon. R. Sookhai:** The Member for St. Augustine—

**Mr. Deputy Speaker:** Silence!

**Sen. The Hon. R. Sookhai:** As the Member for St. Augustine—and if they allow

me to speak, I can speak and highlight some of the work that even the Ministry of Works and Transport is doing through—the good work that the Ministry of Works and Transport is doing, through our hon. Minister, Sen. Rohan Sinanan. And to date, we currently have in the central area alone, 168 projects, just in the central area alone, which encompasses both phase 1 and phase 2 of these projects. Sixty-eight of these projects—sorry; 90—sorry; 96 projects out of—sorry, 86 projects out 96, I am sorry, I am sorry, have been completed. And phase 2, 10 are completed. This is on phase 2, 10 are completed, 39 are ongoing and 23 are yet to be commenced. With that being said, and if they are listening, you can see clearly that the Ministry is doing active work.

You know, Mr. Deputy Speaker, there is the saying, “dead man walking”—

**Hon. Members:** *[Interruption]*

**Mr. Deputy Speaker:** Silence!

**Sen. The Hon. Sookhai:** There is the saying—

**Mr. Deputy Speaker:** Silence!

**Sen. The Hon. R. Sookhai:** Thank you, Mr. Deputy Speaker. There is a saying currently called the “dead man walking”. And, you know, it is interesting that we have a current alderman taking TikTok videos of the good work that is done by the Ministry of Works and Transport on our strength. It is quite interesting to see these sort of videos being produced and claimed for, although done by the Ministry of Works and Transport.

Incentives: presently there are 92 categories of agricultural incentives available to all registered farmers. Mr. Deputy Speaker, under these incentive programmes, members of the agricultural sector benefit from a range of incentives, including but not limited to, irrigation, land preparation, vehicles, tractors,

Financial & Infrastructural Support for  
Farmers Affected by Flood  
Sen. The Hon. Richie Sookhai (cont'd)

integrated pest management systems, water pumps, machinery and equipment, pond construction, and pasture fencing.

Initiatives for improving service and delivery: a number of these initiatives are aimed to improving the delivery of service to our farmers' base, some are included—

**Hon. Members:** [*Interruption*]

**Mr. Deputy Speaker:** Silence on both side.

**Sen. The Hon. R. Sookhai:** —the issuance of the rapid e-phytosanitary certificates. We have now fully transitioned to a live exchange of the e-phytosanitary certificates, using the International Plant Protection Convention hub for all commercial consignments. The electronic exchange of certificates and accompanying documents for trade in plant and plant products is a significant step for the country in improving trade efficiency. A web portal that allows members of the public to begin the process of registration online before visiting the Ministry's country's office. Full automation of the plant import permit process, with online process for application import permits through interface on the TTBizLink—

**Mr. Hosein:** Mr. Deputy Speaker, I rise on Standing Order 48(1). I thought this Motion is on flooding? I am hearing—48(1).

**Mr. Deputy Speaker:** Overruled. Member, you just have two minutes.

**Sen. The Hon. R. Sookhai:** I am guided, because your Member—

**Hon. Members:** [*Crosstalk*]

**Sen. The Hon. R. Sookhai:** —on the TTBizLink platform, also done as well within the Ministry of Trade and Industry.

**6.35. p.m.**

On the online electronic catalogue, the GrowTrinbago website was launched

Financial & Infrastructural Support for  
Farmers Affected by Flood  
Sen. The Hon. Richie Sookhai (cont'd)

in August 2022.

**Hon. Members:** [*Interruption*]

**Mr. Deputy Speaker:** Members, shall I say it is late in the evening because we have been here since 1.30. All right? And again, we are on the matter on the adjournment, let us listen to the Minister. He took time to come to answer the question posed by you all. So let us listen to the answer in silence, please.

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

**Sen. The Hon. R. Sookhai:** Thank you for your protection, Mr. Deputy Speaker. This allows users to access information, including the availability of commodities and planting material, soil type required for best yield crops the most suitable period for which to grow, and the general guidelines of growing crops. The implementation of NAMDEVCO online market to facilitate the linking of both buyers and sellers electronically. The implementation and use of mobile app for the conduct and inspection of plant quarantine inspectors, and to allow the real-time decision-making and approval lending to improve efficiency and operation.

Mr. Deputy Speaker, the Government of the Republic of Trinidad and Tobago continues to put people first, and in respect of this, our farmers and members of the farming community.

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

**Sen. The Hon. R. Sookhai:** We remain committed to working closely with all stakeholders to develop new climate-resistant programmes and strategies that will benefit—

**Hon. Member:** [*Interruption*]

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

**Mr. Deputy Speaker:** Thank you, Member.

**Sen. The Hon. R. Sookhai:**—and protect all members of the agriculture sector.

**Hon. Members:** [*Crosstalk*]

**Mr. Deputy Speaker:** Thank you, Member. Members, Members, Members, again, any Member is free to depart the Chamber at this time on their own will. All right? Please do not let the Chair have to bring it in to effect. Right? Any Member is free to leave at this time. Right? And I am not going to stand up again for any disturbance.

**Mr. Lee:** [*Inaudible*]

**Mr. Deputy Speaker:** Chief Whip. Come on. Set the example.

**Mr. Lee:** [*Inaudible*]

**Mr. Deputy Speaker:** No. Set the example.

### **Indian Arrival Day Greetings**

**Mr. Deputy Speaker:** Hon. Members, as we all know, tomorrow is Indian Arrival Day, and before I put the question on the adjournment of the House, I will invite Member to bring greetings on this occasion. I will now recognize the Member for San Fernando West.

**The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi):** Thank you, Mr. Deputy Speaker. I rise on behalf of the Government of the Republic of Trinidad and Tobago to celebrate tomorrow, the festival, the national event and recognition of Indian Arrival Day. One hundred and seventy-eight years ago, on a Saturday, on the 16<sup>th</sup> of February, 1845, some 227 souls left India, bound for Trinidad and Tobago.

Back then, Trinidad and Tobago could only be a place of imagination. In 1845, as that first journey was made, there was a lot going on in the world. In 1845, we had the annexation of Texas, which in United States then led to the war

between the United States and Mexico. In 1845, there was the Irish famine, where one million people in Europe suffered and died. In 1845, the demands of the colonies in the British Empire were strong, there was turmoil. And there our brothers and sisters in India, our ancestors decided to across the dark dangerous waters, in what was then to become a journey that over 147,000 souls took in the period 1845, straight through to 1917.

The first vessel that they boarded was interestingly named after a symbol of religion *Fath-Al-Razak*. *Fath* means the opener in Arabic, or purveyor, commencement. “*Al Razak*” is one of the 99 names of the Almighty God, and it literally means the epitome of providing or sustenance; *Al Razak*. “Razak” could mean rain, as rain sustains us and water is provided.

And it is sort of interesting to look back now, 178 years later, and realize that our brothers and sisters in indentureship then, came alongside many others in indentureship, the Chinese, the Portuguese, following upon our brothers and sisters who came in terrible circumstances through slavery, abolished in 1838. But it was the pack of us, the pack of people, the pack of ancestors of ours, who arrived in so many different conditions to what we understand today, in terrible conditions, that came to really sustain our country. So it is quite fitting that that name *Al Razak* was the name chosen for that first vessel.

Mr. Deputy Speaker, arriving here in Port of Spain in the Gulf of Paria, eventually some leaving at Nelson Island, these were difficulty times. But today in Trinidad and Tobago, we look back 78 years ago, we were profound enough in San Fernando, in Skinner Park, to celebrate 100 years of Indian arrival in the City of San Fernando at Skinner Park. And today we have the national remembrance of our indentured brothers and sisters who came to serve this country and who continue to serve this country.



It is interesting that the first person recorded coming off the *Fath Al Razak* was recorded as a name “Bharat”, which as we know is the reference to the mother India. And perhaps it is that that anchor, that foot, that came here, that landed here, that really anchored us back to India; no different from our anchor back to Africa, or our anchor back to China, and in some cases the Middle East, because the process of immigrants arriving in Trinidad continued for centuries.

The Government pays homage to our forefathers and ancestors on the Indian continent who made that journey across here and who brought us our descendants, our brothers and sisters, today as we sit in this Parliament, many of us descended in roots from mother India. But we also recognize as a Government that this country has the beauty of participation, and that our Jahaji Bhais, immortalized in song, really do continue to work alongside and with our fellow brothers and sisters in Trinidad. We are descended, all of us, from difficult circumstances. We all chose Trinidad and Tobago eventually as our homes. We are proud of this nation and the Government is proud of the people of this nation. And today we celebrate one element of that people of Trinidad and Tobago, our Indian ancestors and brothers, as we wish Trinidad and Tobago a happy Indian Arrival Day tomorrow, 178 years and still going strong. Thank you, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** I recognize the Member for Princes Town.

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

**Mr. Barry Padarath** (*Princes Town*): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, allow me to greet your good self, Members of this House, and the national community in a greeting that is familiar to the East Indian community that brought this, through the preservation of their language, in Hindi, in Urdu, and in some instances from areas of Bihar and Uttar Pradesh, and that is *Sitaram* or *As-Salaam-Alaikum*.

Mr. Deputy Speaker, 178 years ago, East Indians brought a philosophy of *Matru Devo Bhava*, which means mother is our first God. Since then to now, we have adopted Trinidad and Tobago through being immigrants first, descendants, and today being citizens of this great republic of Trinidad and Tobago. It is on the shoulders of our East Indian ancestors who survived through the perilous journey of the kala pani 178 years ago, coming to a distant land unfamiliar to them, but making the ultimate sacrifice in order for their children and generations to come, one of a better quality of life.

And, Mr. Deputy Speaker, I am reminded, as I stand here as a proud descendant of the East Indian community, of the sacrifices of eating “maar” and rice, which is essentially water that is strained from boiled rice, because at many times they had nothing else to eat while they toiled on the sugar plantations and in the rice fields. They wore clothing out of flour bags and they slept on what we know today in the Hindustani word of “paal.”

Mr. Deputy Speaker, there are many scholars, doctors, academics, lawyers, and two of the best Prime Minister that this East Indian community—

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

**Mr. B. Padarath:**—has given to the people of Trinidad and Tobago. Mr. Deputy Speaker, it is often said, to know where one is going, we have to know from where we have come. And I cannot stand here, in all good conscience, and say that the East Indian community was treated with any sense of equality over the past few decades in Trinidad and Tobago. They have had to fight their way, whether it is through the courts, all the way up to the Privy Council. And today I stand here paying tribute to those persons those politicians and non-politicians alike, in the name of Basdeo Panday, Kamla Persad-Bissessar SC, Ramesh Lawrence Maraj, Anand Ramlogan, Jagdeo Singh, and others, who fought on behalf of organizations

like the Maha Sabha, Swaha, Arya Samaj; who laid the foundation, not only for education and culture, but ensuring that the East Indian community was equally represented when we sing, “Here every creed and race find an equal place” in our national anthem.

Mr. Deputy Speaker, I want to pay particular attention and tribute to the contribution that the East Indian community has made in the sphere of education. Over the last five years, Lakshmi Girls’ Hindu College, on five occasions consecutively won the President’s medal. And that is a testimony to the value that the East Indian community continues to place on education.

Mr. Deputy Speaker, it is no secret that when the East Indian community arrived in Trinidad, it was to work on the sugar estates. And it was Mr. Basdeo Panday, the founder of the United National Congress, a party that I am proud to stand here in this Parliament and represent, that first appointed a cane cutter to the Senate of the Trinidad and Tobago in the name of Dora Bridgemohan.

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

**Mr. B. Padarath:** Mr. Deputy Speaker, I share this because we are eternally proud of where we have come and the shoulders that we stand on. Mr. Deputy Speaker, in India for national observances, they say *Jai Hind*, which means victory to India. Today, as a descendant, on behalf of the hon. Kamla Persad-Bissessar SC; the United National Congress; my colleagues from Pointe-a-Pierre, Siparia, Naparima, St. Augustine, Couva South, Princes Town, Oropouche East, Barataria/San Juan, Mayaro, Moruga/Tableland, Chaguanas West, Fyzabad, Cumuto/Manzanilla, Couva North, Caroni East, Tabaquite, Caroni Central, Oropouche West and Chaguanas East, I say to the East Indian community, thank you. Thank you for the work, the foundation that you have laid.

There is much to labour on, Mr. Deputy Speaker, because while I pay tribute

to the East Indian community for the value that they place on education and building Trinidad and Tobago, alongside the other communities, I cannot help but think and reflect that because of the callous wickedness of those in authority, that the Shiva Boys' and Parvati Girls', for eight years, remained languishing while our children do not have a school to go to in these areas. It was those same schools that the PNM referred to as "cowsheds", that today are producing the best doctors—

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

**Mr. B. Padarath:**—the best lawyers, the best business people, and the best Prime Ministers this country has ever seen.

So on behalf of the hon. Kamla Persad-Bissessar SC, my Members of the Parliament on the Opposition Bench, we pledge that we will continue to fight for the East Indian community, but not only the East Indian community, all the people of Trinidad and Tobago. So therefore, when we stand and we sing, "Here every creed and race find an equal place", we can truly say that in Trinidad and Tobago that that is what exists.

Mr. Deputy Speaker, I thank you, and I congratulate the East Indian community for their contribution they have made for the past 178 years and going into the future. I thank you.

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

**6.50 p.m.**

**Mr. Deputy Speaker:** Hon. Members, it is my honour to also bring greetings to the people of Trinidad and Tobago on the occasion of Indian Arrival Day 2023. Indian Arrival Day was declared a national holiday in 1994, to celebrate the legacy of over 143,000 indentured labourers from the South Asian subcontinent who arrived on our shores between 1845 and 1917. The contribution of the East Indian

community to Trinidad and Tobago is immeasurable and is ever present in our food, culture, language, literature, politics and festivals. Today, events such as Diwali, Eid al-Fitr, Phagwa, Hosay have been intricately woven into the cultural fabric of our country.

In the field of literature, world renowned authors such as Samuel Selvon and V.S Naipaul have brought great acclaim to Trinidad and Tobago, with their vivid imagery and description of post-colonial life in these islands. Though there are many notable East Indian musicians in Trinidad and Tobago, two stand out most to me, Sundar Popo, and Drupatee. I am sure many of you would remember, the energy of big hits such as, “Roll up the tassa”.

Doubles has become the chosen breakfast of many citizens and one only needs to go back to social media timelines during the pandemic to understand how important it is to the Trinbagonian lifestyle. As we marvel at their contributions, it must be noted that strong family ties are a salient aspect of the East Indian community. These ties, coupled with their strong sense of community, help them overcome the challenges and struggles of indentureship and allow them to hold on to much of their culture, religion and practices, which are observed to this day.

On behalf of the Parliament of Republic of Trinidad and Tobago, my family and myself, I take this opportunity to wish you all a happy and safe Indian Arrival Day 2023.

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

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.53 p.m.*