

Leave of Absence

Tuesday, July 08, 2008

SENATE

Tuesday, July 08, 2008

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Dr. Lenny Saith, Sen. Dr. Adesh Nanan and Sen. Dana Seetahal SC, who are all out of the country.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., PhD, President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. JOEL PRIMUS

WHEREAS Senator Dr. Lenny Krishendath Saith is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOEL PRIMUS, to be temporarily a member of the Senate, with effect from 8th July, 2008 and continuing during the absence from Trinidad and Tobago of Senator Dr. Lenny Krishendath Saith.

Given under my Hand and the Seal of the President
of the Republic of Trinidad and Tobago at the

Senator's Appointment
[MR. PRESIDENT]

Tuesday, July 08, 2008

Office of the President, St. Ann's, this 2nd day of
July, 2008."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL
RICHARDS, T.C., C.M.T., PhD, President and
Commander-in-Chief of the Republic of
Trinidad and Tobago.

/s/ G. Richards
President.

TO: MISS AFIFAH MOHAMMED

WHEREAS Senator Dr. Adesh Nanan is incapable of performing his
duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as
aforesaid, acting in accordance with the advice of the Leader of the
Opposition, in exercise of the power vested in me by section 44 of the
Constitution of the Republic of Trinidad and Tobago, do hereby appoint you,
AFIFAH MOHAMMED, to be temporarily a member of the Senate, with
immediate effect and continuing during the absence from Trinidad and
Tobago of Senator Dr. Adesh Nanan.

Given under my Hand and the Seal of the President
of the Republic of Trinidad and Tobago at the
Office of the President, St. Ann's, this 7th day of
July, 2008."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL
RICHARDS, T.C., C.M.T., PhD, President and
Commander-in-Chief of the Republic of Trinidad
and Tobago.

/s/ G. Richards
President.

TO: DR. ROLPH BALGOBIN

WHEREAS Senator Dana Seetahal is incapable of performing her duties
as a Senator by reason of his absence from Trinidad and Tobago:

Senator's Appointment

Tuesday, July 08, 2008

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ROLPH BALGOBIN, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of Senator Dana Seetahal.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 3rd day of July, 2008."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Joel Primus, Afifah Mohammed and Dr. Rolph Balgobin.

MUNICIPAL CORPORATIONS (AMDT.) BILL

Bill to amend the Municipal Corporations Act, Chap. 25:04, brought from the House of Representatives [*The Minister of Local Government*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings. [*Hon. H. Manning*]

Question put.

Sen. Mark: Mr. President, under 48(1) of the Standing Orders, may I seek your guidance? It says, Sir, that before a bill could be entertained by this honourable House for second reading, we need 15 clear days. Fifteen clear days must elapse, unless the Government puts a motion and seeks the approval of the honourable Senate. We are objecting, Sir.

Mr. President: I think that under Standing Order 48(2) we have just done that. I did not get a chance to say, I think the ayes have it." [*Laughter*]

Question agreed to.

TREASURY BONDS BILL

Bill to authorise the Minister to issue Treasury Bonds for the purpose of liquidity management, brought from the House of Representatives [*The Minister in the Ministry of Finance*]; read the first time.

Motion made, That the next stage be taken at a sitting of the Senate to be held on Tuesday, July 15, 2008. [*Hon. M. Browne*]

Question put and agreed to.

PAPERS LAID

1. 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 period ended December 31, 1997. [*The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Eastern Regional Health Authority for the year ended September 30, 2002. [*Sen. The Hon. M. Browne*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Eastern Regional Health Authority for the year ended September 30, 2003. [*Sen. The Hon. M. Browne*]
4. Administrative report of the Princes Town Regional Corporation for the period October 2006 to September 2007. [*The Minister of Local Government (Sen. The Hon. Hazel Manning)*]
5. Administrative report of the Arima Borough Corporation for the period October 2005 to September 2006. [*Sen. The Hon. H. Manning*]
6. Administrative report of the Arima Borough Corporation for the period October 2006 to September 2007. [*Sen. The Hon. H. Manning*]

ORAL ANSWERS TO QUESTIONS

Mr. President: Question No. 25.

Mr. Mark: Mr. President, may I welcome you back. [*Laughter*]

Hon. Senators: You were absent.

Sen. Mark: I am welcoming the President back; I was not here last week. I am back and he is back.

Multimillion-Dollar International Waterfront Project (Status of)

25. With respect to the multimillion-dollar International Waterfront Project, could the hon. Minister of Planning, Housing and the Environment inform the Senate:

- (i) how many contracts were signed between the State and UDeCott, for the management of the project;
- (ii) the names of any other company that signed contracts with UDeCott for project management and construction from the commencement of the project to December 31, 2007;
- (iii) the details of the amount of money paid to each of these contractors;
- (iv) whether these contracts were the subject of competitive tendering or a sole selective basis; and
- (v) if the contracts were on a sole selective basis, what were the rationale and reasons for same?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): Mr. President, the Urban Development Corporation of Trinidad and Tobago (UDeCott) has, as one of its important functions, the management of projects under its supervision. In the case of the International Waterfront Project, there is no specific contract between UDeCott and the relevant line Ministry; however, UDeCott carries the responsibility for the management of this project. Genivar is the only firm retained by UDeCott as the development or project manager for this project.

Other contracts awarded by UDeCott for this project are as follows: The development manager for the project is Genivar; for the design and construction of the entire Port of Spain International Waterfront Complex, the name of the company awarded that contract was Bouygues Batiment Trinidad and Tobago Construction Company Limited; the fit out of the office towers, Bouygues Batiment Trinidad and Tobago Construction Company Limited; the construction of the Port of Spain Security Complex, Yaztel; the construction of Shed 3 of the Cruise Ship Complex, Alpha Engineering Limited.

1.45 p.m.

The details of the amount of money paid to these contractors are as follows:

Contractor	Details	Amount	VAT	Total
Bouygues Batiment Trinidad and Tobago Construction Company	Construction	\$1,337,886,165	\$111,654,084	\$1,449,540,249

Contractor	Details	Amount	VAT	Total
Bouygues Batiment Trinidad and Tobago Construction Company	Fit-Out	10,362,880	1,554,433	11,917,313
GENIVAR	Project Manager	49,960.216	2,987,716	52,947,932
Yaztel General Contractor Limited	Construction	5,629,989	844,498	6,474,487
Alpha Engineering and Design (2002) Limited	Construction	7,396,836	1,126,775	8,523,611

All contracts awarded for this project were done on the basis of competitive tendering save and except that in respect of the fit-out, which was awarded to Bouygues Batiment on sole selective basis.

The rationale for the sole selective tendering was as follows:

- Time and cost savings from having the same contractor, Bouygues Batiment, responsible for the fit-out and design and construction of the building. It was felt that this arrangement would minimize delays arising from the scheduling, logistic and co-ordination issues (including delays) between the construction and fit-out programme.
- The fitting will be \$244 per square foot with the furniture at a little over \$200 per square foot. In both instances, there is good value for money which results in a cost per square foot for fitting out and furnishing of the Waterfront Project of approximately \$450 per square foot as well as meeting the occupancy timetable. The cost of \$450 per square foot is well within the normative ranges and prevailing market rates for this type of work and far below the estimates for the Government Campus.

Sen. Mark: As it relates to the multi-million dollar Waterfront Project, is the project behind schedule, given all that the Minister has indicated to us?

Sen. The Hon. Dr. E. Dick-Forde: I do not have that information, Mr. President. I look at a lot of projects from UDeCott and do not normally keep in my head which is behind schedule. We can answer that question in the future if posed in the proper way.

Official Residence (Details of Payments)

26. Sen. Wade Mark asked the hon. Minister of Finance:

- A. Could the Minister provide the Senate with the details of the final cost of the construction of the Prime Minister's residence and Diplomatic Centre?
- B. Could the Minister also provide the Senate with the details of payments of value added tax, income and corporation taxes, and all other corporate taxes by the Shanghai Construction Corporation of China during the period of construction of the said Prime Minister's residence and Diplomatic Centre?

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, the numbers for this particular project are now complete and we expect to have the answer within a week.

Question, by leave, deferred.

Conduct of the Chief Justice (Legal Advice Offered on)

28. Sen. Wade Mark asked the hon. Prime Minister:

- A. Could the Prime Minister make available the official legal advice offered to him by Dr. Lloyd Barnett QC and Mr. Mark Strachan QC from Jamaica and the United Kingdom respectively on which his decision to have the President of the Republic establish a tribunal to investigate the conduct of the Chief Justice?
- B. Could the Prime Minister also provide the Senate with details of the legal costs and fees paid to both Dr. Lloyd Barnett QC and Mr. Mark Strachan QC for the said advice?

The Attorney General (Sen. The Hon. Bridgid Annisette-George): Mr. President, I must apologize that the answer to this question is not yet available and as soon as it is, it will be brought to the honourable Senate.

Question, by leave, deferred.

Sen. W. Mark: Mr. President, when will the answer to this question be available from the hon. Attorney General?

Mr. President: I think the Minister, if she knew that, would have volunteered the information. Let us move on.

**Todd's Road
(Status of Land Distribution)**

34. Sen. Wade Mark asked the hon. Minister of Agriculture, Land and Marine Resources:

- A. Could the Minister provide the Senate with the rationale, if any, for the allocation and distribution of the 3,000 acres of land cultivated with citrus located at Todd's Road?
- B. Could the Minister also state whether these lands were subdivided and if so, by whom?
- C. Could the Minister further inform the Senate whether the final distribution and allocation exercise was approved by Cabinet and if so, when?

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Thank you very much, Mr. President. Hon. Senators should note that there is a variance between the question pertinent to 3,000 acres compared with 584.2 hectares or approximately 1,365 acres as detailed in the memorandum from the Director, Land Administration Division, which shows as follows.

Total size of 25 (50 acre) parcels	1,343 acres
Size of site of packing shed for Citrus Co-operative Growers Association	4 acres
Total size of block	1,365 acres
Remainder	18 acres

Within the Todd's Road Citrus Estate, the remaining 18 acres are being used as agricultural infrastructure. In this regard, it would appear that the question as posed by Sen. Mark, as it relates to the acreage may be incorrect.

The Ministry of Agriculture, Land and Marine Resources has taken a policy decision to revitalize the citrus industry by providing high quality disease-free planting materials to the farming community and the general populace.

A technical team from the Ministry of Agriculture, Land and Marine Resources looked at the land use policy of Caroni (1975) Limited and agreed that based on soil capability tests, land at Todd's Road Citrus Estate should be subdivided into economic parcels of 50 acres each for orchard crops, including citrus.

Further, the initiative taken by the Ministry in providing the national community, including the beneficiaries of the 23 plots of 50 acres each situated at Todd's Road, with disease-free planting material, also forms part of the project entitled, "Establishment of a Mandatory Health Certification Scheme for Citrus," TCP/TRI 2902 (A), under the Technical Cooperation Programme of the Food and Agriculture Organization of the United Nations to revitalize the citrus industry. Citrus lands at Todd's Road have been proposed for subdivision subject to the approval from the Director of Surveys. However, the survey which was conducted by a licensed surveyor, Mr. Arnold Ramon Fortune, by Survey Order No. 139/2006, has been returned to him for some corrections and is currently being reviewed.

In November 2006, Cabinet took the decision to grant standard agricultural leases from the block of state lands known as Todd's Road Estate, Caparo as follows:

Two parcels comprising approximately forty (40) hectares to Citrus Co-operative Growers Association;

Approximately 400 hectares to 23 successful applicants;

In September 2007, Cabinet amended its decision of 2006 and agreed that a standard agricultural lease be also granted to the Citrus Growers Association in respect of approximately 1.4 hectares adjoining lots Nos. 18 and 19 at Todd's Road Citrus Estate, for the location of the company's administration office. The land allocated to Co-operative Citrus Growers' Association was identified as its administrative offices.

The methodology used in the allocation and distribution of the agricultural plots referred to above was by way of drawing of lots. All the successful applicants were asked to pick their lot numbers, starting with the person with the

highest score and continuing, in descending order. This ceremony took place at the Sevilla House on January 31, 2007 in the presence of then Minister of Agriculture, Land and Marine Resources and the Permanent Secretary of the said Ministry.

The process observed in arriving at the allocation was indeed fair and very transparent. I thank you.

Sen. W. Mark: Could the hon. Minister indicate to us the lottery system that resulted in the allotment of acreages, whether it was publicly advertised or confined to the people of this country?

Sen. The Hon. A. Piggott: Mr. President, I believe I enunciated the process earlier and one of the processes would have been to determine from the applicants their proposals for farming the land in terms of citrus, arriving at a short list and then causing the people from the short list to be selected from a lottery system. It was conducted in the presence of the Minister and the Permanent Secretary, together with the panel.

Sen. W. Mark: Is the Minister in a position to indicate some of the persons who were shortlisted and actually won acreages through the system?

Sen. The Hon. A. Piggott: Mr. President, there is another question on the Order Paper for another day, which the hon. Senator has raised, and I believe that the answer will be clearly enunciated in that answer.

Ongoing United Nations Development Project (Computerization of the Licensing Office)

45. Sen. Wade Mark asked the hon. Minister of Works and Transport:

With respect to the ongoing United Nations Development Project for the computerization of the Licensing Office, could the Minister advise the Senate:

- (i) what is the status of this project;
- (ii) what was the sum of money allocated for this project;
- (iii) how much money, if any, has been spent on this project so far; and
- (iv) whether the project has been abandoned or is there a new completion date?

The Minister of Works and Transport (Hon. Colm Imbert): It should be noted the Question No. 45 is just another version of Question No. 4 and both Questions were posed by Sen. Mark.

The Minister of Works and Transport delivered a comprehensive response to question No. 4 in April 2008, which addressed parts (i) and (iv) of the question.

In accordance with established procedure, therefore, it is not necessary to respond to parts (i) and (iv) of this question.

2.00 p.m.

However, parts (ii) and (iii) of Question No. 45 request additional information when compared to Question No. 4. The responses to those parts of the question are as follows.

- (ii) The budgetary allocation for the project for fiscal 2008 was \$10 million.
- (iii) To date, no funds have been expended under this project, nor are any funds expected to be expended, since new arrangements are being pursued involving a government-to-government contract.

Sen. Mark: Could the hon. Minister indicate to the Senate when is this government-to-government arrangement expected to be consummated?

Hon. C. Imbert: Not at this time.

**Public Transport Service Corporation
(Status of Local Agents for Volvo Buses)**

46. Sen. Wade Mark asked the hon. Minister of Works and Transport:

- (a) With respect to the Volvo manufactured articulated buses owned by the Public Transport Service Corporation, could the hon. Minister of Works and Transport inform the Senate who are the local agents for these buses?
- (b) Could the Minister also inform the Senate whether those agents have a workshop and spare parts facility in Trinidad?
- (c) If the answer to (b) is in the affirmative, could the Minister state where this workshop and spare parts facility is located?

The Minister of Works and Transport (Hon. Colm Imbert): Question No. 46 required a detailed site investigation, which is completed and the Ministry is now preparing the written answer to allow me to make an oral reply. I would beg for a deferral of two weeks.

Question, by leave, deferred.

Licensing Authority
(Measures to Stamp out Illegal Practices)

68. Sen. Wade Mark asked the hon. Minister of Works and Transport:

With respect to the numerous reports over the past seven (7) years of fraudulent activities at the offices of the Licensing Authority, particularly the Port of Spain office, could the hon. Minister of Works and Transport inform the Senate of the steps or measures taken by his Government to stamp out such illegal practices?

The Minister of Works and Transport (Hon. Colm Imbert): It would have been helpful if, based on the reports allegedly received by Sen. Mark, the alleged illegal practices referred to in the question were listed or identified. However, there is ongoing action being taken by the Transport Commissioner to ensure that the services at the licensing office are delivered to citizens in an efficient and transparent manner. In this regard, the Transport Commissioner has advised that the following measures have been implemented:

- (a) The introduction of a new policy, whereby learner drivers who are being examined in the driving test, prior to being granted a driver permit, are now examined by two examiners instead of one, as was done previously; one examiner for the three point turn for dexterity and the other examiner for the road test. This measure is aimed at reducing the one examiner/learner interface and thus minimizes the opportunity for collusion.
- (b) In order to reduce the waiting time for obtaining certified copies of ownership, the staff now works on Saturdays to avoid any backlog. In addition, new equipment such as photocopying machines, has been acquired. These combined measures have already resulted in the reduction in the waiting time between applying for and receiving certified copies of ownership of vehicles.
- (c) Employees in the inspection section have been given a circular memorandum to the effect that only the motor vehicle inspector who is rostered to inspect vehicles on a weekly basis can issue inspection certificates for the vehicle scheduled to be inspected for that particular week.

Further, only owners or the driver of a motor vehicle are allowed to collect certificates after a vehicle has passed inspection and they are required to sign and confirm that they have received the certificate.

Opportunities for third parties such as touts have thereby been reduced.

- (d) Learner drivers or applicants who have been given a date for their regulations or driving test and who wish to change that date and have the test at an earlier date, must now apply for that change in writing to the Transport Commissioner stating the reasons for the change.

The application must now be brought in either by the individual or a close relative. This eliminates the practice where driving instructors were allowed to be an advocate for a student driver and to seek date changes on behalf of their students. This measure had reduced the opportunities for illegal behaviour in this particular area.

- (e) The division has also put in place several security seals and stamps which are used to authenticate documents leaving the department. This measure is to ensure that such documents are not tampered with by dishonest members of the public. There are also measures in the pipeline for introduction at the division that will address the issue of illegal practices at the division including:

- (i) As a corollary to the changes in the system of inspection referred to previously, two traffic counters have been installed at the exit of the inspection shed and weigh bridge on Wrightson Road, Port of Spain and another at the San Fernando office. This is to ensure that the number of vehicles that are issued inspection certificates on a daily basis are actually the same as the number of vehicles that have passed through the area.

This measure would also be used as a management tool to provide data which would facilitate further decisions on scheduling appointments for the inspection of vehicles.

- (ii) The introduction of closed-circuit television at the main offices on Wrightson Road, Port of Spain. This exercise is in its final stages of completion and is intended to protect the division's record from theft, vandalism and falsification.
- (iii) Finally, the Ministry of Works and Transport is currently pursuing a government-to-government arrangement with a view to fully automating and transforming the division into a modernized agency.

The new arrangements will have built-in checks and balances in the system so that individuals whose intent is to manipulate or compromise the activities at the licensing office will be caught and dealt with according to the law.

Sen. Mark: Could the hon. Minister indicate to us whether he can give us a time frame for the modernization of the licensing office in the Republic of Trinidad and Tobago? Could you give us a time frame that you would like to see as Minister for this office to be modernized in the interest of the motoring public?

Hon. C. Imbert: That is a two-part question. I am not in a position to give that information at this time, but what I can say is that we are very close to consummating the government-to-government arrangement, but I would prefer not to give specific timelines at this time. I would be able to do so in the near future.

WRITTEN ANSWERS TO QUESTIONS

The following question was asked by Sen. Mohammed Faisal Rahman:

National Currency (Value of)

- 36.** In light of Trinidad and Tobago's relatively abundant resources and wealth, could the hon. Minister of Finance inform the Senate:
- a. why the national currency is valued below the Barbados dollar; and
 - b. whether the Government intends to correct this anomaly and if not, the reason or reasons for not doing so?

Vide end of sitting for written reply.

The following question was asked by Sen. Wade Mark:

Prime Minister's Travel Arrangements (Details of)

- 66.** Could the hon. Minister of Finance provide the Senate with details concerning Government's travel arrangements for the period January 2002 to April 15, 2008 in respect of the following specific matters:
- (i) the number of times that the Prime Minister and any other government officials travelled on the Guardian Holdings Limited private executive jet;
 - (ii) an outline of the various dates travelled;
 - (iii) the various destinations;
 - (iv) the quantum or value of money spent to date utilizing the services of Guardian Holdings Limited private executive jet;
 - (v) the cost per hour for using the Guardian Holdings Limited executive jet?

Vide end of sitting for written reply.

MUNICIPAL CORPORATIONS (AMDT.) BILL

The Minister of Local Government (Sen. The Hon. Hazel Manning): Mr. President, I beg to move,

That a Bill to amend the Municipal Corporations Act, Chap. 25:04, be now read a second time.

The purpose of the Municipal Corporations (Amdt.) Bill, 2008 is to extend the term of municipal councils for a period of one year, with effect from July 14, 2008. More specifically, the Bill seeks to amend the Municipal Corporations Act, 1990 as follows:

“in section 273, by inserting after subsection (1G) the following subsections:”

(1H) Notwithstanding subsection (1F) for the purposes only of the elections due in the year 2008, the term of office of the Mayors, Aldermen and Councillors holding office in a corporation on July 13, 2008, is hereby extended for a period of one year from the date of expiration of such term.

“(1I) All powers exercisable by Mayors, Aldermen and Councillors under this Act shall be exercisable by them during the period referred to in subsection (1H).”

Mr. President, before I delve into the specific issues associated with the amendments being proposed to the Municipal Corporations Act, 1990, I will put the matter of local government reform as it relates to the amendment in its proper perspective.

On behalf of this Government, the People’s National Movement Government administration, let me assure this honourable Senate and the nation that we are committed to modernizing and transforming the system of local government in Trinidad and Tobago, because it is important that we do so, being an integral component of what is happening worldwide. When we speak to localizing the millennium development goals and Vision 2020 and aggressively implementing Vision 2020, we speak to developed country status; we speak about what is happening around the world.

In fact, we see local government as an indispensable, participatory democratic structure of our country, which must be strengthened, reengineered and sustained. We therefore need to continue to pursue relentlessly the reform initiatives started

in the year 2004 and continuing and we need to do so by carefully adapting to the environmental realities presented and making appropriate adjustments along the journey.

Mr. President, the main reason for seeking this extension is that some of the key institutional and systemic requirements for the introduction of the new local government system are currently being reviewed and would not be completed before the constitutionally allotted time frame for holding local government election.

I want to repeat that key institutional and systemic requirements for the introduction of the new local government system are currently being reviewed and would not be completed before the constitutionally allotted time frame for holding local government election.

Sometime in 2006, the Ministry of Local Government hired consultants and the consultants submitted their reports in early 2008. It was only in April 2008 that we published a Green Paper on the proposed roles and responsibilities of local government bodies, inclusive of the main mandate of the Ministry of Local Government.

This Green Paper was informed by the consensual issues arising from many sources. We discussed extensively and we held public consultations on the Draft White Paper on Local Government Reform, where over 1,000 citizens representing approximately 35 community-based organizations provided responses.

Secondly, the reports and position documents of international consultants were also looked at. These international consultants, whose services were procured under the United Nations Development Programme (UNDP), made recommendations on the roles and responsibilities of local government bodies and the Ministry of Local Government, as well as designed appropriate structures and organizations for the local government system.

2.15 p.m.

Thirdly, we also looked at reports and position documents of local and Caribbean institutions, whose research provided analysis on current situations.

One such research document was written by Dr. Vishnu Ragoonath of the University of the West Indies in the year 2001. Dr. Ragoonath, in his paper titled "Governance and Participatory Democracy in the Caribbean Local Government System" stated that "local government has been, and continues to be a primary vehicle for the institution of governance in the Caribbean." He continues that: "Therefore, decentralization is postulated on a cornerstone, but the practical

administration of local government in the Caribbean leaves much to be desired.” He said, “to some extent, local government is replete with poor quality of services; the inability to make and implement decisions; weak financial management; the employment of public resources for private and even corrupt interests; and a largely closed or non-transparent decision-making process.”

In our journey forward, we took the view that the most appropriate course of action was to determine the framework to guide the development of the roles and responsibilities of local government bodies before proceeding to determine the structure and the organization of the local government system of governance. The adoption of such a course of action would provide clear guidance and a platform for designing, unambiguously, the nature of institutional and administrative relationships among the key institutional stakeholders in the local government system, as well as the type and the number of administrative substructures.

This Government is committed to consulting with the public on major issues affecting the nation. We are currently engaged in public consultations on the Green Paper on the roles and the responsibilities of local government bodies throughout the 14 municipalities in Trinidad and Tobago. We have held consultations with the staff at the head office and we have held consultations with three municipalities. We had over 1,300 persons participating with great interest. These consultations are expected to be completed by the end of September.

Mr. President, as soon as these consultations are completed and Cabinet considers the consensual position arising out of the consultations, a White Paper will be laid in both Houses of Parliament, and then we will address the important issue of the appropriate structure and organization of the local government system.

Mr. President, let me go into some of the issues outstanding at this time. We need to get it right to ensure that effective local corporations are well established with a coherent set of powers and responsibilities. We need to get it right to ensure that there is clear authority, accountability and reporting relationships among the ministry, the councils, the executive councils and the administrative divisions. This will promote quick decision-making, an efficient operation and an effective administrative and coordinated administration.

We have already set up the legislative review committee consisting of our lead legal officer, our corporate secretaries from all corporations and two consultants to guide us through the examination of our existing legislation, to recommend the

style, to recommend the scope of the proposed legislation. We are actively discussing the guiding principles. We are debating: Should the Municipal Corporations Act be descriptive or enabling?

What scope is there under the present legislation to carry out some of these activities? What could we do differently under the current legislation? These questions are actively engaging our attention. Cabinet has already given approval to draft the proposed new legislation. We envisage that this process will be completed before the end of the year. We will then be in a position to bring to this Parliament the appropriate legislation to give effect to local government reform as proposed.

Mr. President, I want to talk about revised boundaries. A critical aspect of the completion of the new local government legislation is the revised boundary arrangements for the local government system. The process of redefining the local government boundary arrangements is complex because it involves, not only determining the number, but also the types of local government bodies. It also involves exploring the demographic characteristics of all the communities in this country. Because of its complexity and the large size of the project, the ministry has engaged a consultant who is competent in the use of the new technologies, with specific reference to the Geographic Information System (GIS), and we are now examining our boundaries. The use of this technology would ensure effective mobilization of resources. It would ensure coordinated service delivery and effective planning for sustainable development.

This process is ongoing and it is expected to take approximately six months to complete the demarcation of boundaries at the local level, at the regional level and at the national level. It is through this system that standards would be established and implemented to monitor, to evaluate and to review administrative and other types of arrangements. A team led by our director of technical operations, and including our director of municipal corporation relations has already begun working in this area. We will be working with an inter-ministerial team headed by Minister Mariano Browne. *[Interruption]*

Mr. President, local government reform is also of importance to us. There have been several attempts to reform local government in Trinidad and Tobago. It started in 1995 by the UNC who sits on the other side of the House, then in 2003, in 2006, in 2007 and here we are again today. We have learnt that the question of local government reform cannot be totally isolated from the platform of public service reform. In fact, some of the archaic institutional and regulatory arrangements have been a fetter to significant progress in the reform agenda.

Since 2004, the Government has been actively engaging the national community in the process of local government reform. Public consultations have been held and, in addition, MORI Caribbean Limited, a reputable firm of international consultants, conducted a survey on local government. Both events have revealed widespread dissatisfaction with the operations and defectiveness of the current system of local government.

As I said before, we have been meeting with the public and we are also picking up the dissatisfaction. We have had four sessions with 1,300 participants, and the dissatisfaction still exists. In order to address the concerns of our citizens and to satisfy their legitimate aspirations, the Ministry of Local Government has embarked on an extremely important and critical programme of local government reform. The primary objective of the reform programme is to promote meaningful decentralization of significant aspects of the local governance system in order to improve efficiency while building sustainable communities within a participative local democratic framework. This is our mission.

Such a complex and innovative programme requires time, effort and considerable resources, and it cannot be executed in an ad hoc or superficial manner. It also requires significant institutional strengthening and capacity-building, especially at the community level. Local government reform must therefore be incorporated into our strategy for modernization and transformation and, therefore, we have taken into consideration two important models:

1. the localization of the Millennium Development Goals; and
2. the overarching pillars of Vision 2020.

Internationally, the localization of the MDGs has come about because of the recurring problems of the failure of the conventional economic growth in an attempt to relieve poverty, to relieve extreme regional disparities because of inadequate spending on health and education and insufficient aid.

One school of thought states that there must be a seismic shift in political will; both domestically and internationally, to realize the ideals of the millennium development goals. The thinking is that we must develop a framework; focus on aggregate targets; target local, urban, rural dimensions to prevent disparities; link local strategies to national plans and sectorial strategies; link midterm expenditure to integrated planning systems; reduce regional inequalities by promoting social inclusion; balance a regional development; promote partnerships; improve service delivery and monitoring and, finally, we must support decentralization, democratic reforms and effective local development.

Mr. President, there is the overarching pillars of Vision 2020. This speaks to the implementation of a system which will help to nurture a caring society, develop an innovative people, promote competitive economy, sound infrastructure and environment and promote effective governance.

2.30 p.m.

We see our mandate as mainly promoting effective governance. Therefore, our vision, and I want to repeat, our vision of local government in a reformed environment is to develop sustainable local communities rooted in the principles of robust participative democracy embracing all. I want to repeat it, Mr. President. Our vision in a reformed environment is the sustainable local communities rooted in the principles of robust participative democracy embracing all.

This means that we must be guided by a set of core values pertinent to effective governance and in the Ministry, after all the discussions we have had, we have identified a number of the core values and they are: accountability; transparency; responsiveness; social equity; social justice; all inclusiveness and value for money expended; these are our shared values. If we are to be guided by wave 10 of the MORI polls which indicated inter alia that people perceive local government to be slow, unresponsive, unsatisfactory, delivering poor service and wasting taxpayers' money, then we would have gotten it right, insofar as our shared values for effective governance are concerned.

The situational analysis of the local government system suggests that there is a need for institutional restructuring and systems reengineering of both the Ministry of Local Government and the municipal corporations. At the Ministry of Local Government we need to change the way we do business from what is now perceived as an implementing machinery to essentially a conduit for facilitating the development of policies, facilitating the development of standards and support services for the municipal corporations.

At the corporation level the structures and the business processes need to be revamped, to be focused on the provision of community services and the maintenance of community infrastructure within a participative democratic framework, that allows for the inclusion of all community groups, all community institutions, all organizations in the decision-making and implementation process.

To this end, the Ministry of Local Government has identified six core areas that will address, not only the immediate concerns of citizens, but will also provide opportunities for the implementation of new and exciting projects within the various communities. The guiding philosophy of the Ministry of Local

Government is that people must be at the centre of community development and consequently, the six main areas of focus for a reformed local government are:

1. The roles and responsibilities of head office must be identified clearly;
2. municipal management—and that is really very important—as we decentralize;
3. economic development;
4. social services;
5. environmental management; and
6. development of resilient communities.

Let me talk about roles and responsibilities of the head office. In collaboration with municipalities, the head office needs to develop policies; we need to coordinate, implement, monitor, evaluate and review plans and projects while monitoring and bringing to the table international best practices and state-of-the-art technology. While we are doing that at the head office the municipal management becomes really very important.

Mr. President, our emphasis on municipal management is aimed at establishing the necessary business systems, processes, procedures and techniques that will facilitate the judicious allocation and deployment of resources. This would include a proper asset management system; a proper financial management system; the application of modern accounting procedures; utilization of state-of-the-art information and communication technology; the upgrading of skills and competencies of employees in the local government system and the introduction of best practices and best practice performance management. Already, teams consisting of head office and regional staff have been meeting to discuss operating policy development with heavy emphasis on setting quality standards at international benchmarking and coordinating activities.

Secondly, economic development. In terms of economic development, we will focus on the preparation and the implementation of comprehensive regional and local area development plans; the promotion of micro entrepreneurship and small businesses, especially in the areas of waste management, local tourism, agriculture and the provision of local products and services; collaborating in the meanwhile with key agencies in the construction and maintenance of physical infrastructure. As the reform continues, already a new unit has been established in the Ministry of Local Government, called the Local Area and Regional

Development Unit. That unit has been established to manage regional planning with the support of integrated physical, social and economic planners. The regional and local area plans have already started to be developed.

These plans are currently being prepared through a consultative process involving all the various organizations, groups, institutions and sectors within the municipalities and regions. Stakeholders have been meeting to consult on these plans and such meetings have been held in Tunapuna/Piarco, Chaguanas, Port of Spain and Sangre Grande. We will be doing this in every region.

Social services. Mr. President, this refers to the social aspects of sustainable community development; the promotion of social cohesion and equity; the utilization of sport and culture to enhance community life; the establishment of effective community policing within the municipalities and the development of close working relationships with community-based organizations. We have already established coordinating mechanisms to collaborate with the Ministries of Social Development and Health, with a view to implementing the Socially Displaced Persons Act. We have started; we are already implementing some of this in downtown Port of Spain.

In a number of municipalities, we have already identified the quantum and the categories of socially displaced persons in public places. Moreover, in conjunction with the Ministry of Public Administration, buildings have already been identified for the intermediate and long-term accommodation of such persons. We have already initiated meetings with the Ministries of Health, Sport and Youth Affairs and Community Development, Culture and Gender Affairs. Indeed, we at the Ministry of Local Government are playing our part towards the nurturing of a caring society, an essential pillar of Vision 2020.

Then we have the environmental management aspect. It is an important focal point of our reform. We view this as critical to the development of sustainable communities and this involves the maintenance of recreational facilities; heritage sites, public parks and spaces; the coordination of landscaping and beautification programmes; the implementation and coordination of proper sanitation services; the facilitation of effective solid waste management.

We have begun several initiatives in the area of waste management. We are modernizing and revolutionizing our approach to waste management, with emphasis on reducing waste generated. At source, we will separate, recycle and reuse. We have established an effective partnership with Solid Waste Management Company Limited (SWMCOL) to implement initiatives in these focal areas.

Mr. President significantly in the area of waste management, we recently signed a Memorandum of Understanding (MOU) with the province of Nova Scotia, Canada. This MOU encompasses a range of activities, including consulting services for the acquisition and installation of the latest technology; the establishment of appropriate waste management systems; capacity building and institutional strengthening.

Mr. President and hon. Members of this Senate, I am sure that you are aware of the clean-up campaign that is now taking place in every municipality in this country, as we respond to the dengue epidemic. We have been sanitizing and cleaning our surroundings; beautifying and landscaping; controlling insect vectors and managing waste, because they are all critical to our health, to our safety and to our well-being.

Finally, we come upon resilient communities. In the area of resilient communities, we have taken the steps to ensure that communities are able to respond creatively to extreme and to unexpected events. This includes disaster preparedness and the management of disasters and extreme events. We have also been looking at the establishment of burial grounds, crematoria and cremation sites, insect vector control and environmental preservation.

As you are aware, Mr. President, disasters can destroy entire communities and we see disaster management and preparedness as essential to the promotion of sustainable communities. Disaster is not limited to flooding and earthquakes, but also to the events such as epidemics, including the widespread outbreak of dengue.

We are not about “ol’ talk”, but we are action-oriented, and in this regard, we have obtained Cabinet's approval for the establishment of disaster management units in each of the 14 municipalities, with a central coordinating unit in the Ministry of Local Government. We are collaborating with ODPM to ensure consistency in policy and standards. Steps have already been taken to have these units staffed and equipped before the height of the rainy season.

2.45 p.m.

Furthermore, the complete package of local government reform policy prescriptions would require new legislative provisions, both primary and secondary. Having regard to the current considerations and the impending local government election destined to occur within the current system of local government, it is recommended that local government election be postponed to

allow for the determination and the implementation of the new systems, of the new structures of governmental policies and legislation of the proposed local government reform.

We firmly believe that more time is required to ensure that the new systems are put in place before elections are held. This will allow the newly elected local government officials to enter a newly reformed local government system with clearly defined roles, with clearly defined responsibilities, with more resources for deployment to communities, with opportunities for more effective representation and decision-making, with a greater measure of contribution to the development of sustainable communities. Therefore, in light of the foregoing, the Government is proposing that the Municipal Corporations Act, No. 21 of 1990 be amended accordingly, to reflect the following:

In section 273, by inserting after subsection (1G) the following subsections:

- “(1H): Notwithstanding subsection (1F), for the purposes only of the elections due in the year 2008, the term of office of the Mayors, Aldermen and Councillors, holding office in a Corporation on the 13th of July 2008 is hereby extended for a period of one year from the date of expiration of such term.
- (1I) All powers exercisable by Mayors, Aldermen and Councillors under this Act shall be exercisable by them during the period referred to in subsection (1H).”

We believe that given the circumstances, the extension of the life of the councils is the most appropriate course of action since it would allow for continuity of democratic representation which is an essential facet of good governance.

Mr. President, I urge those on the other side to support the amendments to the Municipal Corporations Act, 1990 which will allow the councils to continue to operate whilst we put the new arrangements in place for a more effective, efficient, dynamic and progressive system of local government.

Last but not least, I wish to place on record the support of the staff of the Ministry of Local Government for the years of commitment and the years of dedication to the reform of the local government system. I want to specially mention the former Minister of Local Government, Hon. Rennie Dumas who led the charge admirably over the previous years. I also want to mention Mrs. Indra

Furlonge-Kelly, the present Permanent Secretary who continues to provide steady support; Mr. Cornelius Price who had, and continues expertly to guide the team and Miss Annalean Inniss, our legal advisor and the rest of the hard working support staff at the Ministry of Local Government's head office and the Ministry of Local Government out in the regions.

Mr. President, I beg to move.

Question proposed.

Sen. Dr. Carson Charles: Yes, thank you very much, Mr. President. Well, let me begin by saying that I almost fell asleep while the Minister was making her presentation. [*Laughter*]

Hon. Senator: You do not sleep at nights? [*Crosstalk*]

Sen. Dr. C. Charles: You mean that simple sentence caused you all to respond far more than you did during the presentation? [*Laughter*] So you may have also been falling asleep.

Sen. Mark: No inspiration, only expiration.

Sen. Dr. C. Charles: Mr. President, this is not with any malice to the Minister. You know I never bear malice to the Minister, or to any Minister for that matter, but it really is the truth. Because I do not think that the Minister has any passion for this business of local government reform. I do not sense it at all, and I start on that note because I think it is the most critical factor missing from the Senators on that side.

There is no passion within the People's National Movement for local government. There is no passion for decentralization. This is, without doubt, the most centralist administration that we have ever had.

Sen. Mark: That is a fact.

Sen. Dr. C. Charles: Maybe because it believes that centralization is good. I do not know, but certainly, if you look at its actions as opposed to all of these—all that flowery language is really nice, but if you look at actions rather than just words, you would realize that there is nothing this administration has done since it has come to office that is anything but centralist. Look at what it chooses to build; look at where it chooses to build it; look at the kind of economy it is shaping in the country today.

There is nothing decentralist about it. Look at the manner in which it deals with people in rural communities when they protest or oppose the Government's

plans for introducing heavy industry in their communities, and destroying the environment in their communities. This is a centralist Government that is seeking time because it has not yet prepared new legislation to present to Parliament, and had promised legislation before local government elections are held, so it has to deliver some legislation. It is, after all, involved in a comprehensive exercise, so the Minister said; not at voter-padding but at boundary definition.

“This is a comprehensive exercise at boundary definition. This is one of the most important exercises that the Government has to undertake—boundary definition.” This is what the Minister said, and I understand that that exercise alone is so important that it would explain why the Government cannot, after all these years, finalize what it has to present to us.

The Government is still trying to figure out—using the Minister's explanation here—“key institutional and systematic requirements are now currently being reviewed.” In other words, they do not know what they want to do yet, but already there are statements that we are going to have fewer numbers of regions. How do they know that 14 is not good, you have to have 12? How do they know that, while you are reviewing key institutional and systematic requirements? Because there are certain decisions that have already been made.

I cannot see why the Government could not have allowed the election to take place while it continues its reform process.

Sen. Dr. Kernahan: True.

Sen. Dr. C. Charles: Why would you want to deny people their rights to protest against the PNM Government? [*Desk thumping*] Why do you want to deny them their rights?

Hon. Senator: True. [*Desk thumping*]

Sen. Dr. C. Charles: It is because we are now calling for a new alliance. Is that what you are afraid of?

Hon. Senator: What is that, a “B”? [*Laughter*]

Sen. Dr. C. Charles: Is that your problem?

Hon. Senator: Is that the UNC “B” or UNC “C”? [*Laughter*]

Sen. Dr. C. Charles: Because we are calling for an alliance of all the forces in the country to teach the Government a lesson and give the citizens a chance to express their views in a serious way? Why is it that you want to deny people their chance to vote?

Well, everything takes time and effort and some people have to learn the hard way, but still people learn, you know, even those who learn the hard way. I think everyone knows now that in order to save this country we have to move you from office, in a democratic fashion. [*Desk thumping*]

Sen. Mark: Get them out.

Sen. Dr. C. Charles: And to move you in a democratic fashion, we know we have to unite the people of the country. [*Interruption*] Is that what you have a problem with? Allow the people to vote at the local level, under the existing system, while you continue your efforts at reform, because you are never going to make any headway at reform, except for all the flowery language; all the words. I was trying to get something out of all those words; taking notes of what the Minister was saying, and it is all words.

Sen. Mark: Words, words.

Sen. Dr. C. Charles: We cannot get anything of substance. “The localization of the millennium goal”, what is that? What is that? That is nothing. [*Laughter*] That is just a lot of words. Are you going to begin to give local government any money?

Sen. Mark: Yes, that is what you here to do.

Sen. Dr. C. Charles: That is something you can talk about. Why are you planning to take away their power of taxation, and just to hand them all that you want? Are you going to stop putting all your tall buildings in one place, so people could actually find development in various parts of the country? Are you going to reverse the plans that you have now, of over-centralization of Port of Spain? Are you going to return to policies that your Government in past times actually pursued, of establishing regional centres at Tunapuna, St. Joseph and so on?

A number of centres were started, and it was this administration of the PNM that abandoned that programme of major decentralization and decided, instead of establishing those regional centres and those centres for the headquarters for a number of Government agencies and departments, you put them all in Port of Spain. Then you come and talk with all this wonderful language about decentralization. You do not believe in it.

Let us look at what is the effect of this extension. What are you really extending? Well, the last time we came to Parliament when the local government election was due, it was last year and you extended it for one year. Before that, you came in 2006 and did a curious thing. Now we have had extensions before for various reasons. The PNM, after all, is notorious for extending and forgetting

about—I will give you some facts about it in a little while. I will tell you about your track record and your history, which you should get when you join the PNM; they should give you a little of your history, so you could try very hard to fix it and correct it and do better in the future than you have done in the past.

Hon. Senator: Were you ever in the PNM?

Sen. Dr. C. Charles: No, I have never had that experience myself.
[*Interruption*]

Mr. President, in 2006 they came to the Parliament to amend section 273 in a way, and this is what they are seeking to extend. It says here and I quote:

“Notwithstanding section 11(4) and (4A) and sections 12(5) and 15(1), only for the purposes of the elections due in the year 2006 —

- (a) the term of office of each Councillor shall continue for twelve months from the date of the expiry of the existing term of office, as though each Councillor had been elected for an additional period of one year.”

It is the first time we had ever had this. This is what you are seeking to extend. You actually legislated an election. You passed a law here in the Parliament, giving councillors office and saying—boldfaced—as though each councillor had been elected. You took away all the power of election that the people have and you re-elected all the councillors. That is what the PNM did in 2006. You re-elected the councillors by an Act of Parliament [*Interruption*] and you gave the councillors the responsibility, as though they had been elected, of electing new aldermen and mayors. They went through the charade of electing new aldermen, new mayors and so on, as though there had been an election. It is the only time we have ever had this in our history. This is your track record, and this is what you seek to extend today.

3.00 p.m.

So when the Minister speaks about the continuity of democratic representation, what is that? Continuity of democratic representation, when in 2006, your definition of democratic representation was to pass a law, saying that the councillors will continue in office, as though each councillor had been elected for an additional period of one year; and then you let them elect mayors, aldermen and so on. That is what you are extending. You extended it by one year. It was bad enough, and this year this is your commitment to democracy. You seek to extend that again for one more year. That is the effect of your extension. That is the legislation effect you like; the legal effect of your extension.

I am sure there are many places in the world where some people would like to pass a law saying, elections were held. I do not accuse the PNM of that except for this particular case, but it is a very bad practice. I am sure when you look elsewhere in the world and you see people engaging in these kinds of things, you would know that you must distance yourself from such practices of passing laws, saying that elections were held. So do not extend it, let the people have their election this time around. It is not as if what the Minister presented to us is something that could be achieved in a year. Is that not another case of the Bill that we debated the other day? You come with a whole lot of things that you want to achieve, and you are nowhere close to achieving those from the presentation that has been made. There is no way in the next year you can do all of that, unless you have already made up your mind of what you are doing; and you are engaging in some kind of charade out there with the consultations, but you have already decided what you are going to put in law.

I heard that you already have draft legislation. My information is that your consultants have already produced draft legislation. So what are the consultations for? Why are you still trying to decide, as the Minister said, on the most basic aspect? You are trying to decide on policy and so on while you already have draft legislation. It is the only way you can do it in a year, and there is even some talk that you might be able to do it in time for election later this year. So then everything the Minister says becomes very hollow, if you think you can actually do all of this and have local elections this year, as was hinted by the hon. Prime Minister. *[Interruption]*

Sen. Mark: Deception. Deception is the name of the game.

Sen. Dr. C. Charles: Maybe you will be finished in time with the boundary work. That is the main thrust, the boundary re-definition.

Mr. President, the Municipal Corporations Act represents a piece of work of which I and several of us, who were involved in this effort, remain very proud to this day. I had the privilege of piloting this particular Bill in the Parliament of Trinidad and Tobago. *[Desk thumping]* We came to office at the end of 1986. I became the Minister of Local Government in 1989, and we presented the Municipal Corporations Act in 1990. *[Interruption]*

Sen. Hadeed: That is a long time.

Sen. Dr. C. Charles: Yes, after one year. I was appointed in 1989 as Minister of Local Government, and in 1990, the very first Bill presented to the Parliament after the attempted coup in this country, was the Municipal Corporations Bill. If you look at it, you would realize it represented a considerable amount of work, because prior to that, we had sundry pieces of legislation, County Councils Act and so on and we had separate law for each of the various corporations. Port of Spain had one law; Arima another one; San Fernando another one; Point Fortin had another one. Each one had its own Act. The Acts were inconsistent and the county councils were virtual departments of the ministry. They were not legal persons.

I have to put on record in this different time, to that time, even now, the work of the persons who actually contributed to this, because, of course, it was not the effort of the Minister alone, and the Law Reform Commission was intimately involved in this exercise of reform because we took their work seriously. We took the effort of law reform seriously, and we incorporated what they were doing into what we were doing, in terms of decentralizing governance in the country.

Mr. President, I was not the Minister of Local Government, I was the Minister of Decentralization. What this Minister should be focusing on, is not trying to reinvent the wheel, the Minister and her government should be focusing on implementing what is the effort or the result of the efforts of a lot of persons in this country over many years, that culminated in this particular Act, because there are countless things here that have not been implemented. [*Interruption*]

Sen. Mohammed: Time for implementation.

Sen. Dr. C. Charles: And there are those who believe instead of implementing what is good law, that they must always seek to replace it, undermine it, and subvert it to their own personal desires. We had an example only recently in the Parliament. You passed good law, and when you try to implement it—"No, this particular man does not suit me. This officer you all say you want to appoint does not suit me, and therefore, I have to subvert it; I have to undermine the process." That is how it is. [*Desk thumping*]

Sen. Mark: That is exactly what they do. That is all "yuh".

Sen. Dr. C. Charles: So that the problem is not with the law, the problem is with your continuing efforts of subverting it. There are those that believe that all kinds of things are wrong with the Constitution of the Republic of the country, but at every turn they seek to subvert it, instead of actually trying to make it work and it is also with the Municipal Corporations Act. You want to change it, but have you tried to implement it? [*Desk thumping*]

The Act was written with an eye to serving the people of the communities of this country, and with all their talk about regional planning and so on, there are provisions for that. It was provided for the first time for the council to be actually in charge of a regional coordinating committee, in which officials from WASA, T&TEC, the Ministry of Works and Transport and so on, all the agencies that impact on local government to be present, and to be sitting in a forum, chaired by the mayor or the chairman of the regional corporation to coordinate the activities in the particular region.

It provides for that for the first time and those committees are still in place, but they are not attended most times by senior officers from the various agencies. What have you done to ensure that the senior officers—that once upon a time used to attend those meetings—return to the table, so the mayor or the chairman can in fact be in charge of the actual effort at coordinating what is taking place in the region? They have been involved in regional planning. What you have now is a regional planning effort that starts with a unit in the Ministry of Local Government.

So you speak of reform, but what you boast about is a unit that you have to establish in your Ministry. Not in the particular regional corporation, but you established a unit in your Ministry of Local Government to see about regional planning and so on. What about the efforts at regional planning within the particular corporation that have been going on for a long time that you should have been supporting? They cannot implement any of the things that they come up with because all your resources are directed at centralist development. So their regional plans have no meaning. They have no power at implementing any of their plans, because all of the resources, all of their finances are in places like your special rural development company, they are in CEPEP, they are in all of these centralist organizations where all of the money is spent. The money you put in CEPEP is more than you put in all of these corporations' hands, all together, so how can they possibly do anything?

Mr. President, all of the talk is just that, so much talk. This Act provides for a system of licensing all of the activities that take place in the regions and I will point to one in particular because there is so much talk all the time about the illegal vending. The Act provides for the licensing and regulation of street vendors. That affects people's daily lives and right here in the city of Port of Spain. Instead of running off the vendors, chasing them away all the time and bringing police behind them, all you have to do is to turn to the Act, and you will see that it provides for the corporation to have the power to regulate and to license them. And when you regulate and license them, they are no longer operating illegally.

So all the talk about vending being illegal, I would like to educate hon. Members opposite, vending is not illegal if you regulate and license it according to the provisions of the Municipal Corporations Act, and it was inserted there for a reason so that you can regulate it. Have you tried implementing that?

Sen. Mark: They do not even know it exists. Do you think the Minister knows about that?

Sen. Dr. C. Charles: Have you tried implementing the provisions for the corporations to operate homes for the aged? Have you tried that? Do you know it is in here, that the corporations have the power to establish homes for the aged?

Sen. Mark: Minister, are you aware?

Sen. Manning: Yes.

Sen. Dr. C. Charles: Why has anyone not tried to implement it? Have you given them any money so they can establish it?

Sen. Manning: It is in social development.

Sen. Dr. C. Charles: Yes, it is in social development. Social development has not established homes for the aged, so why do you not let the corporations do what the Act provides for them to do?. It is here. This is an Act you can use for all kind of things to develop the country and develop the communities, but by itself it is just paper. Someone has to implement it and before we got the chance to implement it, we lost office, so you had the honour to inherit our good work. But what did you do with it?

The first thing you did when you came—and we had 18 corporations, representing distinct communities in the country. Do you think it is so hard to figure out where the communities are? The Minister said it is such a complex job. It is a complex job to figure out how to win them, by placing houses in the right place and placing the boundaries in the right places and so on. That is a complex job, although I know there are experts on the Government side who know how to do that. That might be a complex job. I am not pointing any fingers anywhere, colleague of mine, but I know there are experts who know how to do this kind of work.

It is not a complex thing to figure out what are the communities of Trinidad and Tobago, or Trinidad because this applies to Trinidad. They have for long years been established in place. We had 18 corporations representing distinct communities, and the first thing that your administration did when it came into

power, was to reduce it to 14, by collapsing the San Juan/Laventille region for example. You had a San Juan Corporation and a Laventille Corporation because we thought that why can you not have a Laventille Corporation that develops Laventille?

It is not to be a dependent area just waiting for some handout or something. Why can you not have a Laventille Corporation? We established one in law and the first thing you did when you came into power was to get rid of it, and merge Laventille back into San Juan in the San Juan/Laventille Regional Corporation, and you tried to merge it with Diego Martin to reestablish the St. George West County Council, but you had a lot of protest from Diego Martin, so it did not work. So you end up with the Diego Martin Corporation and the San Juan/Laventille Corporation. Now I heard that you want to merge back down in the deep south and bring Siparia back with Penal/Debe and so on. That is the latest talk, that that is one of the corporations that you would like to reduce so you can get 12 instead of 14.

Penal/Debe is doing very well on its own. Thanks to us, it was able to get its own corporation, and its own corporation is working quite well. Take an example from Chaguanas. The Chaguanas Borough Council is one of the most dynamic in the country created by us. I had the privilege of piloting that, as part of this. It is in here, the creation of the Chaguanas Borough. It was part of the Municipal Corporations Act. It is a dynamic region and this is not a partisan statement. It is a region which is being built by the people, not by government investment. You are not building any tall buildings there; the business people are building the town. The people themselves are building it, so you have an example of a region that is dynamic and working to build itself.

I am saying we provided for Laventille Corporation to do the same, in that they would have their own corporation and with the Government's help, with the assistance and encouragement and so on of Government, it could take some pride in its own region and build the Laventille region into something that it could be proud of. Why did you get rid of it? So your history is not good enough when it comes to decentralization. Your track record is very poor.

Tunapuna Corporation was a separate corporation. Standing as it is, is a university town separate from the Piarco Corporation which includes Arouca and all those surroundings areas and so on, built around the concept of the Piarco region, being used for a particular kind of industrial development and so on.

3.15 p.m.

You merged them and got rid of the whole concept, and now you are looking for communities? If you found a community, you would not know how to recognize it. I could tell you what the communities are; just go back to the original Act that you amended and you would see what the natural communities of Trinidad and Tobago are; they are there to be seen, or read a book by Michael Anthony if you want and learn a bit about the natural communities of Trinidad and Tobago, because they are there. They have been growing over years on their own, without much help from Government.

Mr. President, the bottom line is that we will never get reform of local government that is of any use, unless we have in office a reformist administration that believes in decentralization; that believes in people in their own communities having power over their communities; that believes in giving them the resources and allowing them to make the mistakes themselves, instead of you thinking that you must decide for them at every turn.

So the Ministry of Local Government right now, constantly seeking to build itself up in every effort to do this reform exercise, is in the centre, not the regions. Allow the regions to be on their own. You are seeking to reform the whole concept of local government by talking about the local government corporations being implementers of local Government policy; but that was never the concept. Sure you could have partnership with them; sure they could implement Government policy, but that is not their fundamental role.

Their fundamental role is to serve the community, based on the will of the community itself; that is why they are run by elected politicians. People elect politicians to do their bidding. I am sure this is something new to you, but that actually is what people elect politicians for, to do their bidding. *[Laughter]* Therefore, at the regional level, when they elect their corporations, their corporations are supposed to serve them, serve their interest, not carry out the will of central government; not carry out central government policy. They can assist in implementing policy; they can assist in furthering Government's efforts at development, but that is not their fundamental purpose.

I want to advise you that is a fundamental error you are making in the way you see local government, if I am to read your documentation, your Green Paper and your public statements.

We found a lot of difficulty in carrying through the decentralization effort throughout all the various areas of Government activity. To this day, you still find

persons talking about county and ward. While we have a regional system in place, a lot of ministries are still running their affairs based on County Caroni and County Victoria. They just did not share enough of the enthusiasm to change their own systems from what it was, how many "donkey years" ago, to the new system, because this takes time and effort. So you cannot limit your effort at reform to the Ministry of Local Government and to the regional corporations alone; you have to extend it to all the various areas of Government activity and, I dare say, beyond government to the private sector, to get persons to adopt this idea of regionalism, and not to be afraid that a region would run off on its own and somehow threaten central government initiatives, because the region is allowed to develop its own persona.

There was an accompanying document that went with this Act; I do not know if Members on the other side have taken the time to study it. This was accompanied by a document which was a guide on the concept of regional development. It actually laid out, based on consultations and research, the kind of development focus each region could have.

The idea was that each region could develop expertise and specialty in particular areas of economic life. That is how you develop a country, by each part of the country developing expertise and specialty in a particular area of economic life, and trading with each other to create a more powerful whole. So persons who grow up in particular areas, sure they could be involved in anything, but if you are a young man in Diego Martin, you would not have to look to Point Lisas to find a job in a technical field, because in your region you would have your own area of industrial development taking place.

In every part of the country, whether agro-industry in some areas, light manufacturing or whatever aspect of industry you would have, each area would have its own focus. In fact, it is becoming worse; it is not becoming better. If you are a young person on the East-West Corridor, you are a young person in Laventille, San Juan, East Port of Spain or one of these areas, where are you going to find a job in that area? There are no jobs in that area; there are no jobs where you live; none. Every job you have to find, except for the 10-days programme, you have to go out and find it somewhere else. You have to leave with a disadvantage, because once they hear you are from that area, you know that you are in trouble. You have to go elsewhere in the country to look for work.

A fundamental aspect of the reform at the local level is to create industries, to seed industries. All the talk the Government had about seeding industries and so on, none of it has actually had any impact on the country, with all the resources at

their disposal; perhaps, because so much of it is taken up by these "fellas". I know you are tired of me referring to your friends in the various communities, that all the resources are passed to; "fellas" with bad habits, getting shot these days a little too often. Perhaps, because the resources are going in that direction; I do not know, but nothing has come out of all this talk you have had about urban redevelopment and economic zones; none of it has come to actual fruition. These are the aspects of reform that the Minister needs to focus on.

You have to focus on how to get regional corporations to be active in sport, because an important aspect of sporting development, all over the world, is the natural rivalry that develops between regions. Manchester United is developed around Manchester. Why do you think there is the fanaticism for Manchester United? Because it is in Manchester; that is how it is. A particular area develops a fanaticism to support the people of that area, and the regional corporations are the ones that we expected to take the lead to develop within their own areas and create that rivalry between their own and other areas. So that persons who are, in fact, there, would be a league, if you like, or various leagues in various sporting activities between regions in the country. If the Ministry of Local Government wants something to do, that is what you could spend your time doing, promoting the leagues within the various regions in the country, so that persons actually could see a reason you should attend a sporting event: to support your home team. How many persons are going to support the professional clubs?

Sen. Annisette-George: What about the Merry Boys?

Sen. Dr. C. Charles: Of course there are exceptions. The exceptions are not created by the Government, but there are exceptions. They are exceptions created by communities, even supported by Government in some cases. [*Crosstalk*] I am not saying that you do every single thing wrong; do not get me wrong on that. [*Laughter*] Even the PNM could not do every single thing wrong. You can do some things right; a few things here and there you do right.

I am making the point that the Minister really lacks passion for this. I do not see that the PNM, as a whole, has any passion for local government, for local government reform or for regional development. You have no passion for it; you do not believe in it, or your Government does not believe in it. I do not know if you personally do not believe in or you are simply forced to take this line, because your Prime Minister has particular plans. After all, becoming an executive President is not consistent with decentralization, regional development and so on. That is consistent with a mindset which says, "All decisions must be made at the top, at the centre, and nothing is right unless it originates in my particular head."

That is the mindset. “Anything that I do not agree with as the leader must be flattened, destroyed or dispensed with.”

Hon. Senator: That is what happened with the DAC? [*Laughter*]

Sen. Dr. C. Charles: I hope you are prepared, hon. Senator, for your turn, when you are speaking. I have been very gentle with you so far in this Parliament. [*Laughter*]

Seriously speaking, that is the mindset of the PNM. That is why you have not even taken the time to seek to implement the various aspects of regional development that would fall from the Municipal Corporations Act, and all the talk is about reforming the Act, as though that is where the problem is. The problem is not in reforming the Act and desperately trying to come up with a new Act, which you are working at. That is not the problem.

I know the PNM has a problem with anything that does not have PNM stamped on it, and it would have a difficulty seeing that this Act is there sitting in history and it was not actually passed by the PNM. I know you have had that problem over the years, but try to rise above it. This particular one is one that you could do a lot from reading, understanding and seeking to implement, even in the field of security.

There is adequate provision here for the establishment of municipal police. There were some little halting efforts made recently about that direction; you could do a whole lot more. The regional corporations could do a whole lot more in the area of security, because there is provision for municipal police, where every regional corporation would establish it. There are safeguards and guidance regarding how it relates to the police commissioner, et cetera; it is right there in the law. Under those guidelines each region could establish municipal police and play a role towards securing the country as a whole.

The politicians who are most in touch with what happens on the ground are the councillors. They have to be; they live among the people; people go to their homes on a weekend, and they have to respond. If you speak to those people, they would tell you why you are getting the kinds of results from the MORI poll. They would tell you about the frustrations of trying to get five cents; of trying to do anything. They would tell you that they do not have the resources because you have not given it to them. They would tell you that the corporations do not have engineers; the corporations do not have attorneys. Each corporation is supposed to have an attorney.

[*Interruption*] Well if you have given each corporation an attorney, that is a step in the right direction. The corporations desperately need the professional resources, the professional personnel for them to be effective. Apart from the money, you need the professional personnel, because then you cannot spend the money wisely. The corporations need to be seen at the centre, rather than at the periphery, because this affects the morale of the corporations, the morale of the councillors. They are constantly treated as though they are in the periphery; as though they are second class and unimportant.

So when you get these polls saying all kinds of things about what persons think about local government, there are good reasons for it. It does not mean that it is a bad system; it means that we have not been successful at implementing what could be a very good system, which actually came before, even before this system of government we have now. We had local government before. We have not been successful at doing it as a country at large, because of the lack of commitment to decentralization. People are afraid of letting go of power. People in office in this country are afraid of sharing power. People get power and they are afraid that if somebody else has some power, it means they have to talk to that person too much; that is the culture.

That is why they want to reform the Constitution of the country, by the way, to put all the power in one hand somewhere; all this talk about creating this great chief executive manager. So nobody else must have power, because you do not want to talk to anybody else. But the system requires it and we have inherited it, which includes a local government system that we inherited. We have fixed it, but we inherited it. We changed it, but we inherited a whole system that required consultation and collaboration between people who share power. So whether at the central level or at the local level, that is what is required, and there is a fear of that. So we are not going to get anywhere with reform, unless we could reform the minds of the people who are operating the system.

3.30 p.m.

You are spending all your time talking about the actual word of the law that is why you think you can do it in one year. What you have to work on in reform, you cannot do in one year. There was no need to try extend the life of the corporations by another year; this fictitious life that they were given. You should have allowed them to go to the polls and allowed new people to come into local government. You can then work your system of reform in partnership with the new persons.

This will go from corporation to corporation. It will not end in three years. Trying to change the centralist system of how this country operates will not be done in three years. Even among particular departments of Government, you find that decisions always have to be made at the top. People are afraid of allowing it to be made at a lower level. That is what you have to work on if you want reform.

I understand you are doing the regional plans now and in doing that you have caused a tremendous disruption to plans that were already well on their way between the Town and Country Planning Department and the particular regions. They now have to stop and wait for the corporations to do their part. When they do their part and you have new elections and new councillors, what will happen to these plans that were developed under one set of politicians?

You have done all your work with the Town and Country Department and the various communities; you bring the regional corporation into it now in the dying stages of this term. You have elections and in the new term, what will happen? People will want to make their stamp all over and you will have a disruption in the effort. So your attempts at regional development, upgrading regional communities—I am in touch with a lot of this because of my years of association in the field of planning—will be a waste of a lot of human investment because you will have to do it all over.

We have been trying to develop regional plans for so long. Town and Country Planning Division has been trying to reform the regional plans in the country for a long time. Granted, we do not even have a national plan, so it is a fairly arbitrary exercise, but now that they have reached a certain point, you disrupt everything; not at the beginning of the term, but at the end. I am giving you many reasons why you should not seek to extend the life of the corporations by a year, but have the election and then go on to your regional planning effort, so that the new people would have been part of this new effort and could see something within their three-year term.

Mr. President, I do not know why the PNM is afraid of elections, of local election, not general election. They hold general elections when due, but they are afraid of local elections. They have a long history. They have been afraid of local elections way back, since the late 1950s. They have had the longest run of no local government election; from 1959—1968. They had them in 1971, then 1977—six years. We had elections in 1980, 1983 and 1987. We had them in 1992, because we had the Municipal Corporations Act. Then I could have presented good reasons for asking for another year because there was a result. The proof of the pudding is in the eating. This is the result of one year's work.

How many years have you had to do your exercise? I know it is hard under the PNM to get any work done. I sympathize with you on that. Once the PNM comes to office, everybody goes to sleep. It is a reality in Trinidad and Tobago, in the government service, in particular, once PNM is in power—land of lax—because of the way you run the country.

There is no enthusiasm and dynamism and so on, so it is real hard for you, even if you had plans to do all kinds of things. You have real difficulty doing anything because people all go to sleep once you come into power. That is your history. That is what they believe you are there for; not actually to revolutionize anything. How you get them to do work, I do not know. You have to bring in somebody from somewhere—Chinese, Cubans, whoever—to do work on buildings. You have consultants now. We did not bring any consultants in this reform exercise and give them millions of dollars.

How many millions did you spend? \$27 million. We did not have to spend any millions. This is home-grown. We did the research. It is there for all to see. You can go on the Internet and get it. It was not so popular then. You can do research. You do not have to bring foreigners to set up your local government system. Get the people together who know about it.

This effort started because there was a march from St. Patrick, with the St. Patrick County Council. That is what speeded up the effort; that is what galvanized the whole thing. There was a dynamism at the local level. They started with their march from St. Patrick to Port of Spain. That spurred us on.

Mr. President: The hon. Senator's speaking time has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. W. Mark*]

Question put and agreed to.

Sen. Dr. C. Charles: Mr. President, I thank my colleagues of the Senate.

The St. Patrick County Council started a march and walked from St. Patrick to Port of Spain to highlight the difficulties faced by local government. It is a long road of suffering to local government, of suffering under the burdens of centralist philosophies that have plagued this country for so long.

I cannot blame the PNM for its philosophy in its founding days. It was no secret that the PNM was a centralist organization; after all, its main founder said that the PNM was a centralizing force in the country. He felt that it was needed

because the country tended to have people pulling in their own disparate directions, going everywhere and doing their own thing. He created a centralizing force and that is what they are.

I doubt very much that the current leader could rethink that philosophy and come up with a new one. So instead he is going over the same old path of using a centralizing force to try to decentralize the country; after all the years of the weight that was on the people's backs by this centralizing force. When we came to power, we also had the experience of local government complaining, so much so that they walked from St. Patrick to highlight their suffering and we responded right away by doing something to alleviate their status. So, for the first time a county council, which could not even hold land because it was not a legal person, had the power of a corporation, the most fundamental aspect in reform. It had the power of a corporation; it could transact business as opposed to a department of government. It started with something live; something that was real, and we expected that it would have been continued in the interest of the people. We had good reason for asking for our extension because we delivered something.

In 1992, we had local election; 1996, one year; 1999, election; 2003, one year; now in 2008, what is happening? We are going to 2009. You are going back to your old track record of 1959—1968 and 1971—1977. Do not do it!

Mr. President, the Minister, in spite of the fact that she was using a lot of words, did say a few things. With all the management speak we have these days, the language is: this speaks to this, that and the other. I believe in direct use of language. It is easier when we get down to brass tacks than all the talk they give you in the speeches people write. I am sorry, Madam Minister, I know somebody gave you all these things to say. You are a politician; you would not speak like that normally. Politicians do not speak that way. They speak direct and to the point. Do not take them on when they give you all these things.

The Minister said we need to get it right. I agree with her. How do we get it right? We get it right by starting with the most fundamental thing. The most fundamental thing is that you do not postpone elections lightly. You never do that; not because you have the power. People use the term “constitutionally due”, but there is no constitutional requirement. This is not provided for in the Constitution of the Republic of Trinidad and Tobago. We debated whether this should be introduced in the Constitution and we left the status quo because you cannot change everything all at once. You decide what to change over time. There may be some new thinking and some might say we should put this in the Constitution.

It is not constitutionally due; but it is due accordingly to law. You do not change that lightly. You have to have a good reason when you think about postponing elections. Look around the world and see the importance of elections. They must be held when due. Work with the elected representatives whoever they are. It is the right of the people to choose their representatives. You cannot withhold their power of choosing. You are not withholding their power for one year. You have withheld it since 2006. It is not a one-year thing that you bring it to the Parliament; pass it in the other place, bring it here today and pass it. Casual! Two days! All you have to do is suffer the inconvenience of sitting here for a few hours—we will make you sit a few hours—and you pass the Bill.

That is not how it is supposed to be. Have you consulted with anybody? Have you spoken to the various corporations? Have you heard anything come out of the corporations about this? Have you heard their comments? Have they said anything about it? Have they no say; no voice? I have not heard any corporation say that it agrees to extend the time even though many of them are happy to stay because they may not be going back for election. We cannot have even that basic courtesy of engaging the existing corporations on this matter. Instead, you unilaterally pass it in Cabinet.

I criticized the Minister previously about the Green Paper when she said what was required to implement it. We only heard "Cabinet". The way forward in the Green Paper was a whole lot of approvals by Cabinet. That is where the decisions are all taken. The way forward was Cabinet's approval of rules and responsibility; develop proposals and seek Cabinets' approval for new local government structure; produce final White Paper for Cabinet's approval; draft legislation and policy document for Cabinet's approval; draft Bill for approval by Legislative Review Committee and Cabinet; Draft bill regarding new local government and obtain Parliament's approval—well we get a little mention—proclamation and implementation of legislation. That is the way forward.

3.45 p.m.

This is not my writing; it is the Minister's writing. There are seven points; five are about Cabinet, one is about Parliament and one says proclamation and implementation of legislation. That is the way forward. It tells you the mindset. Something is wrong with the mindset. The way forward cannot be that. Cabinet is important, but the way forward has to be something to do with the people for whom you are actually going to do this.

Is there any consultation going on with the various community groups? An important aspect of local government reform that we started was with the communities. We had set up communities in each town, if you like, where not just the regional corporation, but the particular community would be at the centre and the regional corporation would just be another player in the service of this particular community.

Very often, even with regional corporations, you find the centralist tendency taking over and communities are not getting attention. We introduced another tier which involved the particular community. We called it community advisory centres where, in the particular community, there would be collaboration with all who are serving the community and the people can actually have a say. Have you taken your consultation to that level? That is where this country would be saved; at the level of the community, because that is where it hurts the most. You have to find a formula to revive the communities in this country, because that is where the fight is going to be if we are going to reverse what is taking place right now; random violence in the country. How do you think you can fight against that? If you listen to what the police tell you, they are calling on the communities to help them in their fight against crime.

In terms of the economic revitalization required in this country, it has to happen at the community level because that is where every developed country in the world was built. We behave as though developed countries were built by coming up with a plan, Vision 2020—America say we want to be a developed country by so and so date. No developed country was built that way. None came up with a national plan and said: “We want to be developed by so and so time.” Every one was built organically by the communities; every developed nation in the world was built by each community building itself. Its goal was not to become any particular kind of nation. Its goal was simply to serve the people, to provide something for the people. Even great entrepreneurs all over the world, their goal was, apart from making money, to serve people in a particular new kind of way; to do something for the people, produce a new kind of good, a new kind of technology and a new invention to serve people. That is the focus. That is how the world was built.

How are you going to do that when the communities are strangled right now? They are not the centre of anything. They are not important. Your decisions do not take them into consideration. You come up with a plan and you impose things upon them. You are taking the economy in one direction. I have no idea, because I am sure you have no plans for when oil and gas go that way. We know the only

place we can turn to is the community, because that is where the strength of this nation is. It is time you put them at the centre and on the top, not just in words, but in deeds and action.

That is my most fundamental problem with this Bill before us. It is wrong sided. It is upside down. It is based on a decision taken for the convenience of the Minister and the Government. They are not yet finished with all their talk or the talks that they must have, so election can wait until the talk is done. That is what you are doing here. You cannot do that. You have not asked the people: Are you willing to wait until this talk is done to have your election? You could have asked them that. They probably would have told you: Let us have the election and we could talk after. What is wrong with that? No, you have decided all by yourself to have the talk.

Mr. President, regrettably, this is not an occasion on which I can stand in support of the Minister. This is an occasion on which I say think of it again. You could have done better. You have no good reason for extending the life of this organization that you have brought fraudulently into existence in 2006. You can do better than this.

Thank you very much.

Sen. Professor Ramesh Deosaran: Mr. President, election is the heartbeat of any democracy. It is the very lifeblood of a democratic society and it is therefore quite natural that any tinkering done with the election process or any meandering of the election date brings great consternation upon a population.

We just have to look around the world just for a moment for referencing. What is happening in Zimbabwe, thousands of lives are being sacrificed, not merely murdered, on the altar for the quest to protect and preserve the right to vote in an election? We just have to look northwards to Grenada and you can see the feverish excitement of the Grenadian people to participate in the democratic exercise of voting in fair and free elections. I need not go further to talk about South East Asia. People are marching up and down the streets against monarchies, because they want to exercise the privilege of having to vote in an election.

I merely want to spend some time in responding to this request for a postponement, yet another one, of this local government election. The request for a postponement is an attack on section 237 and section 11 of the relevant Act No. 21 of 1990. I call it an attack because section 11(4) delineates quite clearly what the procedures shall be and the period for which councillors shall be elected, this three years for the term after which election should proceed. But in section 273,

there is what can be seen as a very peculiar position, because of the very peculiar circumstances existing then, that it was just after the July 27, 1990 insurrection, the Muslimeen insurrection.

An extension was put here in the provision because of extenuating circumstances which people called under the doctrine of necessity, meaning that it was necessary; no other provision available to give you that particular right to extend the election. That matter of doctrine of necessity was elaborately entered into, if some of us could remember, during what was called the Grenada Trial, following the murder of Prime Minister Maurice Bishop and others. The court had to exist even though there was no proper framework and constitutional basis for so doing. The doctrine of necessity was invoked at that time for an extension.

I therefore remain skeptical up to this point, as to the reasoning for this yet another extension for local government election; the last extension being requested in 2006. The UNC did seek one somewhere in 1994; I think the PNM Government did that many more times.

When I heard Sen. Dr. Carson Charles make the statement that it seems as if the PNM is afraid of elections, as it keeps running away from the stipulated dates, I think the public themselves might wonder if that is really so.

Before I proceed, this Minister is relatively new on the job, as it were. The hon. Minister of Local Government is relatively new. From where I stand, I think the previous Minister lapsed on the job. I think he had approximately four years, in terms of consultations—developing this Green Paper, White Paper and all different papers—to have moved forward much more diligently and expeditiously. The new Minister would now come in to implement what should have emerged in the last Parliament.

The way things worked with Cabinets in this country, I suppose we take those things very easily. I think the last Minister lapsed and this Minister now is carrying what I would consider, with respect, a lot of baggage into this new Parliament, struggling, as it would appear, to justify another extension of this very important matter of an election.

I have made the point previously that there seems to be some defect in the political management of this Government and I have cited several examples. This is another example I wish to cite. It seems to me in this same context, that the Cabinet of this country seems to have a very high tolerance for inefficiency, incompetence and delays. How could you run a serious business in this particular manner of executives lapsing and having to put other Ministers, as it would

appear, in what I consider embarrassing positions? Because knowing this particular Minister as I do, I think she moves with greater haste if she has greater control over her own jurisdiction.

As I proceed, I wish to congratulate and encourage all those councillors all over the country for taking part in the regional corporations. It is not an easy task. It calls for a lot of ground level work. People make all kinds of requests upon them daily and they strive to respond accordingly. They too are the ground soldiers of this democratic society.

I want to refer to some comments made by the hon. Minister of Local Government as follows: She did note, quite rightly, that postponements were sought on reform. The reform exercise was sought four times in the last 15 years or so; promises of reform. As I stood and listened to her—a brilliant exposition on the virtue and value of local government, if only she was introducing Act No. 21 of 1990—that embracing speech would have been considered excellent, but the speech loses merit in the context of having to ask for a postponement and in the public mind a postponement that has been sought several times before.

Secondly, the Government's position seems, in my view, to lack merit in another instance. If you are postponing an election for the third or fourth time, as it were, could you not have salvaged things and done some damage control by at least suggesting most definitely, not vaguely, about later this year; something more precise so that the public will know that this time the election will be held? That gap really aggravates the consternation faced by the national community.

4.00 p.m.

She did say that the process was complex but, after all, as I said, the last Minister should have done his work much more diligently and not having put us in this position or put the hon. Minister in that position. That is a matter for the Government. I am just saying that things could have been better. I deeply regret the rather regressive situation in which we find ourselves, especially with a matter as sacred as the people's right to vote in an election.

There are some things that Sen. Dr. Carson Charles said that really impressed me, especially when he gave us a brief narrative, not only about the philosophy, but really what local government should be like, putting the people first—moving through all these secondary layers and getting into the primary level of where democracy resides in the attitudes, sweat and blood of the ordinary folk in the country.

When I look at the Green Paper and then the White Paper, I see language that is rich in prose, but rather poor in determining the level of service that would be given in a rather guaranteed way, especially in terms of accountability.

I see many things about what could be done in terms of governance, audit and human resource development, but we have heard all these things before. These are common mantras when you speak about local government. It is like speaking about children, motherhood. The language is common and it is attractive, but like the White Paper and the Green Paper, I do not think that it carries us much further. Sen. Dr. Charles is right to make reference to those gaps.

I must confess I, too, get the feeling—I do not know if it is a matter of searching for efficiency, or what the MORI poll found about the inefficiencies of local government, but the Government is really moving into a very centralized disposition. As I have said before, one example of that is having all these government buildings continuously located in Port of Spain, aggravating the problems which already exist, not only in terms of traffic, but in the mental health of the population, for example, stress.

If you want to decentralize or devolve or devolute power, I am skeptical about it. Again, when I read the Green Paper, I see many services that are intended to be performed by local government agencies, and I still see the heavy hand of the central authority over these local bodies. I thought, given the evolution of local government in this country, we really have to make a more serious commitment to give these local bodies, not only more responsibilities, but much more power and hold them accountable, not only through the Executive, but through the Parliament.

Sen. Dr. Carson Charles made a point that, perhaps, the Government is afraid to hold elections because it is afraid of a UNC/COP Alliance. I thought it would be the other way around. I thought the UNC and COP should be happier that they have much more time now to strengthen the alliance. [*Laughter and Interruption*] I was, indeed, taken aback by his interpretation of the time frame, thinking if I were in either party, I would be very happy for that postponement, because it seems to be taking a rather long time for the alliance to be concretized. [*Laughter*] That is another issue. [*Laughter*]

Indeed, I was touched, and I could understand the way the Senator made his contribution, having been one of the architects of what I considered a very important Act, which is Act No. 21 of 1990. Just after the Muslimeen insurrection and the attack on this Parliament, I believe the Parliament moved to the Central Bank Auditorium. Sen. Dr. Charles, am I right?

Sen. Dr. Charles: Yes.

Sen. Prof. R. Deosaran: I can tell you that because I was in the Parliament at that time. We sat and discussed this Bill, and there is one aspect I remember quite clearly, and it is in the White Paper, and was part of the Minister's presentation, and that was my rather enthusiastic call to have street signs properly installed all over the country. I must confess that I do have an obsession with three things at the local government level: beaches which are in a mess and which the regional corporations in those particular areas seem not to be taking care of, even presently, with all the provisions that we have.

Secondly, street signs. There are some parts of the country where you just cannot see any signs at all, but only streets. You do not know where you are. You have to ask people, and I have made that point before.

Another aspect is these derelict vehicles on the roads; garages now on the streets; people building houses with their gravel and bricks piled up on the streets, and it is as if nobody cares about the discomfort and the distress that these things put upon the national community. So when we read the Green Paper and White Paper and so on, and we hear about all these promises, the people really become skeptical as I, myself, am saying today.

I am not too sure whether the new reforms would bring relief in these respects, and I will tell you why. There is no need for reforms to implement what is already in the Act. [*Desk thumping*] In terms of functions, there is section 232. Let me just look at it and perhaps I can understand—if I might be a bit intrusive—why perhaps the Minister was reading this thing with some reticence, because she, herself, would wonder as a citizen of this country, why these things are not taken proper care of.

Some of the functions of these corporations are—Sen. Dr. Charles is right about homes for the aged; there are drains, watercourses, beaches, recreation grounds, streets, government buildings, police stations—our police stations should not have been left so decrepit to deteriorate as they appear over time—savannahs, parks and bushes. This also has to do with safety and not just sanitation. As I have said before, local government is the flagship of democracy and popular comfort, if only because people see what local government does quite easily.

They do not see the ministry as easily as they see the services delivered by local government. There is where they get their sense of government. It is like the criminal justice system. The population gets its perception about criminal justice through the jury system, because that is the proximity that is provided for them.

I find it puzzling, year after year, why governments do not recognize in a demonstrated sense, the value of local government in terms of service delivery. This Act tells you exactly how many things local government can do and which remain undone.

There is a provision here for what is called “chief officers” in section 36 of the Act. The point is, I do not believe the reforms are going to deliver the Promised Land that we expect if these things are already in the law and cannot be properly implemented. By putting other things in law, what guarantee do we have that these additional things would be implemented when what we already have are not properly implemented? You are coming to ask for another postponement to have reforms based on promises that might very well not be implemented. It is a culture of inefficiency. That is what you are really dealing with in the whole system.

I would have thought that a more sensible, profound approach to this challenge of local government would have been to come with a constitutional reform document into which local government reform would have found an integral place. [*Desk thumping*] Then the linkages would have been seen in terms of service delivery, and the clarity and productivity in that linkage between the local government agencies and the central agencies would have been very clear in a forward manner. But to do this reform now and leave the larger issue of constitutional reform which has to do with public administration, financial accounting and all the things that you have put here as to supervise the work of local government which contains a number of inefficiencies and archaic structures, how do you expect that delivery to be produced? It is like having a son without a proper father. This might be more relevant to the Children’s Authority Act, but I make the example metaphorically.

In other words, the Government really has to sit and get more serious. My reference to the Cabinet about its high tolerance for inefficiencies is that sometimes I feel that the Ministers are out of control. There are things that are not synchronized. There are projects that are not delivered on time and there are excuses. I am quite sure that a few Ministers themselves remain embarrassed having to come time after time to the population to make excuses on a number of very important matters.

The chief officers of a corporation, according to section 36, shall be a chief executive officer, the corporation secretary, the treasurer, engineer, medical officer of health.

Today, we got a paper from the Siparia Regional Corporation—the Annual Administrative Report, October 2006—September 2007. Let me quote one example. I have gone through all the other reports of the regional corporations in the last few years—some of us might remember—having been the chairman of the joint select committee that was responsible for enquiring and reporting to Parliament on municipal corporations. I did my homework and that is why I am speaking in the manner in which I am speaking, and knowing what the promise could be and what the potential could be and, yet, not seeing some more deliberate action in activating that promise. I quote:

“It is at the operational level that the corporation is severely hamstrung.”

This is not through the need for more constitutional reform or reform of the Act, but it is in operationalizing what already existed in Act No. 21 of 1990. This is just one example. All the other corporations have made similar complaints—even the Tunapuna/Piarco Regional Corporation, which I must compliment for its programme in preventing the spread of dengue in the national community. [*Desk thumping*] It is a very good effort.

They go around with their microphones in vehicles telling people to be careful and that they are coming to spray. That is the kind of service that brings democracy alive in the country; that is the kind of service that makes people have confidence in a government; that is the kind of service that brings democracy alive in the country; that is the kind of service that makes people feel the eagerness to go and vote in an election when the time comes. Most likely, if that corporation continues with this dengue fever prevention, I could tell you what the results of the local government election would likely to be for the incumbents.

4.15 p.m.

That is the secret, it is not the manifesto; it is the service that you have delivered. I am looking forward to that cooperation because I have told them so when I met them; clean up your streets too. Chairman Mejias, yes, you said she had trouble with the chief executive officer, that is another story. So, these are old stories about things that could not be and were not delivered. I quote:

"It is at the operational level that the Corporation is severely hamstrung. The...Act 21 of 1990 requires that alongside the Chief Executive Officer, there should be four (4) other Chief Officers to head up the management divisions. The Act stipulates that there be a Treasurer, a Corporate Secretary, a Medical Officer of Health and an Engineer, all of whom have statutory powers that can only be delegated/assigned by the President.

These posts have never been filled."

So, I am not here to really embarrass the Government, I am here to nudge the Government into activating the instruments of power and service delivery which are already at their disposal. Call these chairmen together because there is another section that gives the Minister the power to summon the chairmen and the council and let them apply Government policy. Sen. Dr. Charles made a point that these local bodies should do things in their own way. That too, but the Act also gives the Government and the line Minister the power to get the corporation to execute Government policy where and when it is required. So, you are not naked in a sense, you are not denuded of authority, power and linkages; it is all in the Act.

This is one example to show where the neglect in the operational sense of these local government bodies has put the MORI poll in a position to say that citizens are dissatisfied. If we examine the poll—what is called the Inaugural Opinion Leaders Poll, 21 per cent and 14 per cent—it is not so much the corporation that is at fault, it might be at fault but not so much as their not getting the available resources to deliver the services that are required and this is just one instance.

That is why I said that I am a bit skeptical about asking for a postponement on the ground that has been enunciated to put structures in place, monitoring systems and so on, when in the face of the evidence, and as any good lawyer would know—especially our distinguished Attorney General would know—the facts must speak for themselves. Promises, that is another thing, but looking at the facts and looking through all these reports from these regional corporations, it seems to me, quite regretfully to say, they have been neglected over the years and that has adversely affected their service delivery.

So when the MORI poll says that the citizens are dissatisfied, it is not necessarily an indictment directly on the regional corporations, it is that the central government apparently did not provide the required resources. They have said so in this Parliament. We have had meetings with the Rio Claro/Mayaro Regional Corporation, Couva/Tabaquite/Talparo Regional Corporation right here in this Parliament and they did say so. They need more funds and it is not a grab for money, it was a justifiable request in our analysis for funds to clean the streets, the bushes, remove all these derelict vehicles to the point where I suggested that a \$5 million grant be given to each corporation as a matter of expediency or call it through the doctrine of necessity, so that they will cut bushes, clean the streets and let them give you a clear account.

Nothing will make this population as happy to see their streets clean; all those old vehicles moved out; the bushes have been cut down. And charge the owners, the Act also provides for that. It is not that Government might spend taxpayers' money in that way only, it is a matter of doing the work and under the Act you can charge the owners after proper process is followed.

Really, Mr. President, I think Government still has some convincing to do, if I say so with respect to the distinguished Minister of Local Government. The Cabinet itself, in a more general sense, should enforce more strictures on Ministers to deliver. I am not so sure whether the population should be displeased with the Prime Minister when he removes certain Ministers if they are not performing. That is the job of a Prime Minister, to require and enforce discipline, not only in behaviour and language—"mauvais langue" and so on, that is a separate thing; that is a secondary issue, but the primary issue in terms of a Cabinet performance and Prime Minister's jurisdiction and exercise of its constitutional powers is to require top level performance. I have no doubt that the new faces we see here, in his mind, might be a step in that direction.

The public is confused about local government and I do not think this will bring any relief. Let me give another example of the confusion and the linkage to local government, and what we are hearing about the need for postponement. There are people in Sangre Grande who are anxious for an election at the local government level. You know why? When you leave Sangre Grande and you are heading for Manzanilla, about half mile after you leave the police station heading to Manzanilla, the road is dug up almost to spite the residents. As if those who dug up the road have a grievance against drivers. As if those who have created that disaster area feel that the more accidents and lives lost through accidents that we have is a good thing; that is the only conclusion they can come to.

The people met two weeks ago and said they were waiting for the next local government election to throw out the councillor in that area. I do not know if their premise is the correct one, it might be WASA; it might be some other agency, but they hold the local government representative responsible. But they should also hold the Member of Parliament responsible because that is part of representative government. If you look at that stretch, there are large holes and when the cars move on one side they get in the way of oncoming traffic in a very dangerous high-risk manner. I made this point once in a televised interview, I am making it again in this formal forum, because it points to the efficiency of local government and the apparent skepticism that the public has about this postponement. What good will it bring to them? Is anybody listening? Is WASA listening? Is Mr.

Grimes listening? Because it is WASA that apparently dug up the place and has left it so for months now; it is another ravine on the road. Now, is that caring for the people through local government?

There is something called the regional coordinating committee under the Act; that is another lapse. Many a chairman of these regional corporations and many a mayor have called this committee, which includes WASA, T&TEC, fire, police and so on, to meetings to get things properly coordinated and delivered for the population at stake. It is like taking blood out of stone. You cannot get WASA to come; you cannot get T&TEC to come; you cannot get the agencies to come. A few of the chairmen and mayors told me when they write the Ministry to enforce the requirement in the Act, that they should meet in a way to coordinate the activities, it is difficult to get them with no sanction, no discipline in the institutions of this country. As if everybody is a law unto himself or herself, because this country not only lacks performance in certain areas, we need discipline.

This country has forgotten the practice, if not the concept of discipline, and that has led us down the path of what we call lawlessness, to a point where it is difficult to retrieve and pull back ourselves. All these little things count and they manifest themselves in the institutions at the expense of the national community who are taxpayers. In a budget speech, perhaps, I will talk about the links between the process of tax paying, trust and what a government is supposed to do with those tax dollars. When I hear people say Government is spending its money. Government does not have any money; it is taxpayers' money; you are trustees and a Cabinet is not a secret society as such but it is a trusteeship that you must account to the people for having used their tax dollars, but we will speak about that another time.

I am mainly on this Manzanilla, Sangre Grande area that is bringing so much distress. I wish in fact, with respect, to ask the Minister of Local Government to enquire into that disaster area. It will bring joy to the hearts of many a resident in that area; fix back the road with expeditiousness with which you have dug it up. Because if you follow the MORI poll about inefficiency and corruption, you could say the same thing about central government. You would say 21 per cent of the people believe that the central government is inefficient and 30 per cent of the panel believes that the Government is corrupt.

That similar perception could be applied to central government and that is my point. There are serious severe breakdowns in the institutional capacity of our institutions. This is tough work for this Government. Other governments have tried and failed, you know. I am not saying that this Government merely appeared

in the last few years and created all these problems. That is why I say they have a lot to do with the culture of the country and the lack of discipline and sanctions. It is the lack of that discipline and sanction incrementally, step by step, that have caused us to be in the position of lawlessness which we face today.

Let me repeat my view. I would like to see the Government hold the election now. [*Desk thumping*] Let us hold local government election now and continue your reform exercise because that reasoning is not enough to take away such an important right once again. It is not the first time. If it were the first time, as I said, and the Minister made that presentation, I would be the first to commend her, because it would show some matter of expediency going through the doctrine of necessity. But to come for the third or fourth time to ask for an extension on a matter as important as this, year after year you keep rolling the request, really, I do not think this is fair to citizens in a democratic society.

Hold the election now and then continue to do your reform and your reform should be packaged within a wider framework of constitutional reform, given the fact or the dependency of local government on central government. And if your public administration apparatus is weak and defective as is plainly the case, because you also have public administration reform going on, you could not expect local government to function more efficiently than your central government and public administration apparatus—you could not. [*Desk thumping*] Therefore, the logic is clear, you need what is called—common jargon—a holistic approach. I would not say holistic, I would say a sensible approach; a more productive approach. Then they will begin to see more things that they have not yet seen with respect to local government; its value and its merits.

More precisely, given the grumblings you hear and the different parties forming and engaging themselves in one way or the other and the public view about a number of things: national security, health, education, perhaps, now is a time for a test run with an election. You should have local government election now as a test run to see how the people really feel and that would be a superior model than the MORI poll. [*Desk thumping*]

Mr. President: Senator, do you want more time or could you wrap up in a minute or two?

Sen. Prof. R. Deosaran: I will take about 10 more minutes.

Mr. President: Very well. Let us take the tea break at this time. We will suspend the sitting until 5.00 p.m. We will take the tea break now. This sitting is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Prof. R. Deosaran: Mr. President, if I should continue just for a few minutes more. In the last two years or so we have heard a number of what appeared as ad hoc statements about reform to local government. At one time we heard that the chairmen and mayors of these corporations or city councils, as the case might be, might be coming to the Senate to speak but not to vote, and that was considered a possible reform as indicated by the Prime Minister. Then we recently heard about bringing the number from 14 to 12 in six divisions.

Now, I do not know how these ideas germinate, if they do arise through consultations or through consultancies, but they really lack, what I would call, sensible groundings in the reality of local government. So rather than all this ad hoc intervention, as I was saying, let us pull back a bit and do something more sensible, convincing and credible, because one of the issues in Government today as it has been in the past, I will tell you, is credibility, the extent to which people trust their government. Meaning more precisely, when a Minister makes a pronouncement, how much credibility does it carry? And that brings us back to the frequent postponements of this date for local government election.

When the previous postponement was requested, I spoke on it in the last Parliament and we were seemingly given an assurance that that would be the last time. So, please forgive me if I appear a bit uneasy by having to engage in a similar debate facing a similar promise made previously. If I use the word “credibility” you will also forgive me, Mr. President, but I use it without any malice, but mainly to remind Senators that we have been there before several times. So, the question to be asked is, when will it end? So far we have heard no definite statement as a matter of policy from the Government or the Minister as to whether this will be the last, last, last time.

I would further suggest, with respect, to put the population at ease and to remove some of the suspicions and allegations, whether founded or unfounded, about the Government, it will be very helpful, as a compromise if the Government could say, “Well, listen, these things are complex and if you perhaps will allow us to do some more work and by November 15, we will call local government election.” That will be a sensible and appropriate compromise in the circumstances. But to ask for a postponement, having asked for several before, and leave the issue hanging, certainly, it demoralizes the national community and the electorate who has in the Constitution the right to express political opinions and form political associations.

You are indirectly, not directly, depriving them of that right which is not constitutional but by statute. I believe with that loophole—we should revisit the Constitution, although this is a separate matter, to make the date for national elections a constitutional mandatory date, except under very extenuating circumstances. Similarly, for local government elections, there should be a fixed statutorily defined date for local government elections and national elections, except under very extenuating circumstances—emergencies, disasters and so on. Because, how long can we, as a modern democracy, go around postponing one election after another? How long, Mr. President, should we go along?

Mr. President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. B. Ali*]

Question put and agreed to.

Sen. Prof. R. Deosaran: Mr. President, my remark, especially with respect to a fixed date, is nothing new. I have made this remark to previous governments and they have not taken me on. I do not know if I will have better luck with this caring Government. Perhaps, this occasion I might come out less wounded and less embarrassed, but it is a good idea. Talk about it in your caucus. As you know, we cannot have any caucus here. [*Laughter and desk thumping*]

Hon. Senator: No such luck.

Sen. Prof. R. Deosaran: But, it is a serious matter. It will make us look as a serious country. There are certain symbols in the international forum that make you look serious. One is fair and free elections. That is what the news—apart from international populations—look at. If your elections, as in Zimbabwe, the most recent example, are what they appear to be, you will lose international stature. If you put a fixed date, as the Americans and other countries have, for example, it brings respect and certainty.

There is nothing that stabilizes an organization and a society, especially the banking system and so on, than certainty, predictability, except under extenuating circumstances. So, if you want to modernize your democracy, having a fixed date for national elections as well as for local government elections will bring international stature and a certain amount of certainty into your democratic way of life. Because, as I was saying, how long can we go around having the Prime Minister saying, he has it in his back pocket? “I have it in my back pocket.” [*Interruption*] Really, we have passed that stage of humour; that is for Learie

Joseph and so on. But, really, it does not look good anymore. It had its humourous aspects once, but I do not think the public is really too enamoured with that kind of gesture. I do not know if the Minister of Local Government has any back pocket in this instance [*Laughter*] but I hope she, too, does not feel to tell us that she has it in her back pocket.

I think a very healthy, understandable compromise could be, if you tell us the postponement has some justification and by November 15, we will call local government election. You will restore some credibility to the exercise and I believe we will all come out—if I should use the word—winning, as it were, without having to be too adversarial about the issue.

I make these remarks and I spend time, because, knowing the Minister as I do, I wish that, perhaps she could have the option to continue her work in local government as she has done in the Ministry of Education. So, I really do not want to appear unduly obstructive except to be very honest about my understanding, having been here on a previous occasion when the request for postponement was made. I am a bit uneasy having to face the same thing once again with very similar reasoning. Those of us who were here would appreciate that, the reasoning was quite similar. So, what we really have to ask is; are we serious about our matters in local government?

I will suggest to the hon. Minister to give impetus to the reform exercise. Reform is words, language, prose, rhetoric, but to put some energy in it, perhaps, what you might call a “fix-it now” programme across the country and get all regional corporations to cut down those bushes, clean up the beaches, put up your street signs; about four or five such items, and create a mobilizing effect across the country, such as, if I remember correctly, what Sen. Dr. Charles and his NAR did with the clean-up campaign in the 1980s.

I do not know if you will face the same results that they faced after—they got cleaned up too after that. [*Laughter*] But something about fix-it, your beaches, your road signs and your street signs; just do something concrete while the reform exercise is going. Give some special grant to these corporations, and that will bring alive some further confidence in the system of local government. It would not take much work. The statute already provides for that, and even the corporations will perhaps be a bit joyous in exercising such services while having their elections postponed. Then the country will say, “Boy, this Minister really means business, she is much better than the last one.”

Clean up the beaches from Mayaro to Maracas. Mayaro beach is in a mess, with all kinds of tin cups. I am happy the Minister of Planning, Housing and the Environment is taking that initiative with these bottles. I will give her 100 per cent when that Bill reaches Parliament, and more than 100 per cent because that is the kind of initiative you have to take in a concrete way in making this country a better place and that could be done through local government election.

So, Mr. President, my final remark is as I began. I know this Minister has a very heavy burden. I am prepared to say what perhaps people on the other side may not be prepared to say. She is bringing some baggage from the last Parliament. That issue should have been cleaned up, so she should have had the privilege and the opportunity to move forward with a reform package, meaning, implementation, not continuing this reform process.

I wish the Minister the best of luck in that exercise and if, at all, she could bring some appeasement to some of us by making a compromise in the manner in which I suggested, perhaps it will be all for the better.

Thank you, Mr. President.

The Minister of Health (Sen. The Hon. Jerry Narace): Thank you, Mr. President. Cornell West, a noted writer on democracy states:

“Democracy is not simply a matter of an electoral system in which citizens get the right to vote and elected officials must compete for the public's favour. All systems set up to enact democracy are subject to corrupt manipulations, and that is why the public commitment to democratic involvement is so vital.”

Mr. President, this amendment seeks to promote democracy of a kind more fundamental than elections. It seeks to change the experience of citizens with the local government system as it currently exists. That is why I rise to join this debate and to urge this Senate to support this Bill which has been so ably introduced by the Minister of Local Government.

What is this Bill seeking to do? This Bill is not simply seeking to postpone elections, but this Bill is seeking to ensure that when we do go to elections that we will have a process, we will have reforms, we will have a system that can truly serve people.

Hon. Senator: Yes.

Sen. The Hon. J. Narace: Mr. President, why is this necessary? It is necessary because, as the very distinguished Senator on the other side said, local government is a most important tenet of people's development. Local government

really is the centre, not just of the development of communities but the development of people. How could we just go, election after election, term after term, and we are not bringing the fundamental changes that our people so sadly deserve? How are we going about it?

Maybe I should just say I am here to make a few points because I have listened to some of the speakers on the other side, and just a few points I would like to make. I want to just, from the very outset, congratulate this Minister of Local Government. [*Desk thumping*] I want to congratulate this Minister.

5.15 p.m.

Let me tell you why. This Government is seven months old and already she has held three consultations involving people, and she set a date of September to complete the consultative process. Now, that is democracy. That, I dare to say is democracy, getting people involved into this process.

Mr. President, I listened to the very distinguished Sen. Prof. Deosaran and he spoke about, "I see a light here; Tunapuna/Piarco did a good job" and so forth, and I dare say that—but first let me pay tribute to all local government representatives of all political parties in Trinidad and Tobago. I want to start by doing that, because to me, a local government representative is akin to a housewife. A housewife will do so much work when the day is done, and someone like Sen. Mark will walk in and say, "What did you do all day, and why you didn't do this; and you didn't fix this?"

Local government attend to all those little things that we sometimes do not value. All that this Minister is trying to do—is like a good husband would provide the amenities that the housewife will be able to deliver lunch and look after the clothes, the children and so on and build a beautiful home—is to give local government the tools that they need, so they can deliver goods and services as outlined by Sen. Prof. Deosaran. Let me just say [*Desk thumping*] that is all that this Minister is trying to do.

Mr. President, it is about the experience. We cannot lose sight of the fact that—I want to say that I heard Sen. Dr. Charles say that he did it in one year. I know that Sen. Dr. Charles was Minister of Local Government for four years, and clearly, it should have taken him some time. I have a lot of respect for Sen. Dr. Charles, incidentally, and I am saying in less than seven months on the work that the Minister is building from, we are trying to put a system in place. Do you know why? You can check the *Hansard*.

Mr. President, I come from a very unique position. I have the distinction, the pleasure, the privilege and the honour of serving the People's National Movement in two municipal corporations, not one: the Arima Borough Council and the Tunapuna/Piarco Regional Corporation. So I have had the experience and I know the experience and I have seen councillors cry; I have seen councillors come to a council meeting and cry, because they could not get something done for their burgesses. They loved their burgesses and I will tell you. Councillors, local government representatives, are people many times that cross the partisan divide, because in a community, you will have people of different political persuasions, and these councillors would go to these homes and try their best to cut an overgrown lot, to get a street light, to do the simple things that are needed.

I heard Sen. Prof. Deosaran talk about why they cannot cut these lots; why can they not move these derelict vehicles? And you know I have a lot of respect for you, through you, Mr. President, and I will tell you why. The system and the legislation is bad. It is bad. Let me tell you why it is bad. If you go and you see eight overgrown lots in the Tunapuna/Piarco Regional Corporation, those lots require a process to cut it. They belong to people, and sometimes you cannot find the owners. In these regional corporations which have a very different arrangement from the borough corporations and the city corporations that possess rules and so on and could deduct it from their taxes, and sell their houses and all kind of things, the regional corporations may have the same power, but they do not have the same arrangements and that is the problem. The problems, we do not understand it. We do not understand it in the same way that the husband who never makes a meal in his life comes home and cannot understand what is going on in the house, that the child was crying and the child was sick. That is when you do not understand, but you need to understand.

Mr. President, I am saying that derelict vehicles—the very derelict vehicles that you spoke about, Sen. Prof. Deosaran—the process to deal with those vehicles is a most difficult process. It is archaic and it needs reformation. [*Desk thumping*] Do you know why? You will go to court for a year; the man did not come to court, and at the end of it, they charged him \$245. Do you think he is going to take on the local government body? He is not going to take them on. And do you know the thing about it? They say the reformation is not important, call the election.

Who in their right minds—these people who advance themselves to take this bashing, because it is a bashing they are going to take—when they go, they have jobs. The job of a councillor is not a full-time job and, therefore, they get a

stipend. These councillors who must put their lives on the line day and night, cannot even say, "Well, I have staff." They cannot say, "I have some kind of office." They come to a meeting once a week, and if the administrative staff feel to carry out the resolutions, they carry it out. Many times they will tell you, "You are going to be here for three years, and I am here forever," and those are the facts. I have seen it.

Mr. President, do you know that the current arrangements—I am really here to support this Bill because I do not think we need to waste our time. I think if we were serious, we would understand the seriousness of this. We would understand the seriousness of this Government. This Government is about the long term; this Government is about sustainability and I have seen this before.

When a PNM administration was going to liberalize trade and foreign exchange—I do not know how many people could remember it—they had ads up and down this country. People were saying, 40,000 jobs; they do not know what they are doing. Why they do not do this? And today, I have lived to see Trinidad and Tobago enjoy approximately 80 per cent of intraregional trade and we are now seen as the manufacturing giant of Trinidad and Tobago. [*Desk thumping*] PNM policy!

Mr. President, the foreign exchange regime, when this Government says we need to liberalize—I think the word they used was "float"; they said "float"?—they said it will sink. The rate that we floated at—if you check, the foreign exchange balance at that time, was minus \$10 million. At that time people had very different policies. I do not want to go into it, but very different policies and this Government stood— what is the amount now?

Sen. Browne: Plus \$7 million.

Sen. The Hon. J. Narace:—US \$7 billion today—PNM policy. [*Desk thumping*] When the oil arrangements go, this Government came up with different policies to intervene, and so, too, today, this is groundbreaking, where we are now trying to say, "We must look after our people in the best possible way." Local government must now be reformed, organized, so that it can deliver in a manner in which Trinidad and Tobago could say, "We are proud of our system." I have every confidence that this Minister of Local Government, at the end of this term, would deliver and we would be very proud and some PNM person will stand up one day, like me, and recall the words of the Opposition Members and say, "Look where we are today."

I have listened and I said I am only here to make a few points; I do not want to talk too long. I have heard my very distinguished Sen. Dr. Charles, talk about, “give them the resources.” I heard him say that, “Give them resources, power-sharing, collaboration; allow them to be on their own.” Mr. President, I want to tell you that I will tell Sen. Dr. Charles a story. Before he gets into the consummation of the marriage if it is not already consummated, I will tell him a story about his partner.

Sen. Dr. Charles: [*Inaudible*]

Sen. The Hon. J. Narace: I would tell him that in 1998, I became the chairman of the Tunapuna/Piarco Regional Corporation and in 1998 the Tunapuna/Piarco Regional Corporation got \$3,150,000 for the development programme.

Sen. Annisette-Geroge: Who was in power?

Sen. The Hon. J. Narace: That is a very good question. The central government was different to the PNM at that time. In 1999, they went to the election and they lost. Do you know what they dropped everything to? Tunapuna/Piarco went to \$1,950,000. In 2002, Tunapuna/Piarco went to \$2,285,000. I want to tell Sen. Prof. Deosaran what the achievements of the Tunapuna/Piarco Regional Corporation became amidst great struggle. I had to take the Government to court.

There was a section called section 269, and the then UNC Government would sit in their office and try to run the corporation. I am telling you, they emasculated that corporation—emasculated it—and that is the only reason I warned you about the marriage, because I know. [*Desk thumping and Laughter*] I know you do not believe in that kind of centrist behaviour. I know you are a man who believes in collaboration ; I know that, Sen. Dr. Charles.

I want to tell you at the same time they were doing that, let us take the Siparia Corporation. They got \$3.2 million in 1998; they moved them up to \$4 million. Let us take—[*Interruption*] the Government? It was not A at that time, it was just C. [*Laughter*] The Princes Town Corporation got \$3.2 million in 1998; they went to \$4,930,000, development fund. Give them the resources. I just want to warn you, so you would know what to expect. Couva/Tabaquite/Talparo, \$4.5 million. Do you know how much Point Fortin got—\$1.9 million. Do you know how much the Tunapuna/Piarco Regional Corporation got? They got \$2,285 million.

I want to tell you what this Minister of Local Government did in 2008. This Minister of Local Government gave the Tunapuna/Piarco Corporation, \$10,200,000, but she gave the Siparia Corporation \$9,505,000. She gave the Diego Martin Corporation \$10,370,000 but she gave Couva/Tabaquite/Talparo, \$9,600,000. If you look at it, you could see some equity in terms of the distribution of resources. [*Desk thumping*] Therefore, to come here this evening and say to give resources, in 2000, the UNC government gave \$58 million in development funds. This Minister of Local Government gave \$182,378,000 and if you check, over the period, it comes up to something like approximately \$600-odd million as opposed to \$200-odd million of the UNC.

I take Sen. Prof. Deosaran very seriously and when he asked: "Why do we not give these corporations \$5 million and give them money?" Sen Prof. Deosaran, I have a document here with the distribution of allocations for 2008, I will make it available to you and you will see a sincere effort on the part of this Government to provide resources. But, it is not just about money, it is about the system; it is about the recruitment of people. I heard you say: "Why do we not give municipal police, attorneys and municipal accountants?" I will have you know, they have all of that—engineers, MOH. The problem is the system. The system is not functioning well.

5.30 p.m.

To just run to elections and say, "We are going to hold elections", and then we get a whole new set of people and frustrate them too, serves the country no purpose. This local government is about empowerment of our people. It is about empowering our people; lives are at stake here. When we look at what is happening in our communities, we need an effective system, as well as to recruit persons. Not just that, if you listen there is a bigger picture.

Those of you who listened to the Prime Minister would have heard him speak about administrative districts, as it fits into local government bodies, as it fits into funding, as it fits into recruitment and staffing, and as it fits into the execution of policy and so forth. All this is going on. This Government put in an electrification programme, special purpose companies, all kinds of things so that we could bring relief to the people.

Mr. President, when you talk about jobs, local government has a significant role to play, because local government is really about getting communities to work together to develop entrepreneurial activity, to train each other, to bring them into a certain kind of remit that they would be able to make the kind of

contribution which would make Trinidad and Tobago proud of our citizens. Therefore, this is not, in fact, an easy thing to do, because it really is about putting people at the centre and ensuring that these people are able to deliver. [*Interruption*]

Sen. Prof. Deosaran: Sorry to interrupt you in your very lively and interesting contribution, but thanks for the minute.

We understand all you are saying about systems and so on, but what is bothering some of us is the frequency of requests for postponement, and with no closure in sight, if I might put it briefly. We are not too sure whether another request would come again; that is the gap that we need to close.

Sen. The Hon. J. Narace: Mr. President, I take the comment and I understand it. I understand your concerns, Sen. Prof. Deosaran, but this is six months into our term. Three days into our term, the Minister of Local Government made me late for one of my own meetings. She had me at a meeting in Kent House trying to pull persons together to get this thing. There is a date in sight; this cannot go past July 13. I give you my assurance. I have confidence in the integrity of this Minister, that if she said that by July 13 these things would be done, they will be done. [*Desk thumping*]

There is a lot of work to be done. There is a lot of work in this country to be done. The worst thing we could do is just hold elections on things that are not relevant, things are not working. What is worse, is to impose a system on this country. The way to go about it is to ensure that the 14 regional bodies continue with that consultation; make sure that we make no mistakes.

With the good work that Sen. Dr. Charles did—he did do some good work, but it clearly is not working today. I could tell you that it is not working today. If you took a poll in local government, you would find out why it was not working, because of the procedures, the processes, the laws. A system is a lot of things, and then the people.

Local government, as I understand it is being proposed, is that persons must be full-time. I submit to that; persons must be full-time. If persons are full-time, then you could demand services from them; then you know that they are there every day. Right now a local government representative does not even have an office; so where do you find him? You would see him by his house; he would meet you by a bar. [*Interruption*]

Sen. Dr. Charles: I wanted to point out to the Minister that all these things actually are within the power of local government, and someone should teach

them that they could pass bye-laws. They could change all these rules and provide these things themselves, under the existing laws.

I also want to ask the Minister why the corporation staff was removed from the Statutory Authorities Service Commission, where they could come under the control of the corporation, but put back into the central government system. All these things could be done under the existing laws. I just wonder why you have to bring new laws to do things you could do under the existing laws; all you have to do is teach them that they could use the law for that. If you do not teach them anything, what would they do?

Sen. The Hon. J. Narace: I am going to allow the Attorney General to treat with that appropriately. *[Laughter]* I will tell you why, because I know that she would have a lot of fun dealing with that. Those bye-laws are a whole new chapter, and I really planned only to speak very briefly. *[Laughter]* That is a whole new chapter. It does not allow the fundamental changes and the fundamental issues to be resolved.

A bye-law cannot cause someone with an overgrown lot to respond. In fact, when we have to prosecute for an overgrown lot, we have to go to the Ministry of Health, through the CMOH Office, and then the CMOH Office has to go through the magistrate; that could take a year. It is a very complex issue. I am sure the distinguished Attorney General would respond to you appropriately on that matter.

Mr. President, I am just here to say that I get a sense that Sen. Prof. Deosaran understands some of the issues. I understand that if you are not in it, you would not believe it. I have stood outside something and looked at it and you say, "What wrong with dem?" People look at us in the Senate and ask, "What dey doing?" They do not understand the importance of these laws sometimes and what we have to do; why so many of us have to speak and sometimes we have to speak so long. *[Laughter]* They do not understand those things at all, but, of course, we are in it and we know.

Now that I have brought some light to this matter *[Laughter]* and now that I have added to the assurance of this Minister and, indeed, our side and this Government, that by July 13 of next year, we would have delivered on that promise, as we have done on many more, I thank this House for allowing me to intervene. I urge Members of this Senate that if for no one else, but communities, for our people, to kindly support this Bill.

I thank you, Mr. President.

Sen. Mohammed Faisal Rahman: Mr. President, I am very grateful for this opportunity to address this Municipal Corporations (Amdt.) Bill, 2008.

A very important situation has arisen here; extremely important. A lot had been said before my rising that dealt with matters that were really totally irrelevant to the Bill that is before us today. We are not here really to discuss the merits of local government reform. We have been treated to a very long dissertation by the hon. Minister, as to why it was necessary to enter into this local government reform. That is a Bill that yet has to come before the Houses.

We are here today to consider the reasonableness of extending the life of the present municipal corporations, and I do not believe that the Government side has been addressing this issue, but rather has been seeking to justify it by issues that have nothing to do with the postponing of the election.

The present attempt to extend the life of the municipal corporations, most ironically, would give to them, if we were to agree today, a full term of office, had they been permitted to hold the elections in 2006. In 2006, when the first extension was granted, the Government did not understand the enormity of the task they had undertaken when they had brought the prior Green Paper and White Paper.

It is not today that this matter has come to the Government's attention. The Government has been seeking to do local government reforms in its prior incarnation. What is also very, very significant is that the time has been allowed to run and run and run, and now we are at the stage where we are coming to the final year of the life of the municipal corporations, had they been allowed to go to the polls in 2006 as they ought to have had.

I was very appalled to hear, through Sen. Dr. Charles, because I am not familiar with this matter, that the life of the corporation was extended in 2006 in what seemed to have been a totally illegal way. The Government actually disenfranchised the populace and by fiat decided to vote on behalf of the entire population to elect corporations in a way that was totally against the democratic process.

The hon. Minister of Health started off his contribution with a quotation, from someone whose name I do not remember, who said that democracy was not only elections; it was also such and such and such, but then he proceeded to make an argument that democracy was not about elections at all. I beg to differ. The beginning of the democratic process is the empowerment of the people to make their own—*[Interruption]* *[Crosstalk]* What do you want to do, reread your quotation? *[Laughter]* *[Sen. Narace rises]*

Hon. Members: Clarification!

Sen. M. F. Rahman: I do not need clarification. I am sorry. [*Crosstalk*] I am being asked by my friend to give him a chance; I will give him a chance. [*Laughter*]

Sen. Narace: You see the importance of Sen. Prof. Deosaran. [*Laughter*]

Mr. President, the distinguished Member said that the Minister of Health said that democracy was not about elections at all. I am quoting you. If you would like to get the quotation, it is from a noted writer called Cornell West. The essence of what he said was that it was more than elections. It was about the involvement of people; it was about the democratic process. I went through great pains to make that point; so, please.

Sen. M. F. Rahman: I will have to deal with this. [*Laughter*] I started off by saying that you began your contribution by quoting someone whose name I did not remember, whether it was Mr. West or whoever.

Hon. Senators: Cornell West!

Sen. M. F. Rahman: He said that democracy was not only about elections. Then I said that you then proceeded to present a case that elections have nothing to do with the matter. This is the point; I maintain that position. You went on to make your case that after all, not only is it not only about elections, really it was a very little piece of the matter; everything else was important. But let me tell you that all the things you mentioned there also obtain in dictatorships. All of the other things are available in dictatorships, but dictatorships do not have elections. This is a very fundamental point.

When an autocratic government is in place—a despotic government has no need for elections. I think Sen. Prof. Deosaran made that point. Dictators have no need for elections. "Wannabe" dictators—you know the expression—do not care for having regular elections either. Once you start to not have elections, you are nudging yourself in the direction of a dictatorship; the operation of a dictatorship.

I repeat, ironically, we are now coming to a full year of a full term, which would have applied, had the democratic principle and process been observed. What has happened is that the Government of the day saw it fit to bypass the fundamental foundation of the democratic process, imposed its own decision upon the populace, disenfranchised that populace and, by edict, by fiat, imposed a government.

It is extremely interesting that for one year, in 2006, and another year, 2007, and now the attempt is being made for another year, in 2008, what has actually been done is that several hundred councillors have been made prisoners in the office to which they had voluntarily entered originally.

5.45 p.m.

Originally, the local government law states that if you refuse office or if you demit office, you have to pay a fine of \$4,000. What has happened is that you have imprisoned these councillors who started off with their stipends to serve their communities for a reasonable length of time, in the employment in which you do not even pay them fully. You are perpetuating their difficulty and their agony.

Sen. Dr. Charles was not aware of this, but in today's *Newsday*, one chairman of a regional corporation says that any extension to the life of a regional and municipal corporation body is totally undemocratic and morally wrong. This is not something that the Government seems to be aware of. They are speaking to corporations they say, but are they aware of the sentiments of the councillors that they are being held prisoners in the positions they undertook so voluntarily five years ago?

The Chairman of the Couva/Tabaquite/Talparo Regional Corporation, Mr. Ramjit Ramnarine, said that the delay was not only unfair to the voting population, but to councillors who wanted to opt out of politics. The Government is a caring government, but it does not seem to care about what it is imposing on the population and upon the people who have been volunteering to serve the communities.

What concerns me in a very serious way is the attitude of the present Government to law in general, under the present Prime Minister. I said before that the Government does not break the law, it amends the law; it circumvents the law; it reinterprets the law and does all sorts of things to the law. However, it did break the law in 2006, in my view, when it sought to extend by fiat.

What we have ongoing with the Government is that it approaches the institutions of this country in a way that is savaging institutions; it is savaging law. The Government is claiming that it is going to complete this exercise and that there will be an election by July 13 of next year, but we have no guarantee of that. To begin with, it is not that we have run out of time and they cannot have an election by October as they are supposed to. The election can be held and this tremendous exercise which they have undertaken is totally unnecessary in my view. As Sen. Dr. Charles has pointed out, they have not even studied or contemplated the existing law and given it an opportunity to function.

One of the challenges that the Government has is not only the challenge of how to draft and form law, but how to implement law. The laws are there in our statute books—23 laws I have been told by the Government—but they have not been implemented, and they are being withheld in contempt of the Parliament and of the President.

Here we have a law that can do its job and the Government wishes to change it. I say again, if you want to put your own stamp upon your legal history and formulate new law to say that you are formulating new law, that is not excuse enough to postpone elections. You have enough time to hold elections and you can take forever to revamp your law if you wish.

However, we have the Prime Minister saying that the present development does not prevent the election from being held in November. He puts it to the country and it was in the newspaper only yesterday: “But that does not mean we will not be holding election in November”. He misleads the population and the Minister of Local Government is saying, not mentioning November, but by July 13 next year. There is a contradiction. The Prime Minister is saying we are in the middle of receiving recommendations from a Jamaican body, some reporting committee, and new information is constantly coming to hand, which is constantly pushing the decision date for the reform drafting back.

We have a situation where the Government really does not know; it cannot say with any certainty what it intends to do and by what time. It cannot give definite dates and its returning to extend, in my view, is quite illegal. The law says that the term of office is three years and it makes no provision for extensions. It is a statutory requirement, but this Government does not care very much about statutory requirements. I do not believe that joint select committees have been appointed within the period they are supposed to be, since the start of this session. The Government is dragging its feet in the implementation of so many other things that statutes require must be completed.

It is not a constitutional requirement—to correct the Minister of Local Government—to have the election—and the Prime Minister himself—so unfamiliar they appear to be with the actual law regarding local government that they are revamping the law with which they are not even familiar. It is not a constitutional requirement; it is a statutory requirement. It is a law that needs to be observed, but the Government persistently does not pay regard to statutes and to law.

We had the Government—and this was referred to by a prior speaker, but I must mention it again—go through the process of preparing guidelines and laws

for appointing a Commissioner of Police and then coming to the House and admitting to the nation that it did a shoddy bit of work. There was enough time to have completed that exercise adequately without putting the nation through the trauma it did and the Government through the embarrassment it will continue to face.

After carefully drafting a law and making sure that they got the cooperation of the Opposition to change the Constitution; after setting out all the motions to appoint a Commissioner of Police, they have to come and say that they have to throw it all away because the law was badly framed and improperly formulated. Everything has been thrown out the window.

How can this Government stand with a straight face and say that it is going to have local government election in such a time and undertake to repair a law that by all accounts is excellent in its provisions and only stands in need of implementation? There is a saying: Do not fix it until it is broken. The present law is not broken, but I do not want to stand here today to argue the case against local reform. While the Government Bench has been permitted free rein to make a totally irrelevant presentation on a matter that is not before us today, I do not think that I will enjoy that privilege from the Chair. As a result, I will not refute a Bill that is not before us.

My problem lies in the attitude of the Government to law and to institutions. We have had a situation where the Government decided, in its autonomous right, to scrap BWIA and bring in Caribbean Airlines in its own ill-considered judgment. We have had several situations where the Government has made arbitrary decisions to change infrastructures and institutions within the country. Here we have a situation where clearly the existing law has not been read in detail and the decision has been made to revamp it. If you want to revamp it, go ahead, but there is no justification for a postponement of elections that are statutorily due and that have been extended illegally in 2006 by the disenfranchisement of the voting population.

I am extremely heartened by the contribution of Sen. Prof. Deosaran and I pray earnestly and sincerely that the rest of his colleagues, who cannot conspire with him because they are independent in mind, spirit and body, that they think along the lines that he has spoken today and come to a common understanding without communication, to tell the Government that we cannot support this Bill to extend the life of the local government bodies. It is not what is required.

The Government has been trivializing law. It does not implement law. Recently we had, in the case of the Accreditation Bill, a request to extend for a

reason they called “grace”. They preferred the word "grace" to the word "implementation". They needed to implement the law they had. When you come for extensions because you feel you do not have the courage to implement the law, you are showing your weakness as a government; not your tolerance or strength.

The Minister of Local Government used a very important phrase. She said that what was required of the Government was a seismic shift in political will. That is a fantastic phrase. That is what I would like to recommend to the Government; that they get a seismic shift in political will to embrace the law that already exists and to give flesh and action to the laws we possess in this country, so that we can implement them for the benefit of the country.

There is an economic theory about trickle-down economics where you empower the rich and it trickles down to the poor. I do not believe in that. I believe that you have to feed a tree through the roots; not through the leaves. It gets something from the leaves, but the majority of the nutrients comes through the roots. What the Government is doing, by trivializing the law, is trickling down illegality and lawlessness. By its disregard of law, it is permitting a disregard of law at every stratum of the society and this is why we have had an explosion of lawlessness—rape, murder, kidnapping—and everything that can go bad under the sun is taking place in this little paradise island of ours because the Government has been trivializing law.

6.00 p.m.

It has been destroying institutions. The police service institution has been almost disintegrated. There is now a fissure in the police service. We have had police officers in different positions coming out to say clearly that what has happened is unacceptable. This is because the Government is bumbling along, disregarding the law, as it seeks to disregard the local government law all over again. This is a very critical matter which the Government has not been able to understand.

It is building buildings, but it is dissembling democracy. It is dissembling law. I hope dissembling is the right word. Disassemble is the word there as well. It is dissembling law. It is dissembling the rule of law and it has been continuously on this path.

Here we have again—this is my appeal to the individual Independents that they come to realize that you are going to do no injury to the Government’s cause by saying: Have the election. The Government would be free to continue its programme of reform if it wishes.

That Bill today is not important to the Government's stature, reputation or position; it is to ensure the continuance of the democratic process which Sen. Prof. Deosaran was careful to address. This is the important issue here.

If we permit the Government to have its way, with postponements of elections, it already is going to have its way with regard to reform. It is going to proceed with this reform even though they failed with a prior Green Paper and a prior White Paper. With the groundswell of discontent that is growing in this country, it is probably going to fail again, despite the glowing recommendations that the Minister of Health has made regarding the efforts of the Minister of Local Government.

What is fundamental to us here is that the institution of law be reaffirmed and that a recommitment be made by the Government towards the question of observing the very laws that the Government has participated in enacting and bringing to the fore. There are too many laws that are remaining on the statute books without being implemented and implementation of law seems to be a tremendous challenge to this Government.

The Government, "like dey say, watering down de Brandy". We have watered down the law. We bring laws with draconian penalties and then we find that we cannot impose the draconian penalties, so we allow the laws to be violated and we let the whole question of illegality proceed.

This Senate has a particular role to play in the legislation of this country. The Government, in the other place, had a clear majority and except in constitutional matters, it can have its way at any time. It just has to bring matters to the Lower House as a matter of course. In this Senate, we have a unique situation and a unique opportunity, which I think we should embrace. Here is a chance for the combined Independents and Opposition who are able to understand the ramifications of disregard for the law—who can see more objectively than the Government the decay that is taking place in the country and the dangers of postponement—to exercise its duty to say "no" to the Government in a matter that will not affect the Government.

The Government does not have any shame to say that it would feel bad if it got shot down, because, believe me, its performance in the other place, when it supports things that should never be supported and it changes things that should never be changed, the Government would not be affected, but the country at large would be set back on a course.

Just as the Senate was able to reestablish that we are supposed to have three joint select committees rather than going down to two and just as it was forced upon the Government, by force of argument fortunately in the other place, that they should go to the Commission of Enquiry when it became hopeless for them to maintain that position, this Senate owes it to the nation and the dignity of this Senate to say to the Government today: “With all due respect, we recognize your right to have reform. You can proceed with your reform if you insist, but we cannot permit you to have an extension of time, because there is time to hold the election.” I urge my colleagues in this Senate to think about this matter and to vote with, not only dignity but courage, because this is an important issue which has been impacting upon the social fabric.

We have a situation where a terrible illegality has taken place and it has become approved, not only on the national society at large. You do not mind if a criminal saves you from another criminal. You would be so grateful to the second criminal that you were saved from the first criminal. But, with the situation where the Government had been impotent to take decisive action in the spate of criminality and murders, when the army went into Richplain the Government has actually in a similar fashion to what it is doing now, disregarded the law and requirement to call a limited state of emergency and has permitted a de facto state of emergency to exist in a section of the community and to contain the crime. Everybody is glad that crime seems to be contained, but there is a sudden shift in crime into different areas. Criminals have left one area, migrated to another and villages and towns are being held to ransom.

The Government has not been able to give the regard to law that the law demands. The law has not been formulated to be window dressing to say that we are a democratic state and that we are a state with law and order, it is there to protect the citizens of the nation. The more the Government disregards the law—this is a case where the Government is disregarding the law. The law says hold the election since 2006. You broke the law once. You broke the law twice. We are a new set of people on this side; we are not going to cooperate with you to break the law a third time. Have the election. Proceed with your reform and we would deal with the merits of local government reform when that comes to the Senate.

There is a lot to be said. I would not go into that today. I would not be as fortunate. We would not address that now, but the crucial issue which I want to underline, is that the Government must be stopped in its tracks from trivializing the law and breaking the law. Because breaking the law is what we are going to

continue to do if we permit the Government today to fulfil its request for an extension of the local government. *[Interruption]*

Mr. President: Senator, you have said on several occasions that the Government broke the law, because of the amendment that was made in 2006. I need to correct you. That is not correct and you need to stop saying that. That is to impute highly improper motives on the Senate as it existed in 2006, which in fact agreed to change the law.

The law was changed legally and properly. It may be, as far as you are concerned, a little bit improper, but it is not illegal. Laws passed here are laws and, therefore, by their very definition, are legal, unless they are struck down by the court. So, you are misleading not only this House but the population at large to suggest and to say that the Government has broken the law. I must ask you to stop saying that.

Sen. M. F. Rahman: Sir, I would respect your position, but I would like to ask a rhetorical question on the Constitution. If we go against a constitutional provision, we are contravening the Constitution. We are contravening the Constitution. Without wanting to argue the case I ask your indulgence for one moment Sir, one moment. *[Interruption]*

Mr. President: No, you will not argue this case for a moment further. Please press on to some other point. I know you have lots left to say, please say it, but do not say that.

Sen. M. F. Rahman: Very well, Sir. May I say that in my humble view, the Government has erred very grossly in the extensions that it has presumed to take with regard to local election?

The question returns: Is the Government afraid to face the polls? It has been asked by many people here. Is the Government really afraid to face the barometer that the local government election continuously presents to the population to show its disaffection with the performance of the Government? That remains a very vital question.

To come back to the issue, legal or not legal, breaking or not breaking, I still appeal to the Members of the Senate here today to put a stop to continuous extensions of the law that are, in my humble view, questionable.

The Government is trying to fast track local government reform. There is a saying: Marry in haste and repent at leisure. If the Government is trying to fast track a tremendous effort such as revising the entire local government law, it is

going to find itself in a similar situation as it did when it set about to establish the Accreditation Council of Trinidad and Tobago. It has lived to regret the haste under which it moved.

Again, I say to this Senate, if local government reform is necessary at all, the Government has all the time in the world to make its case, let us proceed with the local government election.

Mr. President, one of recent developments from the Government's policy, in terms of its circumscribing the role of the local government personnel is the employment of the special purpose companies that the Government has brought into being. As a result of giving contracts to individuals of questionable repute, we have been having murders. The Infrastructure Renewal Improvement and Development Programme (IRID) is an example of how central control of resources is bringing about murder and mayhem.

The problem here is that the Government has been complaining about the inefficiency or the shortfalls and shortcomings of the local government bodies. Sen. Dr. Charles has pointed out that there are provisions within the law, existing, to get around those by the exercise of the office that has been given to the local government bodies. But, the Government in its emasculation of the local government bodies has been establishing methods and systems to circumscribe the operation of the local government bodies and to circumvent the provisions and to accomplish, from its own puppeteering, the works throughout the nation that the Government thinks need to be done. Local government bodies do not have an input into those works.

6.15 p.m.

What is happening here is that when you have particular companies being formulated and given the mandate to go and effect repairs and maintenance in different parts of the country, people who do not belong to the communities are being given the jobs that would normally go to the people in the communities where the work is being done. We have another violation of community rights here. What happens is that as a result of farming out the contracts to the special purposes companies, you have opportunities that are being denied by outside personnel to the local working force in the various municipalities.

One of the very interesting things is that the Minister of Local Government had mentioned that the demographic study is a very extensive one. I believe she said that they were awaiting final figures with regard to the demographics of the country, and yet the Government has already made a decision to reduce the

number of local government bodies from 14 to 12. How can this be a measure to be implemented when you do not yet know the demographics of the country? We are being told one thing and then we are being told another. The Government is not keeping record or notes of its pronouncements, because it is continuing to contradict itself.

The Government has made decisions concerning local government—whether it is with a view to entrenching its own position, or whether it is with a view to voter padding or whatever its agenda is—and what it is telling us is not what appears to be the facts of the matter. The facts of the matter are: the Government is a long way off from completing its exercise. One of the fundamental things that it should do is to read the existing Act and study it. Clearly, the Government is not aware of the provisions in the existing Act. It does not know what the present Act permits or does not permit. All the exceptional law making when Sen. Dr. Charles was minister of the particular ministry, he was able to implement them within a year. This Government is taking forever.

One of the reasons the Government cannot come to grips with dealing with local government reform in the way it should is probably because the Government personnel who are looking after this matter are very busy with party affairs. It is not wrong to be busy with party affairs, but when the Minister of Local Government makes pronouncements that they are trying to get the PNM support in Princes Town—other people are secretary of the party and so forth—how can they attend to critical issues which they are supposed to be dealing with as Ministers of the Government on behalf of the nation? It cannot be done.

One Minister alone has been given this tremendous task to undertake local government reform. I do not know if she is a super lady, a super person, a superman or super something. I do not know how she could accomplish this within the period she seems confident that it could be accomplished within. We have to look at the performance of the Government, not only with regard to this particular law, but with regard to law making in general.

Mr. President, sometime ago, I had asked the Attorney General in one of my contributions—I had drawn to her attention the need to have a holistic review of all the laws with respect to penalties and updating the laws of Trinidad and Tobago. The response was that yes, we know that needs to be done, but that is a very huge task. In the meantime, let us get these pieces of legislation on the books, and we would return to that matter when we are doing a holistic review.

We understand now that the legal drafting department is very busy attending to something that is not a priority. How could they ever get around to overhauling laws that require—

PROCEDURAL MOTION

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until the completion of this Bill.

Question put and agreed to.

MUNICIPAL CORPORATIONS (AMDT.) BILL

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. W. Mark*]

Question put and agreed to.

Sen. M. F. Rahman: Mr. President, I am flattered by your urgency to hear me through. [*Laughter*] I must offer sympathy to the groaners on the other side. The Government is busy fiddling with laws that are not broken—they are trying to mend good things—and disregarding the areas where attention should be paid with greater concern for what needs to be overhauled. I have given a quick review of prioritizing—urgent and important, important and not urgent and so forth. I think hon. Senators would remember that. I always have a difficulty realigning it myself. The Government has to come to terms with how to prioritize. You should prioritize on the basis of what is important as well as urgent. Local government reform is not urgent, but local government law implementation is urgent; looking after the problems of the society is urgent.

The Government is aware that crime of every shade is rampant. They are looking for a three-year down the road solution. That is still a promise and not a reality. God knows if it would ever become a reality. They are taking the cream of their drafting staff and focusing them in directions that are of neither importance nor urgency. We are allowing the rot to continue. As I said before, lawlessness trickles down. When you have a disregard for law in different strata it is going to go down.

The parent cannot be smoking in a house and expect the child to not want to smoke. There is a television ad where a father is doing something and his son is following him every time. Everything he does, the boy is doing it. He is reading a

newspaper, and the boy picks up something to read; he is combing his hair and the boy is combing his hair, and then he picks up a cigarette, and then the ad takes a very serious tone. What example are you setting for your child? What example is the Government setting when it is prioritizing badly and criticizing and disregarding its own; repudiating its own law and continuing to expect that the rest of the country would walk the straight and narrow and that the country would stay on a safe social path? Somebody is living in dreamland here. It does not work that way

One of the things that—I do not know if this is a crazy idea and Sen. Dr. Charles might even laugh at me—I believe should be put under the purview of the local government authority is the question of agriculture. All the other things that the law allocated under local government are fine, but it seems as though this problem of agriculture, which the Government has never been able to beat—it is going into megafarms and it is bringing in expertise from Cuba. Recently, I read that Cuba imports 80 per cent of its foodstuff. I do not know where we get the idea that Cuba is this expert in agriculture, and we should bring them in as our megafarms managers and directors. The point is that the Government has never been able to organize agriculture. If you are talking about the people who know about agriculture, it should be the people who live in the agricultural districts.

It seems to me that if the Government were to say, let agriculture be one of the things for local government bodies to supervise, I think that may very well solve a very serious problem. If the local government bodies have their municipal forces and they could stop praedial larceny and assist in other ways, I believe that we would start to get agriculture off the ground. The Government is not focusing its attention on what is important. It is seeking to make its mark. Its idea of a 2020 vision does not seem to do with the welfare of the people.

When we hear about the amount of money that the Government has been able to save in terms of foreign exchange and windfalls that the God has been kind to bless this country with, it is despite the Government's spendthrift ways and profligacy that we have been blessed to keep some of the wealth.

The Stabilisation Fund was not a creature of this Government. They tried to embellish what was a good thing. The prior government established the Stabilisation Fund. You know, just as they want to remove certain—the whole idea is that the PNM's stamp must be on everything and whatever anybody else did has to be discarded, repressed, discredited and thrown away. It is a syndrome with this Government. The ego in this Government seems to be tremendously overblown. The Government alone has the right to claim any expertise, excellence, accomplishment, wisdom or anything. This is very poor.

Spiritual work does not self-proclaim. Self-praise is no recommendation. I should repeat that. Self-praise is no recommendation. You must listen to criticism because criticism is the objective eye that permits you to rectify yourself, to correct yourself and to bring yourself back on course. Again, the Government is hopelessly off course when for no linkable reason, no visible reason or no perceptible reason, it is seeking, once again, perhaps, legally as you have said, to extend through this medium the life of the local government bodies, but it is unnecessary.

There are people complaining like the councillors—I have read this in the *Newsday* today—who are trapped within a job that they do not want to keep. They cannot even resign. There is a violation of civilian rights. You have a disenfranchisement of the people; a suppression of the suffrage of the people; and an emasculation of the democratic process. What is there to justify for one moment that there is enough time until October? What is there that can possibly justify a further postponement of this local government election?

I implore Senators on the Independent Benches to take this matter very seriously. The Government may be doing a good job in certain areas. I do not have any quarrel with that. It cannot do everything wrong as Sen. Dr. Charles is always saying, but it is far from doing very many things right. The Government needs to listen. If the Government would find any merit in what I am saying today, it would review its proposal to extend the life of the local government bodies, and make a decision to hold the election before the expiry date. This would restore credibility to the Government. It would reestablish the idea that the Government pays cognizance to statutory requirements.

6.30 p.m.

There are lots of other things that the Government needs to do to pull up its socks and to come back in line, but certainly this is one of them. The Government needs even on its own steam, on its own volition, from its own self-awareness to say we probably have gone too far with this one, let us pull this thing back; let us go and have the local government election. If the barometer says that the people are rejecting you, you know how to change your course for the next general election; and if they return you, you can say we are doing a good job. It is a win-win, you have nothing to lose. Call the local government election, face the music and find out what your real position is and where you need to rectify yourself.

If you win the local government election resoundingly, proceed with your building, proceed with everything you are doing, but of course, you will have an increase in crime, except the new Acting Commissioner of Police can really

perform a miracle and act independently of the authorities, who seem to have preferred him to fill the position. But the bottom line is that the Government must decide. This request for an extension of the life of the local government is something, as one of the newspapers put it, that has come like a thief in the night.

This was not something that was anticipated by many people except perhaps behind the closed doors of Cabinet. Because the Prime Minister has been going out of his way to reassure that the local government election was going to take place before the expiry date in October. We were led to believe this very definitely; political parties were already starting to prepare for local government election, but this sudden overnight thing, which had to be debated until so late last night in the other place and again will go some distance today, has come as a bombshell and by any measure it is a stink bomb, it is not even a decent bomb. It is a stink bomb to let the whole nation say to itself, "Oh, my God, what is this Government really doing!"

It is a moral necessity, an obligation of this Government if it is not to be seen as continuing to savage law; to destroy law; to destroy institutions. It has to come to its senses and say, we must after all hold the local government election in time. People of this country, you are going to the polls, get ready, and you can do it. Do not wait for dissent in your own party to precipitate into directions and actions that you yourself will regret.

Mr. President, I will not say anything more. [*Desk thumping*] I have exhausted myself, if not my points. [*Laughter*] And I now leave the Chamber with good grace.

Thank you very much, Sir.

Sen. Basharat Ali: Thank you very much, Mr. President. This is the third year I am here for a debate with the same purpose, extension by one year of the term of municipal corporations for the purpose of the carrying out of local government reform. I came here thinking that it would be *déjà vu*, "same ole, same ole", much of it has been. In fact, there are a few refreshing things and I think today the most refreshing thing that has happened is to have the importance of institutional memory placed before us.

I commend Sen. Dr. Carson Charles, a former government Minister, and I believe from what we have heard, one of the main persons behind the Act which we are talking about, Act No. 21 of 1990. I commend my colleague here Sen. Prof. Ramesh Deosaran for bringing that institutional memory into place because that was what seemed to have been missing and I think we owe a debt of gratitude

to these two gentlemen for what they have done here today. They have put things into perspective that we did not know before and it is a very important part of the process. I am always one for institutional memory and this was a good demonstration of how it can help us to come to some kind of conclusion in our own minds, if not in the minds of everyone as to where we can go on a particular subject.

I would like to address this question of the process of municipal/local government reform because it seems to have taken different steps. In 2007, when the former Minister presented the Bill for the extension for one year, let me just read what he said was the process. This was the hon. Rennie Dumas. He said:

"Certainly, if you have come through a process in which you have met the various communities; met the major stakeholders; come to Parliament in the form of a Green Paper; come to Parliament in the form of a White Paper, and you are at the point of drafting legislation; and even before you have drafted that legislation you are in the process of consulting with every political party in the country and most of the major stakeholders, I would suggest that it would demonstrate you are just about the end of that process."

This is verbatim from the *Hansard* dated July 09, 2007 in the other place. This is what I then understood was the process, but it seems that some subtle kind of change has taken place since that time because the process now seems to be—we do not hear very much about the draft White Paper again, because at that time it was rolled out for consultation and that is the process which was supposed to have taken place; from that basis the final White Paper and drafting of legislation. But as I said, it seems that there has been a subtle change because today we are hearing of a Green Paper.

So after the draft White Paper and the consultation with Trevor Hamilton and Associates—I believe who were the consultants—we have now come back to a Green Paper and that is what has been distributed to us and I thank the hon. Minister for that. So, what really is the change of concept? That is something I have been wondering about; we have gone back. In fact, maybe we have lost a whole year, I do not know, but a Green Paper means you have started all over again. You are having consultations on a Green Paper, which is a discussion paper, and the way forward is really acknowledging that, because it is speaking of the production of a final White Paper for Cabinet's approval followed by legislation and policy document and draft Bill for legislative review, committee and Cabinet, draft Bill regarding new local government legislation and to obtain Parliament's approval finally before a proclamation and implementation of legislation. This is a new process that we see.

Sen. Manning: Could I on a point of order, Mr. President? Thank you very much for giving way. I would like to explain to you that this particular Green Paper speaks to the roles and responsibilities. After having received the consultants' report, the Ministry of Local Government and a subcommittee of the Cabinet met, went through the report and decided that this particular approach was necessary to be sure that the roles and the responsibilities, that we got those very right, and then we would move on. So, it is mainly roles and responsibilities.

Sen. B. Ali: Thank you, Madam Minister, but I will come to that in a very brief moment. I think there has been an argument between where we are trying to go between decentralization and devolution. Sometimes it is used in place of each other, but—as the hon. Attorney General knows—I like to go to the dictionary. The dictionary is a good source, so I went because I was not too clear in my mind; I myself have used it alternatively.

The *Concise Oxford Dictionary* defines decentralization, which comes from the verb transitive to decentralize. The definition of that is the transfer (powers, et cetera) from a central to a local authority. Devolution is a noun and the definition is given as the delegation of power especially by central government to local or regional administration.

So those are general definitions. I think there is a subtle difference there between the two of them. One is the transfer of power and one is delegation of power. Last night looking at the live debate on television, I believe I came to a conclusion, for myself anyway, listening to the hon. Prime Minister's contribution as to what we were really looking at. The Prime Minister was saying well, devolution was not on, and his idea of devolution is that the central government is going to retain the formulation and implementation of policy and the municipal governments were going to be implementers. So, that is a little change in fact, from my view as to what was going to happen.

After saying that, I come now to the Green Paper which the hon. Minister just a few minutes ago gave a short comment to me. I am afraid I am not very happy about the Green Paper. First of all, I looked at the Green Paper and I was finding difficulty that it was a Green Paper. My personal colour consultant happens to be living in my house and this morning I asked her what is the colour of this, and she said that is a very light green.

So the Green Paper is very light and somehow my institutional memory kicked in to over 50 years ago and a term came to my mind and that word was "etiolate". I do not know, I am sure Sen. Dr. Kernahan knows it and probably the

hon. Minister of Planning, Housing and the Environment will know. It comes from botany and to etiolate means to deprive a plant from light. I am saying that this Green Paper has been subjected to that. It has been deprived of light, that is why it is so pale, because an etiolated plant in fact, is either very light or turns yellow.

I started to wonder what has happened here. We often hear about some things shedding light and not shedding light but generated heat, but today, I was wondering whether this Green Paper has been so deprived of light and so we all are in darkness after looking at it.

Mr. President, my view—and this is my personal view of this document—is not a very favourable one, I have to say to the hon. Minister. In looking at the document I had three words in mind: hodgepodge, mishmash or pot-pourri. I did not want to be too harsh so I really made a combination of those words. Let me put down what I said. I said the Green Paper is a hodgepodge or mishmash of the major roles and responsibilities of municipal corporations (the focal areas, item 6.0) from which the summary, role and responsibilities of local government bodies, 8.0, seem to have been plucked.

6.45 p.m.

I said the document appears to be like a pot-pourri which is to make things smell good. This is where the thought of the doers and the thinkers come, and I came to the conclusion that the corporations are the doers. Looking at the list of summary of the roles which is 8.0, I said they appear to be the biblical hewers of wood and drawers of water, the grave diggers, the garbage handlers, the dogcatchers, the pest eradicators and the like, and they are all packaged together like a pot-pourri to smell good.

It is a very critical way to put it, but that is still basically what the local government bodies are doing now. So, really from the point of view of local government reform that does not seem to be any change. If you look at this list you will hardly see any of the substantial items on the various items. If you look at, for example, 6.2: Municipal Management, you see here:

- “Establishing standardized procurement and inventory management systems.
- Monitoring capital and infrastructural assets by implementing modern Asset Management Systems.
- Utilizing Project Management methodologies.
- Employing GIS to develop and manage Asset Registers.”

These are listed under the major roles and responsibilities of the municipal corporations, but none of that from that whole set, appears under this 8.0 summary. So, it would appear that the corporations have been assigned drudgery. That is what has been assigned to them and the thinkers will be residing in the ministry, in the central government and high up in the city centres. This is how I see it and I may be wrong, but I did not see a reflection of section 6 among the summary responsibilities. They are all the standard things: cemetery, landscaping and such like activities, waste management which is garbage disposal and other things like that, water distribution. So those are the items which come into this 8.0, which really made me wonder where we were going.

Mr. President, I think the story of regional corporations can be seen in their budget allocations and expenditures. Let me spend just a moment or two on that one. I looked at the 2007 local government expenditure and there we have recurrent expenditure, budget was \$1.182 billion and the expenditure was \$1.097 billion. The development budget on the other hand was \$129 million of which the expenditure was \$85 million, so that is 7.5 per cent of the total budget. So, this is what it is saying, you operate these things but you are really not too much involved into implementation of the development of projects and I know right now they do not have the resources in it. I have said so before, I have said so last year that they have never been given the resources. They do not have engineers; they do not have health inspectors and all the like.

Still remaining on budget and looking at the 2008 recurrent budget, that figure is \$1.127 billion, and the development budget for that year is supposed to be \$309 million, which is a bigger percentage, 13.9 per cent. But there is a strange thing about the development programme for the local government bodies, in that—this is a year when a lot of items were transferred from the Infrastructure Development Fund into the Consolidated Fund, so it really becomes quite cloudy as to what really happened. Because in previous years they had these items particularly for drainage and flood control under the Infrastructure Development Fund programme. As I have said before and I say it again, that is not a very transparent fund, when you take, for example, an end of the year accounts, you do not see much on that, except the balance which is done by auditors, et cetera in the public accounts.

I cannot find, therefore, any rationale for an extension in this circumstance. I really cannot see any reason why the local reform programme cannot go on simultaneously with the holding of local government election. If the process is advanced, as claimed, it should not take very long. There may be need for an

extension, but what disturbed me really, was the question of the time schedule for what is being proposed. I heard some mention of October, some year, I do not know which year it was. I learnt subsequently it might be 2009 for the final legislative agenda to be brought to Parliament, et cetera.

So, I am not really aware in any great length as to what the time schedule is from this particular Minister. I have in my notes here, “I hope it is more reliable than that given by her predecessor who told the House of Representatives on July 09, 2007 that the process was 95 per cent complete and the draft legislation will be ready at the end of July 2007”. That is *Hansard*. And 24 hours later on July 10, 2007, in this Senate—he was a Member of this Senate—he told this Senate that the process—

Sen. Mark: Who?

Sen. B. Ali: The Minister, Sen. The Hon. Rennie Dumas—was 90 per cent complete, so it got 5 per cent less, and the draft legislation would have been ready in three months, that is October 2007. I do not know, but those are things I just picked out now, so it does not give me much confidence in any planning or scheduling of timing for any reform process.

So far we have spent quite a bit of money on this reform programme. For the year 2007 there was an allocation of \$15.1 million, and that was \$5 million plus a virement of \$10.1 million. Out of that amount there was an expenditure of \$8.9 million. But in 2008 budget estimates a further \$2.0 million is budgeted for fiscal 2008; so that some \$8.2 million was available for spending in 2008. Where we have reached in this spending, I would like to know. I have here a note that says, “It will be very interesting to see what happens in budget 2009”, and I said, “But don't hold your breath”.

Mr. President, normally my position would be, hold the election, but I always believe that we have to give people a chance and I am proposing an amendment which will provide for the extension of the term by two months. Instead of one year, the extension will be two calendar months, so if you are looking in terms of timing, two months will take us into September 15, and then the three months can still kick in so you have up to December 15, in order to hold the election. I have made a formal amendment proposal on this and it is being circulated to Senators here.

I would like all Senators to give consideration to that. It is a compromise. It is indeed a compromise. It gives everybody a chance, it gives the hon. Minister who has not been so long in that position a chance to get going with the reform

programme and then—I do not think that it does any harm if you have the election and you have fresh blood in all the regional corporations and the other process is going on, and they will have to eventually adopt the process. I think that is a good thing, rather than say, okay, today we have new law and all change, so there is no memory or no continuity left. So this is why I thought it might be worthwhile, giving a brief respite to the hon. Minister and to the Government to get going on this local government reform. So, we here in this Parliament will be able to see how that progress is over the next few months. So I commend that, as I say my fallback would be in fact, have the election now, but in the spirit of compromise I am willing to propose this amendment.

So, Mr. President, I bring to the Senate here, this amendment and just to read it out. The amendment is saying:

“In the proposed new subclause (1H), delete the words ‘one year’ appearing in line 4 and substitute the words ‘two calendar months.’”

and that is the length of the amendment.

Mr. President, I thank you.

The Minister of State in the Ministry of Planning, Housing and the Environment (Sen. The Hon. Tina Gronlund-Nunez): Mr. President, before I begin I would like to officially thank Sen. Prof. Deosaran and the Minister of Health for their congratulations. Because I stand here this evening as one of the few Members of this Senate who have worked within the local government system as a former elected councillor of the Marabella/South Vistabella area. [*Desk thumping*]

I would like to share with you and Members of this Senate some of my few personal experiences. When I was elected and entered the hallowed chambers known as San Fernando City Council, I came straight out of the private sector with the expectation that I would give back a portion of the years of my life that the good Lord has given me on this earth to the place I was born.

I entered those chambers expecting that with the powers of local government behind me, that with hard work I could better the neighbourhood that I grew up in. Armed with the very same Municipal Corporations Act, No. 21 of 1990, which Sen. Dr. Charles boasted about, I had to develop an index so as to sort areas within that very document so I could source information easily. [*Laughter*] I would admit here that I actually read that Act, cover to cover, Mr. Senator. I came to realize that it was—and I am sorry to say this and to have to make this

confession here—not worth the paper which it was printed on. [*Desk thumping and laughter*] It was truly a useless document when it comes to local government activities.

Let me inform you, Mr. President, at present the decisions, even though they are made by the elected councillors, the voice that represents the people of that particular or any particular electoral area, based on the advice of the administration does not mean that that decision would be carried out, now, later, or ever. For the true decisions of the council do not matter. The decisions made within those hallowed council chambers do not matter. What does matter, and what is the reality of local government representatives—and I do believe I speak on behalf of most local government representatives, both PNM and UNC, if they are willing to admit it—is that local government at the municipal level is a failed system. [*Desk thumping*]

7.00 p.m.

It does not allow for efficiency; it does not allow for an immediate response; it does not allow for cost effective works; it is extremely disjointed from the need or the voice of the people. It is, Mr. President, a pure shame.

Mr. President, how this system stands now, if it were not for URP and CEPEP, we would not have been able to find the City of San Fernando, it would be literally covered in bush. This is a system that the Opposition wants to us maintain?

Hon. Member: Magnificent piece of legislation.

Sen. The Hon. T. Gronlund-Nunez: This system that the Opposition wants to support for us to continue to elect is an archaic system. This inefficient system, and I would admit this, its budget is approximately set out as 75 per cent of the requested budget goes towards salary and recurrent expenditure. And the other 25 per cent goes to—and I will go through the list.

The hon. Sen. Basharat Ali mentioned only a few, I would like people to come to terms with what 25 per cent actually goes towards. It goes towards the maintenance of cricket fields, football fields, basketball courts, netball courts, play parks, maintenance of roads, tracks, roadside bush, street lighting, park lighting, slipper drains, box drains and interlock drains. Seventy-five per cent goes towards salaries and recurrent expenditure; 25 per cent goes towards services for the citizenry of this country.

Mr. President, if we relate the system as it is right now to any private sector business, that is, municipal government services being its product, and the citizenry being the customers, in other words, any business operating with a 75 per cent salary, et cetera, expenditure, with only 25 per cent profit, and I repeat, poor product with a delivery that could be any time in the far future, trust me, that business will go “bust” very quickly. This is what the Members on the other side want us to hold an election to continue.

I personally went through years upon years within this system, where we could never find the tractor to cut the recreational fields on a regular basis. There were many times taxpayers, the electorate, and I repeat tax paying electorate, had to pick up their own brush cutters, their own cutlasses and their own lawnmowers, and cut their own fields in order to play on them and this is what the Opposition wants us to keep.

I recall a time during one of the moments of heavy rains in this country, which caused much flooding of people's properties—yes, Mr. President, flooding does not only take place in Caroni and Penal, it also takes place in other parts of this country. Number one, I did not even worry to think to call the emergency section based in the corporation, so I turned to the administration for assistance for the suffering electorate, a key aspect of local government, that is, responding to local disasters.

Without going into details, local government was no help and this is what the Opposition wants us to keep. Just as I had a voice in local government, crying out to that administration, whose only care—I would not mention that, it was not in my eyes, the people. Today I give full support to this extension of one year, to ensure that we could reform this archaic system.

The answer does not lie in throwing more money as suggested by Sen. Dr. Charles into a bad system, throwing more money after a bad thing does not make it better. Do not get me wrong though, I am not by any means saying here today, that the people within the system are bad, for there are many dedicated workers that make up the municipal structure. It is the system that is bad.

Mr. President, giving powers to the individuals that we, the people are expecting to perform when we vote for them to be our local government representatives, is the only way forward. One more year to fix a wrong, I do not think it is too much to ask, or should we go the way of continuing a bad thing, Sen. Rahman. In fact, I would like to read from *Hansard* here today, and this is

taken from the Senate meeting on the Municipal Corporations Bill, Tuesday, July 10, 2007, and these words were said by Sen. Prof. Deosaran:

"They keep doing the same thing over and over."

And he was referring to the Municipal Bill as it existed then, it is the same one we have today. He continued to say:

"...but it is the whole structure of the system in terms of the mode of accountability. Accountability is so distant from the delinquent act performed that you cannot even get an immediate consequence one way or the other."

This is Sen. Prof. Deosaran's words and I continue:

"I believe that local government has turned out to be a dismal failure in this country."

Mr. President, for us to continue voting and electing individuals into this system as it exists today, would mean all of us are part of that failed system.

We live in a world today, where accountability of our actions is of utmost importance, but as it stands today, we cannot blame local government representatives for their lack of actions, when they are not responsible in the first place for implementing any action at all. We, all Members of this Senate, even the citizenry outside of these walls, are tired; tired of the unkept parks and tired of the poor garbage collection. They are all calling for change; and they are calling for a new system when it comes to delivery of local government services. [*Desk thumping*]

The people are calling for a change and calling for a reform. Let us not shut down their voices in these consultations which are taking place, for we are living in a democratic country and let us allow the democratic process to continue. And let me assure Sen. Rahman, there is no question when it comes to democracy within Trinidad and Tobago, as long as a PNM government sits on this side. [*Desk thumping*]

And in ending, Mr. President, I would like to make this one statement. I knew a managing director of a multinational company, who always said the words: "If you are not part of the solution, then you are part of the problem." So hon. ladies and gentlemen, let us get together towards a solution. Let us not be part of the problem when it comes to solving this issue. The Minister of Local Government has requested a one-year extension to get this system right, and I once again wish to fully support this action and request that you be part of the solution to correct a wrong that has been going on too long in this country.

Thank you, Mr. President. [*Desk thumping*]

Sen. Mark: "Yeh man. Jerry, I know you are the cheerleader." [*Laughter*]

Mr. President: Hon. Senators, I would just like to congratulate the Minister on her maiden contribution. [*Desk thumping*]

Sen. Afifah Mohammed: Mr. President, may I begin by stating, it is an honour and privilege to speak in this august Chamber, particularly as a young Senator. We are here today to debate a piece of legislation aimed at extending the life of the regional bodies within the local government framework or environment.

For the third consecutive time, the Government is seeking a last minute extension for the life of the local government bodies as they are constituted. They are here trying to rush this Bill through because Saturday is the deadline of the current local government term, based on two previous extensions. Why did they come so late? They gave the Members in the other place so little notice that they did not even have a single working day between the notice and the debate to prepare their contributions. And as this Bill railroads its way into law, it is barrelling through the Senate again, with barely enough time for Members to prepare themselves.

Mr. President, what a tragedy of leadership. What is that about? Is it about keeping the political strategy secret, or catching the Opposition by surprise? No, they are not that smart. The fact of the matter is that for the third consecutive year, amendments such as this one arrive here in emergency fashion because they forget their expiry dates. They have such a low regard for local government that they treat local government like a bastard child to CEPEP, URP and the special purpose companies. They forget what is happening with local government and at the last minute, some one of their PNM councillors will mention to somebody, "Aye, local government expiring next week, all yuh going to extend or what?" The Government will pull the same Bill from the previous year and change the date, and bring it here with the same old excuses.

Mr. President, you can fool some of the people sometime, but you cannot fool them all the time. Eventually, the truth will begin to show. Just like the country has no confidence that the Brian Lara Stadium will ever be completed, and will go the way of the Caroni Racing Complex, so too, they do not believe this local government reform will ever be implemented under the PNM. It will end up just like Project Pride, which the same Minister also lent her Midas touch to.

The public is fully aware that this reform exercise is just a delay tactic, so that the Government can complete its plan for rigging the system, thereby, giving

them control over as many of the municipalities as they can get. There is no dispute that the system needs to be reformed. That is a fact. Just drive on any of our secondary roads, particularly in rural areas and you will see that the local government system is not functioning. But the real issue is why, why is it not functioning? In the capital city, the sidewalks are dilapidated and manholes have no covers; the underground drains overflow and flood downtown Port of Spain every time it drizzles because those drains are not maintained.

In the rural agricultural areas, the food baskets of the nation, flooding is a perennial problem. The farmers have other problems, such as praedial larceny [*Interruption*]*—tomatoes, tomatoes. [Desk thumping and laughter]**—no police patrols and no police response and so on, but flooding is a major problem and in almost every instance, it goes back to local government issues. The question then is, if the infrastructure is not being maintained and developed, why? What is the reason? Is it that the councillors are not working? Is it that they cannot function as a system? Is it that there is not enough money to provide the people with the things they need, to service their needs?*

7.15 p.m.

Mr. President, the facts show that local government bodies are underfunded, so whether the councillors are lazy or the system itself is plagued by too much bureaucracy, whatever the real problems, the first excuse that emerges is that local government bodies are underfunded.

When you consider that the Tarouba Stadium is costing this country \$1 billion, and the total allocation to the Ministry of Local Government is \$1.45 billion, then you see the mismatch, the skewed priorities; \$1 billion for a single stadium that nobody, except the Prime Minister, wants, and \$1.45 billion to be distributed among five city and borough corporations and nine regional corporations, that have hundreds and thousands of kilometres of roads to pave, drains to build and maintain, sidewalks to build and maintain, streets to clean, recreational grounds and facilities to build and maintain; rivers and culverts to maintain, and sanitation services to provide public health functions such as spraying for mosquitoes.

Mr. President, CEPEP gets one quarter of that to do a whole lot less. When we talk about the malfunction of local government, we must first examine how that comes about. The first thing we notice is that the deliverables to directly service the needs of the people cannot be accomplished, because there is not enough money coming from central government to local government. People like

Mr. Calder Hart have almost free access to the public purse, but the citizens of this country must fight and share crumbs. That is the reality. When a council has a small amount of money available and there are two or three or 10 roads that need paving, they have to choose, almost like gods, which roads get paved; which citizens should get smooth roads and which should endure potholes.

It is the same when one considers what happens during flooding; limited resources are always tied to funding. It means that councils and councillors end up having to choose which watercourses are maintained or improved and which would have to wait, and that means having to choose which families are flooded out and which are not; which families would lose their crops and which would be spared.

Our experience in the Opposition is that people in Opposition-represented constituencies feel that they are discriminated against. When it comes to enjoying the benefits of this country's wealth, I have seen blatant acts of discrimination, and I know that some of those complaints are true. I see certain regional corporations getting lots more moneys than boroughs and cities.

When I look at the draft estimates for revenue and expenditure for fiscal year 2008, yet another perspective emerges:

- Port of Spain city has been allocated \$168.8 million, of which \$114.36 million is for personnel expenditure and \$40.145 million for goods, services and minor equipment;
- San Fernando city has been allocated \$83.77 million, of which \$50.32 million is for personnel expenditure and \$25.93 for goods, services and minor equipment;
- Arima borough, \$51.74 million allocated, of which \$30.35 million is for personnel expenditure, \$18.73 million for goods, services and minor equipment;
- Point Fortin borough, \$47.90 million allocated, of which \$27.61 million is for personnel expenditure and \$17.84 million for goods, services and minor equipment;
- The Chaguanas borough has been allocated \$69.36 million, of which \$30.46 million is for personnel expenditure and \$38.14 million for goods, services and minor equipment;
- Diego Martin has been allocated \$67.78 million, of which \$28.61 million is for personnel expenditure and \$39.08 million for goods, services and minor equipment;

- The San Juan/Laventille Regional Corporation has been allocated \$119.88 million, of which \$59.66 is for personnel expenditure and \$60.13 million for goods, services and minor equipment;
- Tunapuna/Piarco has \$145.22 million allocated, of which \$71.60 million is for personnel expenditure and \$73.41 for goods, services and minor equipment;
- Sangre Grande has been allocated \$61.28 million, of which \$33.18 million is for personnel expenditure and \$28.03 million is for goods, services and minor equipment;
- Couva/Tabaquite/Talparo has been allocated \$88.96 million, of which \$45.34 million is for personnel expenditure and \$43.56 for goods, services and minor equipment;
- Rio Claro Regional Corporation has \$53.97 million allocated, of which \$28.28 million is for personnel expenditure and \$25.66 million for goods, services and minor equipment;
- Siparia has been allocated \$60.33 million, of which \$35.86 million is for personnel expenditure, while \$24.48 million is for goods, services and minor equipment;
- Penal/Debe Regional Corporation has \$47.46 million allocated, of which \$20.67 million is for personnel expenditure and \$26.9 million is for goods, services and minor equipment;
- Princes Town Regional Corporation has allocated \$65.04 million, of which \$36.59 million is for personnel expenditure and \$28.4 million for goods, services and minor equipment.

When we look at these figures, we know that personnel expenditure represents salaries; so it is the remainder of the moneys that the corporation must use to operate its administrative systems, perform its statutory obligations, develop and execute programmes.

The construction and maintenance of roads, drains, bridges and related infrastructure; the maintenance and development of recreation grounds, pavilions and play parks, cemeteries and sheds; the establishment and maintenance of markets and abattoirs; the maintenance of beaches and other public places; the beautification and enhancement of the environment; the collection and disposal of household garbage; distribution of truck borne water in areas void of pipe borne water; the promotion of development within the municipalities in accordance with

plans approved by the Minister with responsibility for physical planning; the development, construction, maintenance and repair of passenger buses and taxi shelters and benches; the coordination of local and regional trade fairs, athletic events, cultural displays and entertainment; the collection and distribution of forms issued by departments of Government; the disposal of garbage from public and private property; the development and maintenance of sanitary landfills; chemical treatments for insect and vector control; abatement of public nuisance and dissemination of primary health care; the maintenance of state property, including such as police stations, health centres and other government buildings, as the Minister to whom responsibility for construction and maintenance of buildings as assigned, may, by order, determine and the maintenance and control of houses for the aged established by the corporation, are the responsibilities that the regional corporations have to fulfil on these shoestring allocations.

The allocations themselves are shameful, and the amount available for developing our country into a First World nation is pittance poor.

I would like to see what would happen if the Minister of Works and Transport, the Prime Minister or even this Minister of Local Government, were handed \$26.9 million and told, "Go out and pave some roads." I would like to see how far they would reach. I say this in the context that the Penal/Debe Regional Corporation covers an area of 246 kilometres and has a network of roads spanning 314.8 kilometres. The allocation to the Penal/Debe Regional Corporation, after deducting personnel expenditure, is \$26.9 million.

Mr. President, the Minister of Works and Transport spent \$30 million to pave 1,500 metres of highway at the Grand Bazaar intersection; so do you see the problem? It is more than that; \$26.9 million is the allocation for goods, services and minor equipment. They still have to deduct certain operating expenses from that amount. What remains would be nowhere what is necessary to pave the roads in Penal/Debe, far less to clean the drains and watercourses. We have not yet talked about sanitation services.

The Mayaro/Rio Claro Regional Corporation has 106 wooden bridges listed as critical. They have a geographical area of 853 square kilometres to service; that is a predominantly agricultural area. So you see how local government affects the price of food, when farmers have to cross critical, dilapidated bridges to get their produce to the market?

The Prime Minister in his address to the nation on April 02, 2008, described the local government system as quite dysfunctional. We have to ask what he was

really talking about. Was the Prime Minister speaking of the process of electing the local government officials or was he talking about the service delivery? The service delivery is in a mess, so if the Prime Minister was talking about service delivery, then it is possible that a large part of the dysfunction is due to him and his Government underfunding the local government bodies.

If he was talking about the system of elections, then we have to ask what is wrong with one man, one vote, and that is another critical issue that is at the heart of this debate. Before moving on to that point, I submit to this honourable Chamber, if the local government bodies were given adequate funding and freed from the stranglehold that the central Executive exercises on it, they would be able to function much more efficiently. But that may not happen when some MPs use the regional corporations as their political campaign engines.

Who pays the piper calls the tunes; and it is no secret that roads and drains are given attention only at election time. This is how MPs and candidates sweeten up the people: they fix their roads and get the relevant agency to install street lights. So in that regard, it is important to find a way to give local government more independence from the central Executive.

Each year, when budget time rolls around, corporations are invited to submit their requests for funding, with their development programmes. The corporations never get what they request. We are talking about a country that the United States has declared as being too rich. We are talking about a country that is burning up its energy revenues in construction, like if construction was going out of style. This is a country with money. Why then is it that our roads and highways have potholes? Why is it that thousands of people have never seen pipe-borne water in their homes?

7.30 p.m.

Why is it that our recreational grounds are not properly maintained? Why is it that every ground does not have first-class facilities for cricket or football? Not even one-tenth of them have proper facilities and this country is looking at developed country status.

Mr. President, I am sure that if more money were given to the corporations, our infrastructure would be in a better condition. I am sure that less people would have the need to complain about poor infrastructure. I am sure that more citizens would be far more comfortable and happier. I am not seeing enough accountability from the Government.

Over \$220 billion has been spent by the Government in the last seven years. What is there to show for it besides some tall, incomplete, unoccupied buildings? Where is the improved quality of life for the vast majority of ordinary citizens in this country? Do you know that it is a rare thing to see a smiling face on mornings coming to Port of Spain? Just stand at City Gate. Everyone has a sulk on his face because of the traffic jams they endure from early hours. They go to work and school like this and go back home like this.

Trinidad and Tobago is not a paradise. It has become a prison in more ways than one. I am not referring to the spiralling crime situation. Trinidad and Tobago has become a very unhappy place in which to live and work. The traffic is frustrating. That is an infrastructural issue. Crime is another issue. High food prices is another negative issue. People must endure this torture to get to work and school and then back home. They have no room for leisure or recreation or family bonding and, at the end of the day, they cannot afford to buy anything with their salaries because prices are too high.

You cannot get an appointment to apply for a passport because the hotline service does not work; so “whey you going”? We are all prisoners here and the Government is the jailor. The Government has really spoiled this country in the last seven years and, as it continues its madness, the worst is yet to come. As I talk about its madness, it must be mentioned that this Bill is a slap in the face of the citizens of Trinidad and Tobago who have the constitutional right to elect their representative.

Earlier, I asked what the Prime Minister meant when he called the local government system dysfunctional. What was he talking about? Was he talking about the system of selecting representatives? Is that the reason that he has usurped the right of the citizen to elect their representative? This Bill represents the erosion of one of the most fundamental pillars and beliefs of our society—our democracy. It is inextricably tied to issues of representation and the right of citizens to choose their government's representatives.

Indeed, this Bill usurps the right of citizens to recall those who have not delivered the mandates and promises on which they were elected to office; those who have not performed in their electoral terms at the local government or the national level. Elections are about the rights of people to choose who will hold office on bare trust and, instead of exercising their democratic right three years ago to name their representative of choice, citizens have been with their old representatives.

If their representative is good, then all is well. If their representative is not performing, then the community may wish to change that representative. But we are dealing with a government that does not listen to the population. In fact, they like to spite the population. You do not want smelters, take four. People want transport studies first, Government say no, take rapid rail and water taxis. Economists say slow down spending, Government say build taller buildings. You want Williams for commissioner, take Philbert and ignore the Police Service Commission.

An important issue here is the respecting of rights of the individual, but this Government has a long history of disrespect for the population. Remember when the Prime Minister insulted the intelligence of our women when he told them to watch television as birth control measures?

Sen. Manning: On a point of order, Mr. President. I quote Standing Order 35(1).

Sen. Mark: You do not interrupt a maiden speech.

Sen. Manning: “Nuh, nuh, nuh”. You have to train them better than that. We cannot have that kind of thing. [*Crosstalk*]

Mr. President: Order! Order! Order!

I would be grateful if you would explain what your objection is, rather than just cite the number of the Standing Order.

Sen. Manning: Mr. President, I deem that the young Senator is not at all relevant at this time. She needs to be better guided. [*Interruption*]

Mr. President: Order! Order! [*Pounds gavel*] Minister, I am inclined to agree, but we have to exercise a bit of latitude. This is the hon. Senator's maiden contribution and while she is reading almost entirely, which we quite understand, we will allow her a certain latitude. I would encourage you to try to leave out those parts that are not entirely relevant and get back to the issues.

Sen. A. Mohammed: Mr. President, I continue. The Prime Minister said that citizens were not smart enough to handle two elections in one year and used that as one of the justifications to postpone local government election. That was carried in the *Newsday* of April 15, 2007. The statements were made at a PNM meeting at the Canaan Presbyterian School. The Prime Minister was out of line to make such a statement. He should have apologized to the national public for such insulting remarks, in the same way he owes the public an apology for calling

those who do not want aluminium smelters “dotish”. That was over a year ago. While the Constitution and the law give the Prime Minister and the Government certain powers, that authority must be exercised in a responsible manner. Government must at all times respect the people. It must not abuse its authority, especially when to do so only serves the narrow political interests of a few.

If they want to postpone the election because they need more time to complete their voter-padding exercise and the other strategies they are employing to gain unfair advantage, they should say so. If they want Philbert for commissioner, just say so. Do not insult and embarrass the PSC and bring the system into disrepute and malign the characters of innocent people. It is contempt for the Parliament to treat with such discourtesy and make a mockery of its proceedings in the same way as they are making a mockery of this Senate by asking us to rubber stamp this extension of the local government bodies.

They will pass the Bill because they can. They have the numbers to do so whatever the rest of country says and the Opposition Benches which just make up a subset of that number is of no consequence. The rest of this country has no say in the conduct of its affairs because the PNM and the Prime Minister do what they want regardless.

We agree with constitutional reform, but it must not be piecemeal. There are problems with the local government system that need to be fixed but there are larger cracks in other areas of our constitutional structures that need quick and comprehensive attention. Local government is not working the way it was intended to. This is because the Government has never empowered the municipal corporations. They are underfunded, sidelined and sidestepped for the sake of political expediency.

The nation that we build today is the foundation on which our future generation will have to build. As a young person, when I look around and see my country in shambles, not only do I ask when the madness will stop and the rebuilding begin, but I also ask how the rebuilding will start. Where will we start when so much of our socio-economic system is on the brink of collapse; every area needing urgent attention?

I look at the injustices taking place in the rural areas and in communities such as Morvant, Laventille, St. Joseph and elsewhere and I see basic infrastructure lacking. I hear people in Arima complaining every day on the radio that they have not had pipe-borne water for over a month. How are the children of those

communities going to be able to go to school in reasonable comfort and study so that they can find a way out of poverty? "Without an education in their head, they are better off dead", as Slinger Francisco said.

From the crime statistics, they are ending up dead. When a poor family in Barrackpore has to cope with an increase in the taxi fare, it means that less money is available for food, which would have increased simultaneously. That has an impact on the ability of the children in that home to grow up in reasonable comfort, or to sit in comfort and read a book. They cannot read at night if there is no light because their village does not have electricity or because there is not enough money to buy pitch oil.

If they are hungry because there is no food, then how can they be expected to read their books and absorb the knowledge? Outside of the home, when the regional corporations do not have adequate funding, how can they provide quality facilities for people to relax and for those with sporting potential to develop their talents? Cricket nets do not fall from the sky: they have to be built. Playfields do not maintain themselves; the grass has to be cut. If access roads and bridges are not built, farmers are not going to get their produce to market at reasonable prices. That is the reality. As I say, some thought must be given to the present state of our infrastructure because the longer it is neglected, the more it will cost in the long run. I think we all agree that poor infrastructure already increases cost.

In closing, I would like to urge the Government to get to its senses quickly and stop playing games with the people's lives; stop toying with our institutions. I ask each Senator opposite, particularly the younger ones, to ask themselves if the Trinidad and Tobago of today is the kind of place they would like to leave their young ones; their children. If it is no, then forget the senatorial appointment and the Ministry and stand up and lead your Government, party and your country back on track.

7.45 p.m.

Finally, I would like to thank the Leader of the Opposition for allowing me the opportunity to stand here today and to speak on behalf of the younger people of our country in general, and young women in particular.

I thank you.

Mr. President: Hon. Senators, that was the Senator's maiden contribution and we ought to congratulate her. Before I ask the next speaker to rise, let me just inform you that I have been advised that dinner is available in the tea room and

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we will not suspend the sitting. What I would ask you to do is just filter out and get a bite to eat if you so wish.

Sen. Subhas Ramkhelawan: Thank you, Mr. President, for allowing me this opportunity to speak. My understanding of this Municipal Corporations (Amdt.) Bill 2008, is really that it seeks an extension of the life of the municipal bodies for a period of one year without an election.

Much of the debate that has gone on here today seems to treat with reform of local government, as though it is conjoined to the whole question of a deferral of the election.

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

In my view, I do not think that is so, because if that remains the case, if there are protracted delays in the reform process, we could be ad nauseum having a number of delays and adjustments to the whole election process. To my mind, it is a question of not what is right in law, but what is just and equitable for the citizens of our country. Is it right for them to have to stand by and wait and wait and wait to exercise their equitable right as to who should be their local representative? That seems to me to be the elemental question that we must address; not that the process as it stands right now is flawed. Because, as you know, processes can be flawed and when they are flawed they can derail a number of matters that have gone on for quite a long time, over a year.

Of course, I am not as versed as my learned colleague, the hon. Minister of Health, Sen. The Hon. Jerry Narace, in matters of political science and in definitions of democracy, but in my simple mind, I am clear that the question is: How do we trade off the right of the citizen to determine who should be his local representative, as opposed to the right of the Government to determine a process of reform? They should not be contradictory in any way. They should be complementary. If they are complementary, let the process of election go on and let the process of reform go on as well.

I would advise my learned colleague, the hon. Minister of Health, not to bet his job that in one year's time the reform process is going to be completed, because he may not have the same employment insurance as the hon. Minister of Local Government, so be careful hon. Minister of Health.

The process has gone on. This is the third deferral. If it is the third deferral, what guarantee do we have that there will not be more deferrals? While I do have a high degree of confidence in our Minister of Local Government, what I would

advise is that many times, with the best will in the world, processes can and will be derailed. We had a recent example of it where the process became flawed after one or more years of deliberation. It could happen. It has happened before.

I want to remind the hon. Minister of Local Government that within this term of Parliament, we have had several pieces of legislation that have come up for amendment that are seven and eight years old. We just need to look back in the *Hansard*. Therefore, it does not make good sense to hold our citizens to ransom, in terms of who they should elect as their local representative while this process of reform is going on. They are not joined at the hip. I want to appeal to the Government not to make them a joint product, because if we do, we are depriving our citizens. Let us not deprive our citizens and let us get the process of reform going on at the same time.

I want to just turn—I have just a few remarks to make—to the question of reform and the whole issue of responsibility, accountability and authority. Hon. Sen. Gronlund-Nunez spoke about the limited resources that have been made available to local government and the breakout of such resources for recurrent expenditure and for other maintenance expenditure. I am not aware of what, even in the presentation made by the hon. Minister of Local Government, the substantive changes would be to change all of this. I did not get a clear understanding of that, because I also have not had the benefit of the draft legislation, which I understand is still to come. I cannot comment on what these massive changes are that would make the process of local government more efficient.

I would like to ask the hon. Minister to consider that as we go forward in the process of local government reform, we should find some equitable formula that would address the question that has come up over and over again as to how equitable is the distribution of funds for the running of various municipal corporations. I am aware that in the case of the Tobago House of Assembly, there was a tribunal headed about three or four years ago. I believe it was headed by former Justice Des Isles, to determine what was a reasonable level of funds for the Tobago constituencies. At the end of it, I think it was determined that a certain minimum percentage of funds should have been placed with the Tobago constituencies for recurrent and development expenditure. I believe one of the aspects of that formulation had to do with the size of the population, relative to the oversize of the population against the budget. It might have been 4 per cent, in terms of the population, relative to the overall population.

I want to feel that we have to find some equitable mechanisms for the distribution across the constituencies, because that seems to be an issue that arises

over and over again as Government considers how it is going to deal with the question of local government reform—the issue of financing of the various bodies, whether boroughs or corporations should find a formulation that gives comfort to all our citizens, whether they live in Cedros, Tabaquite, Laventille or any part of the country—that there is a system that is just and equitable or more importantly transparent.

How are these funds being allocated and on what basis? The Tobago model might provide us with a basis for moving along that continuum. I think part of the challenge is not only the inefficiencies, but the question of equity overall in the situation.

I believe that, in summary, we should separate the issue of local government reform with the issue of the election of local representatives. I think once we can do that, the matter and the decisions will become clearer and in better focus for us to be able to move forward.

God's willing, I may be here in one year's time and I would not wish to have to quote from *Hansard* that we said it and this is the third time that it is being said.

I hope that you are correct, hon. Minister and I hope that I am wrong, but I do have the sense I will be wrong.

I thank you, Mr. Vice-President.

The Parliamentary Secretary in the Ministry of Health (Sen. Wesley George): Thank you, Mr. Vice-President. I rise to give support to the Municipal Corporations (Amdt.) Bill 2008, a Bill which seeks to extend the life of our municipal corporations for one year, to facilitate local government reform. In so doing, I would really like to ask this Senate to consider what exactly some of the Members of the other side are really saying.

Some of the Members on the other side have put forward to us that we should go ahead with election and see about the reform subsequently. However, one has to ask the question: Why do we go to the polls? Why are we voting? Why is the electorate voting? What are they voting for? One has to understand that when they go to the polls and they vote, they are voting for persons to put together a team to deliver goods and services for them. That is why they are voting. They are not voting for voting sake. They are voting; asking themselves: Who can deliver goods and services to me to ensure that I can carry out my everyday duties and have a good standard of life? That is the question. That is the main focus. The focus today is not so much the voting and democracy, that kind of thing. What are they voting for?

The Minister of Health and the Minister in the Ministry of Planning, Housing and the Environment have put forward some points, as former members of the local government system. They have testified to the fact that the present system does not work. The purpose of going to the polls does not exist. It does not work. They cannot deliver. You are asking people to go to the polls, to put persons to act in corporations and they cannot perform the functions that the people have put them there to perform. One has to ask—we know this. We on this side are fully aware of that. As a matter of fact everybody in Trinidad is fully aware of that.

8.00 p.m.

How in good conscience could we go to the polls and ask people to vote for us and put people in a system that cannot deliver goods and services to them? How could a responsible Government do something like that?

Mr. Vice-President, just to reiterate and to make my point, the present system is not doing what it is supposed to do and it is very frustrating. It does not make sense. Firstly, it does not serve the people whom it was designed to serve, simply because the way the present system is configured, when councillors make representation on behalf of their burgesses, the decisions are taken at that level, and those decisions do not necessarily have to be carried out by the corporations. It is whenever they decide or if they decide to do it all. We all know that if you push them too hard they are going to tell you: “Listen, you are here for three years, but I am here for life, so watch how you are talking to me. I can make your life very hard. So watch how you are dealing with me.” That is the reality of what we are faced with today.

Just to give an example, the Minister of Health referred to the frustration in getting an empty lot cut. Let me explain the procedure. This is the procedure that Sen. Dr. Charles was putting forward to us today and which does not need changing and is relevant. If one wants to get an empty lot cut, firstly, he must notify the corporation, perhaps in writing. When the corporation gets the notice, if the corporation decides to take action or if it feels like taking action, the corporation would then make an attempt to locate the owner. That is a process in itself. That might be one week or probably a few months to locate the owner. After locating the owner, they have to send three notices. They are going to send one this month: another two or three months down the road and then a third one sometime after.

Now, the address that they are sending the notices to does not necessarily mean that the owner is still residing at that address. You may very well have a situation where they are sending notices to an address, and the notices are not getting to the person that it is meant for. It is just sitting there. Somebody else is

living in the house and they are getting these notices for let us say, John Joan, and they would say: “Who is this person? That person does not live here”, and then they would throw it in the garbage. So, the process immediately falls apart.

However, on the other hand, if the people do receive the notifications, what is the consequence? The consequence is that the person is asked to pay a fine of \$200, but the corporation has to pay approximately \$800 to cut the yard. In effect, this person’s lot would have been cut for a job worth, at least, \$800. That is the system that Sen. Dr. Charles and Sen. Rahman have put forward to this honourable Senate as an immaculate system and process and which does not need reforming. Mr. Vice-President, that type of thinking is exactly why they are in the Opposition and will be in the Opposition for life, because that cannot work. That is ludicrous! That is craziness! The citizens will not stand for that.

This is a personal example. A few years ago in Fyzabad, there was a freak storm around 10 o'clock in the evening. My good colleague, Sen. Primus, was involved with URP at the time, and he went out in the field to assess the situation. We called local government and the relevant personnel and they said that they could not do anything right now. They said that they have to wait until in the morning. The rain is falling and people’s roofs were blown off, and they could not do anything and so forth. What then were to happen to these people?

The local government body had effectively failed in its function to deliver to the people of Fyzabad. Do you know what happened? We have to say thank God for URP. Mr. Primus was able to pull out a few gangs in URP to work together with a few private citizens to bring some immediate relief to persons that night.

There was another state agency, the Commission for Self-Help that brought financial relief for those persons within 10 days. Up to that point in time, the corporation did not even begin to mobilize the people. They were still planning and trying to link up with somebody to get approval here and get people to do the work and they were not sure about that and so forth. How can we effectively govern and deliver goods and services with a system like that? Are you going to ask people to go to the polls knowing that is the system we are asking people to operate in? Is that responsible leadership? I am putting it to the Senate this evening, that is not responsible leadership. Responsible leadership says to fix the problem.

The issue here is not the fact that people would not be able to vote in a particular time, but the question is: What are they voting for? Are they asking us to just be procedural and do things for doing sake? Even in that case, if we were to indulge that thinking, then later on we would find ourselves with another problem.

One of the key things that the draft reform of local government seeks to treat with is the whole institutional and organizational structures of the local government authorities. This structure will see significant deviations from the current structure which depicts a council with a presiding chairman/mayor, operating through standing committees and supported by an administrative arm headed by a chief executive officer. In this context, the proposal is for a council as a separate local assembly with a presiding officer, councillors, aldermen and minority leader and an executive council comprising of an executive mayor/chairman and portfolio executives drawn from the council.

In other words, the new administrative structure calls for executive, full-time chairmen and councillors. If we were to go to the polls now and elect councillors, aldermen and so forth and, subsequently, treat with this legislation, one now has to ask the question: How are we going to make that transition? Let us look at it from, at least, two perspectives.

One perspective would be those persons who would have put themselves up to serve, would have been putting themselves up to serve voluntarily, and you are now asking them to leave their jobs and work for the corporations full-time. What would be our situation then? That is a point for us to understand and a point for us to take into consideration. Did they sign up for that? They did not sign up for that, because the system that existed at the point in time they agreed to serve did not allow for that. That was not a prerequisite. It would be a totally different circumstance. It is not just something that you could add on.

The mere fact that you have an executive council, the draft proposal here seeks to give local government authorities more power to do a number of things like to take decisions on its own and so forth. What it also says is that there would be a greater demand for a particular type of skill in the chair of chairmen and council members. You need technically skilled persons, and this would have implications—even if you work it back in terms of the political parties and burgesses—as to who they put up to serve in these positions. Can they do this particular job? This is a human resource issue.

I would like to think that any responsible party putting someone up for election expects a responsible management, and they would now have to ask the question: Can this person do the job? This is no longer a part-time representational thing, but they would now have to make representation and also implement, very actively. Therefore, those persons would have to be skilled in many technical areas, and not just persons who simply have a love for service. It is going to take a little more to get the job right.

As the Government, we know this is the requirement that would be had when this comes into play. Why should we now ask the population to go to the polls knowing that there is going to be an absolute change in the environment and circumstance of local government when this reform comes into place? At that point in time, when the confusion starts and we are unable to deliver goods and services, the same population is going to come to us and tell us that we knew this was going to happen; we knew that aldermen and chairmen would have to be serving full-time and we knew this would have been the case, and why did you all make us go to the polls then. They are going to come and ask us: Why did we not ask for an extension to fix it and put it in place. They would come and ask us: why are we not doing that here tonight? In other words, they are going to ask us: Why did you not lead us in the right direction? That is the fundamental question. That is the fundamental principle behind this amendment.

8.15 p.m.

Mr. Vice-President, as I close, I just want to remind this Senate and the population, that this Government is committed, has always been committed, to the upholding to the rule of law and democracy in Trinidad and Tobago. As a matter of fact, it could be said that democracy in Trinidad and Tobago is born out of the PNM. To question whether or not we are attempting in any way to deprive the population of their say, does not come into being. What comes into being is whether or not we are prepared to ensure that the population can get the goods and services they require when they go to the polls.

I thank you. [*Desk thumping*]

Sen. Dr. Jennifer Kernahan: Thank you, Mr. Vice-President, for the opportunity to contribute to the Bill before us, the Municipal Corporations (Amdt.) Bill, 2008. The explanatory note of this Bill says and I quote:

"The purpose of the Municipal Corporations (Amendment) Bill, 2008 is to extend the term of office of the members of the Municipal Councils for a period of one year from the date of expiration of the existing term."

Clause 2 of the Bill says:

"The Municipal Corporations Act is amended in section 273, by inserting after subsection (1G) the following subsections:

‘(1H) For the purposes only of the elections due in the year 2008, the term of office of the Mayors, Aldermen and Councillors, holding office in a Corporation which was extended for one year pursuant to subsection

(1F), is hereby extended for a further period of one year from the date of expiration of such term.

- (1I) All powers exercisable by Mayors, Aldermen and Councillors under this Act shall be exercisable by them during the period referred to in subsection (1H).”

The Minister of Local Government has asked this Parliament for the postponement of local government election, apparently in the context of the purest motives, the highest ideals of caring for the good of the people; the best interest of our people, but Senators who spoke before me on this side, Sen. Dr. Carson Charles and Sen. Prof. Ramesh Deosaran, have asked very relevant questions with respect to why do we not have any evidence on the part of this administration of any commitment to implement the original Act as it stood, and Sen. Dr. Carson Charles as the person who piloted the original piece of legislation was very, very clear about the wide range of powers and the ability of the local government under the original Act to effect a proper representation at the local level if given the resources, and that was key.

Both Senators also raised the question of, even if you have to—you want to, it is your prerogative as the Government—deal with the whole question of purportedly reforming the local government system, why do you have to postpone elections in order to do that? These are the critical questions that have not been answered here this afternoon by any of the speakers who have spoken so far.

Given the fact that we are not getting any answers to these two critical questions, as far as we are concerned, this Bill before us is less about local government reform and it is more about being a cynical display of total disregard for fundamental democratic rights and freedoms of the people of this country, namely, the right to vote; a fundamental democratic right.

As far as we are concerned on this side, this Bill represents another attempt by this administration, at the imposition of a virtual dictatorship in this country under the guise of parliamentary legality. We are being asked to legalize what is essentially an illegal Act, if we pass this Bill here tonight. *[Interruption]*
[Crosstalk]

Mr. Vice-President: I do not think you should refer to it as an illegal Act. It was a Bill that was passed in Parliament. The previous Act was amended, so it is legal. Okay? *[Interruption]*

Sen. Dr. J. Kernahan: I am talking about this one.

Mr. Vice-President: It cannot be illegal, right? You cannot refer to it as an illegal Act.

Sen. Mark: No, no, no—

Mr. Vice-President: Are you the President, Sen. Mark?

Sen. Mark: No, I am just saying that you must give her a chance to develop the point.

Mr. Vice-President: Yes, but she cannot refer to it as an illegal Act. [Interruption] Yes, she did. That is my ruling. It is not debatable. [Desk thumping]

Sen. Dr. J. Kernahan: Mr. Vice-President, I am saying that what we are about to do in this Parliament is to cover with a threadbare blanket of legality what would be essentially a violation of the democratic right to vote of this country. [Crosstalk]

The Minister came here this afternoon and purported all this care and concern for our citizens, but this care and this so-called commitment to the devolution of power rang hollow, because this Minister's profusion and profession of caring for the people of this country reminded me of an observation by C. S. Lewis, which said and I quote:

"Of all tyrannies, a tyranny exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end, for they do so with the approval of their own conscience."

This Government always speaks very glibly about being committed to the concepts of accountability, of good governance and upholding the Constitution and the law, yet the spirit and the letter of this Constitution and the law is undermined at every opportunity by this administration. The law is a plaything in the hands of this administration. There is a pattern of behaviour by this administration.

Just last week we came here and amended the accreditation law for the third time in order to suit the exigencies of the Government. And we are being asked to come to this Parliament again for the third time to amend the local government law to suit the needs of that administration. The law is a plaything in their hands. The law has been reduced to something, which you can amend; you can change

and rearrange; you can circumscribe as it suits you. This is the case I am making this evening to say that under the guise of legality and the complicity of this Parliament, this Government is being allowed to get away with these illegal acts. [*Desk thumping*] I am saying that the people of this country will ignore this trend to our detriment and peril.

The Constitution and the rule of law in this country and the observance of the letter and the spirit of the rule of law, is important if we are to safeguard and protect ourselves against the imposition of a ruthless dictatorship by any government. The Constitution is the wall that protects our citizens, our democracy and Sen. Prof. Deosaran made the point when he referred to the fact that this is a third attempt at the postponement of local government elections, that we are being deprived of our right to express our political views, and which is protected in Part I, section 4(e) of the Constitution which says:

"the right to join political parties and to express political views;"

When you have a situation where your right to vote is being undermined, then, effectively, you are prevented from expressing your political views, because you may want to change and vote for one political party or the other. Therefore, if you are not allowed to do that, your right under section 4 is being undermined.

Why does this Government find it so easy to ride roughshod over the democratic principles for which we have fought so hard? The point is that we cannot allow this Ninth Parliament to collude with the Government to break down that protective wall; that Constitution and the legal framework which we have established over hundreds of years from the time of slavery and post-emancipation and the post-colonial period. We have struggled very hard; our ancestors have died for the implementation and for the institutionalization of laws that would protect our democratic rights and freedoms in this country and we will not surrender our democratic rights very easily. [*Desk thumping*]

We remember very well that it was only in 1947 that universal adult suffrage came into being in this country, just yesterday. Before that, only the landed aristocracy was allowed to vote. Now, we have fought through the 1937 workers' riots and strikes and so on; hundreds of people have died for the right to vote in this country and we will not come to this Parliament and collude with this Government to prevent the people of this country from exercising their right to vote in a legally constituted election which was due since 2006. This is atrocious.

What did the Minister give as a reason for the need to postpone the local government election? The Minister gave a reason and she repeated it and she

made very heavy weather of it and I was very grateful to her for repeating it because I was able to get it word for word. I want to read this reason and to point out to the people of this country that a red flag ought to go up here this evening again. The Minister said as the reason for postponing the local government election and I quote:

"key institutional and systematic requirements for a new local government are now being reviewed and must be completed before constitutionally allotted timeframe for local government elections."

That is what the Minister said, that key systematic requirements for this new local government process are now being reviewed and must be completed before constitutionally allotted timeframe for local government election. Of course, the Minister erred, in that she said "constitutionally allotted timeframe". She meant "legally allotted timeframe", because local government is not actually protected in the Constitution. But the essence is the same.

I want us to understand very clearly what this Minister had said to us this afternoon. It is not any easy thing the Minister said to us, you know. The Minister said to us, in other words, that unless and until this administration is confident that their objectives in this so-called reform exercise have been met, the administration is prepared to sacrifice the constitutional aspect of the election process. That is what the Minister said. Unless and until their objectives have been met, they are prepared to throw the Constitution out the window. In this case, they are prepared to throw the statutory requirements for the holding of a local government election out the window.

That is what the Minister said to the nation this afternoon. I do not know. Do you know how many red flags went up in the minds of our citizens this afternoon? But 2.5 million of them should have gone up; even more than the population. *[Laughter]* Because this is the most fascist statement that I have ever heard uttered in the Parliament of Trinidad and Tobago in this Ninth Parliament. Our laws must wait and you must throw the laws through the window because you have not fulfilled your objectives.

8.30 p.m.

The Minister clearly stated for example one of the objectives. She said one of the objectives—and Sen. Dr. Carson Charles alluded to the objective—was the redefinition of boundaries. That was one of the major objectives for these local government elections that they need to redefine the boundaries. Unless they do that and until they do that, the law can wait. They have no respect for the law.

You come to Parliament, you ask Parliament to participate and collude with you to just change the law, amend it, rearrange it, fix it up to suit you. So why do we sit here, Tuesday after Tuesday, and make these laws, if, based on the dictatorship of the majority of this Parliament, you can come and change the laws any time you want?

Is this country understanding what is happening in this Parliament this afternoon? The enormity of what is happening in this Parliament this afternoon? The Minister said, “the law will have to wait until sometime in July 2009”, or whenever.

Sen. Ramkhelawan, asked you just now, is it that we will come back next year and be faced with the same situation? Because we did it, you know, we did it with the Accreditation Act. We came back twice with that Accreditation Act and the Minister has changed the law and put four years to five years, five years to six years and it is an ongoing process, it is open-ended. The Minister said here this afternoon until she has achieved her objectives she will not have any regard for this law. Sen. Dr. Carson Charles asked when are you going to achieve those objectives, because there is a whole Green Paper here, with a whole heap of objectives, with about five different core objectives with a lot of issues. How long would it take? Ten years, 15 years, 20 years given the track record of this Government. So for the next 15—20 years we are going to be here changing the law until the Minister has achieved her objectives? That might be stretching it to the extreme, but it is the concept that is important. Whether it takes two, three or four years, the concept is that unless they obtain their political objectives they will disregard the law, and the Minister said so in black and white. It is in the *Hansard*. So, where are we going in this country?

Mr. Vice-President, our political landscape right now is littered with red flags. Based on what the Minister said here this afternoon with a straight face, with no apologies, we are well on our way to becoming a developed banana republic. When a Minister can openly repudiate the law in the name of expediency, there are banana republics that would blush to sit in the same room with us.

The statutory requirement for holding an election is clear in the Municipal Corporations Act. What is not clear are the conditions under which—Minister—the administration may legally defer elections. It is not spelt out. But then again, any caring government can recognize in the Representation of the People Act the conditions under which, after a writ has been read, the President may issue a proclamation to postpone a general election. Therefore, in that context, if we look at that context—given we understand that no writ would have been read and there

is nothing written that would legally allow a Minister the reasons for postponing an election—if you look at the spirit of the Representation of the People Act which covers municipal councils and regional corporations, which regulates the holding of elections it gives you an idea of the gravity of the situation that must exist for a legal postponement of an election. It says and I want to read it because it is important, the kind of situations that were envisaged by the people who framed this Act as to how it would be legally feasible for a government to postpone elections:

- “(a) the existence of a state of war affecting Trinidad and Tobago;
- (b) the declaration of a state of emergency in Trinidad and Tobago or any part thereof by any authority empowered to make such a declaration;
- (c) the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or outbreak of infectious disease or other calamity, whether similar to the foregoing or not;
- (d) the likelihood that the revised list of electors for all electoral districts or for any particular electoral district will not be ready before the day appointed for the holding of the poll; or
- (e) the likelihood of any essential electoral equipment, supplies or materials will not be available in adequate quantities upon the day appointed for the holding of the poll,”

Mr. Vice-President, these are the scenarios which the lawmakers envisaged that it would be legally feasible for a government to postpone the holding of a poll. In fact, the postponement was not meant to be indefinite, they said that there is a special time frame that you had to use to postpone your poll. I will not go into the details.

[MR. PRESIDENT *in the Chair*]

Basically speaking, these are the conditions under which a government, an administration may be legally granted permission to defer a poll, and this administration has no such excuse. There is no war and no earthquake happening in this country. Where is the hurricane? Where is the flood? Where is the fire, pestilence or calamity that is required for you to legally defer a poll and deprive the people of their democratic right to vote?

Mr. President, this Government is always talking about its aspiration to developed country status. I looked at some of the reasons and some of the issues that have arisen in other developed countries, and in other countries that would

have necessitated the deferral of a poll. I am reading here now from the BBC News World Edition, the headline is “Blair bows to the inevitable”. This article is dated Monday, April 02, 2001 and it is in relation to the deferral of the local government elections in Britain. It says and I quote:

“For the first time since the Second World War, local council elections have been postponed from their usual date—the first Thursday in May.”

It is interesting that they have a statutory date for the local government elections, and it was a big deal in Britain when those elections had to be postponed.

Do you know why they had to be postponed, Mr. President? Because of an outbreak of foot-and-mouth disease in Britain, yet the government had resisted putting off the poll because they had been saying and according to this article, I will read the article:

“Within the past few weeks Mr. Blair and his colleagues have been hammering away at a single, strong message: delaying the elections would send out an unwelcome message to the world.”

So, in spite of a foot-and-mouth disease, pestilence, a very serious disease where you have to quarantine people, where you have to kill animals and so on, the government was still reluctant to put off the poll. They said it would send an unwelcome message to the world.

Even the Opposition was against the deferral of the poll. The Opposition, in spite of everything that was happening they wanted to continue with the plans for the poll. This article that I am reading here—BBC News World Edition—headline, “Emergency bill to postpone elections” and they took it very seriously, because this is what the article says:

“An emergency bill will be introduced in the Commons on Wednesday to put back voting until 7 June.

It will be rushed through Parliament in what could be an all-night sitting.”

This is interesting for our local government practitioners who are all geared up for elections which were due since 2002 and were expected this year, 2008, and I quote:

“Councils which have been working towards the original 3 May date will be compensated for ‘legitimate and unavoidable’ extra costs and candidates’ election expenses will be increased by half.”

This is how seriously, really and truly, more developed countries take their polls and they recognize that this is a serious issue when you have to postpone a poll. You do not come here to Parliament every year and at every whim and fancy and say that you want to postpone a poll because you have your objectives to meet and you cannot do the poll. So, what are you talking about developed country status? This is not about developed country status. As I said this is about developed banana republic status. This is what the article said with respect to how the government viewed the postponement of this election and I quote:

“To postpone the elections indefinitely would literally cause local democracy to grind to a halt...”

This was their concern.

“or for the control of councils to pass randomly from one party to another without any reference to the electors as a result literally of acts of God or chance retirements by councillors. That is not acceptable.”

This is what Mr. Straw, the Home Secretary had to say.

Mr. President, this administration did not care about these issues. Do you know how this administration dealt with the fact that local democracy would grind to a halt and the control of councils would pass from one hand to another without any intervention of the elector? What this administration did was to pass a law which gave the councillors, in 2006, the status of elected officers. This is what we did, and we are talking about developed country status.

I want to look at another example of the seriousness with which polls are taken in other countries and at the fact that governments do not lightly postpone polls. This is an article from rediff.com and the headline is “Pakistan general elections postponed to February 18”. It is an article written on January 02, 2008 and I quote:

“Parliamentary polls in Pakistan slated for January 8 were on Wednesday deferred until February 18 by the Election Commission, rejecting the demand of main opposition parties including that of slain ex-prime minister Benazir Bhutto not to postpone the exercise.

“In the light of the circumstances (following the assassination of Bhutto), the new date for the general elections is February 18, 2008 instead of January 8.”

The article goes on to say:

“The elections cannot be held now because of the law and order situation in the wake of the assassination of Bhutto on December 27.’

Bhutto’s Pakistan People’s Party”—the Opposition party—“was not in favour of delaying the polls”—they—“wanted the elections to go ahead as scheduled.”

A lot of significant issues came out there. The government proposed postponing their elections because of a state of unrest in their country because of the assassination of Benazir Bhutto, and they said that the election process would be hindered by that state of unrest. But the opposition party which, most likely, would have been the most affected because they had just lost their leader, wanted to go ahead with the polls. They said, no, this is important, let us go ahead with the polls. They did not say, yes, defer the polls because we are negatively affected. They were against the deferment of the polls.

The third example I want to make is the deferment of polls that happened closer to home in Jamaica after the passage of Hurricane Dean—this was after their writ. I am bringing it as an example to show the gravity of situations that must exist in countries for them to defer a poll, and Jamaica had to defer their poll because of Hurricane Dean. The country was ravaged and the security forces were very busy trying to get the country back in order and so on, therefore they had to postpone their polls.

I want to ask the hon. Minister this evening, which of these cases apply here this afternoon? Where is the pestilence? Where is the hurricane? Where is the calamity? Where is the chaos that exists in this country that would prevent the legally due local government elections?

8.45 p.m.

Mr. President, the fact is when we look at what happens in other developed countries; when we look at what happens all over the world; when we look at the seriousness with which other people take the election exercise, and the deferment of a poll; when the fact that even under the most adverse conditions, even opposition forces are averse to deferring a poll, we understand the seriousness with which we must treat this request by this Minister tonight, to ask for a deferment of the local government elections on the most spurious grounds, for the third time. This is what we have to address this afternoon.

The problem this afternoon is not whether local government reform is necessary; whether it has been done properly; whether the exercise has been carried out within time, none of those issues are before us this afternoon. The real issue that is before us this afternoon, is whether or not it is reasonable; whether or not it is legal for this administration to come and ask for a deferral of the poll on the most spurious grounds, on the grounds that they have not met their political objectives, and this is what this Ninth Parliament has to consider.

Mr. President, the fact is that this Parliament is being asked this evening to legitimize a blatant attack on the Constitution and on the statutory requirements of local government. This is the essence of what is happening here this evening in this Parliament and those of us who are students of history, and who understand that the threadbare cloak of legality means nothing, we understand what Martin Luther King, Jr. was saying when he made a very profound observation. Martin Luther King, Jr. said and I quote:

"Never forget that everything Hitler did in Germany was legal."

Another great writer, Robert Baird referring to the same tendency to manipulate the law, which is what we are being asked to do this afternoon in this Ninth Parliament, said this and I quote:

"Hitler never abandoned the cloak of legality; he recognized the enormous psychological value of having the law on his side. Instead he turned the law inside out and made illegality legal."

And this is our living experience in this Parliament. Every week now [*Desk thumping*] as a pattern of good governance, we are being asked to make illegality legal.

Mr. President, we need to connect the dots because the death of democracy is never a peaceful, painless exercise, and we have to view what we are being asked to do, to turn the law inside out and to make illegality legal, we have to view that in the context of everything else that is happening in our society. Because what is happening is that our democracy is being undermined, it is being challenged, it is being killed slowly, the whole democratic process, and we have to understand that is what this Parliament is being asked to comply with. So the death of democracy is violent and it is an uncompromising attack on the people at all levels and we see it.

We see the attack in the impossible cost of living that our people have to face. We see the attack on our food security and we can no longer afford food in this country. The attack on small farmers; get rid of them and put up your megafarms,

your big farms and get your international private enterprise in here. We see the attack on the people who own land, the appropriation of land, farmers' lands, private lands and so on for the political objectives of the Government. We see the attack on our people with the demolition of homes, from Port of Spain East right up to Oropouche.

We see the fact that our personal security is being attacked in this country, and the arming of paramilitary gangs who go around now with impunity, murdering even members of the armed forces. The police, the army and the prison officers are under attack by these paramilitary gangs who have all these guns, fire power to challenge the police and challenge the democratic system of government. And we see the attack on the democratic institutions, the most fundamental, the cornerstone of the whole system, our right to vote. Because with all of this happening, if we lose our right to vote, we lose our right to get rid of this administration which is bringing down so much violence in this country. We cannot lose our right to vote, our ancestors fought for that, Butler fought for that, and we will fight for it.

We will never surrender in this country our right to vote and we will repudiate every attempt of this administration to get us to surrender, and this Ninth Parliament on this Bench will never be in any plot with this Government to make what is illegal, legal and cloak it under the guise of the parliamentary legality. We will refuse to do that.

Mr. President, I want to quote Hitler again, because they seem to be students of the Hilterite ideology because everything we see happening, happened in the Third Reich, is happening here. Hitler said:

"Through clever and constant application of propaganda, people can be made to see paradise as hell, and also the other way around to consider the most wretched sort of life as paradise."

This is what this administration is attempting to do here, bribe off people; CEPEP, URP, special purpose company, everybody who is anybody form a company; jump in the brew; you get money; bribe the people into submission, into silence because you have this huge conspiracy.

There is an elephant in the room and nobody is saying that. The elephant in the room is the fact that this Government is guilty of the most vulgar bribery and distortion of the economy of this country, and a lot of people are going along with it because they benefit financially and that is what is happening. Elephant in the room.

Municipal Corporations (Amdt.) Bill
[SEN. DR. KERNAHAN]

Tuesday, July 08, 2008

This Parliament, we on this side will not participate in turning our eyes away from the elephant in the room and we are denouncing this evening, the elephant in the room. It is very ironic that these Bills have been coming to Parliament to rearrange the law, to correct the law, to turn it upside down, to make the illegal, legal, in the middle of all the emancipation celebrations. We are celebrating the 161st anniversary of emancipation this year and we are celebrating it in the context of total erosion of our democratic rights and freedoms in the period after emancipation.

We have to understand what is happening and we are saying here this afternoon, that this Government is a great believer in emancipation. They love the traditional wear and the nice hats; they look suave; they walk around the streets; they look good; they lead the bands and the songs; the marching and the dancing. They love that. They love the guns and circuses, but emancipation cannot be just about putting on the nice wear and the little hats and striding about the streets of Port of Spain to the sounds of drums, the singing and the dancing, it cannot be about that.

Mr. President, the problem is that those of us, even in the middle of all the revelry and the celebration, we are hearing the distant drum. We are hearing that distant drum, that fascism that is coming down on this country. It is ominous, it is threatening, and it is defining and measuring the ruthless death march of our democratic process. This death march few of us can hear it; a few of us will take heed; a few of us will send up the red flags; and we are hoping that the majority of us listen, listen carefully to hear that death march of democracy.

We want to find out this evening, why does this Government choose to ignore the legal obligations imposed by the Municipal Corporations Act, while you carry out whatever consultation you feel to carry out? That is your prerogative to carry out 10 million, 10,000 whatever consultations, spend the moneys. It is only a depleting resource that we are using and it would always be there, God is a Trinidadian, we will never run out. The report on our oil reserves is wrong and nobody knows what is there because we will always get more; technology will deal with that. So spend the money and have all these consultations and so on. We do not mind that, that is your prerogative. But why are you impinging on the democratic right of our people to vote? Why are you doing that? One does not hinge on the other.

You can continue with the consultations and so on, but you have to hold the election which is statutorily due at the time that it is due, which is this year. They had put it off twice already and we are saying that you do not respect the right of

our people to vote, and that is why as I said before and also Sen. Dr. Charles, we want to know how long do you expect this to take, if it is 10 or 15 years. Will it be that you would continue do bring this song and dance to Parliament for as long as it takes so that you can fulfil your objectives?

Sen. Ali went into the issue of what the Government has presented in the Green Paper and in the draft White Paper and as I said in the beginning of my contribution, the reason we are here this evening has nothing to do with local government reform. Because when we look at the Green Paper, what the Minister did this afternoon was practically read out the Green Paper and tried to point out a couple little things here and there that they have allegedly completed. But when you look at the essence of the Green Paper, it is really the emasculation of local government, because all local government is asked to do is to coordinate here, to facilitate, to collaborate and to encourage. Local government has no real fundamental role in deciding at local level, what happens in that particular vicinity.

Sen. Dr. Charles made the point of sustainable development of regional entities and areas and so on that would determine economic development and so on. It has nothing to do with that, it has to do with carrying out whatever policy is decided at the level of the Ministry of Local Government.

So it is clear to us that the Minister of Local Government has brought this Bill, which is clearly an act of aggression against the spirit and the letter of our Constitution. [*Desk thumping*] She has brought this Bill which is an act of aggression against the statutory requirement of the Municipal Corporations Act. She has brought this Bill—as the Minister has clearly said, black and white, nonchalant with a straight face—in the context of repudiating the law; throwing the law out the window until their political objectives have been met.

Clearly, what the Minister is about is not devolution of power to local government; this Minister is about recentralization of local government, of emasculating local government a little more. It is clear that the Minister of Local Government wants to extend the life of the regional corporations in order to kill them and emasculate them more effectively and more decisively later on. This is the first time I have heard of this particular strategy to extend somebody's life in order to kill them more effectively later on. Brilliant strategy on the part of this administration.

Today, we have to go to the heart of the matter because the matter goes even further than the whole question of emasculation and destruction of local government, extending the life to kill it. What this Bill is really designed to do—if you look at the results, if you look at what will actually play out in the communities, in

the context of the weakening of the local government structure; of the weakening of the participatory democracy of citizens within their local government regions; in terms of the totally laissez-faire and dependent attitude that local government would be required to adopt in order to get by, and to get some handouts, for the Minister to give them some money to do a few things, here and there, while this administration is pouring millions into parallel institutions and parallel organizations, which take the place of local government; these special purpose companies. It is clear.

9.00 p.m.

This administration is not so bright and brilliant that they could hide their strategies and intentions from the population. The population knows exactly what is happening here; you are building parallel organizations to replace local government. [*Interruption*]

Mr. President: Hon. Senator's, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. W. Mark*]

Question put and agreed to.

Sen. Dr. J. Kernahan: Mr. President, given the fact that a weak local government structure is going to translate into weak communities; into communities that have no power, that have no will to resist any adverse conditions; into communities where the people are left without any sense of self-development, any sense of strength, without any sense of being able to intervene in their own destiny; so weak communities, weak local government.

Therefore, I am looking at the aim of the emasculation and weakening of a strong participatory democracy, at the level of local government, in the context of what is happening globally and nationally. Any country, in this context, in this globalized environment, would see. Any government that has a vision and is serious about democracy and about establishing democratic systems; that is serious about developing the quality of life of our people; that is serious about getting our people out of poverty; that is serious about the millennium development goals which the Minister mentioned: reallocation of poverty, maternal health, getting a greater number of students involved in the school system from primary to secondary to tertiary and so on, how could you achieve those goals in the context of an emasculated, weak and dysfunctional local government system?

They are speaking out of both sides of their mouths when they pretend to praise local government, but they really came here to bury local government. This is what they are doing this afternoon; bury local government with a lot of praise. This is the dirge; this is the swan song of local government, as far as this Government is concerned. They want this Ninth Parliament to be an accomplice in their turning the illegality into legality.

This Bill, as far as we understand it on this side, in effecting this emasculation and destruction of local government at the ground level, is going to weaken the resistance and ability of the people of this country, in the communities where they live, our farmers, workers, small businessmen and so on, to resist the ravages and exploitation which are coming down on all Third World countries, small countries and less developed countries, with the advent of globalization and neoliberalism.

What is going to happen to these countries in the Third World, in the next few years? With the signing of the EPA agreements, it is going to make slavery and indentureship look like a Sunday school picnic. That process has not even started fully yet, and we are seeing the total war on the streets for resources in this country. We are literally tearing each other apart. This country is almost in a state of self-destruction, and we have not reached the hard part yet.

You would have less power and less independence; our farmers are going to be scattered to the four winds. These large farms are going to be set up; food security would be non-existent for ordinary people; food would be grown in this country and shipped abroad, and we would take whatever is left of what they could not sell as top grade products. It would be sold at the price that they would see fit to sell at, because nobody else would be producing food. This is the scenario that is playing out. How are we, at the local levels, to withstand this, if we do not have strong local government institutions that deal with all the issues they are required to deal with, even under the present Constitution, under the present Act?

In order to clear the way for this disempowerment of our people—if that is a word—and for the weakening of our people, they have to do certain things. They have to tear down all the statutory and constitutional safeguards and violate all the statutory provisions of our country, so our people would be weak and defenceless. This is one of the things they would have to do.

They have to subvert the spirit of the Constitution and exercise the dictatorship of the majority, and come here to ask us to be an accomplice in illegality. They have to ignore the right of the people to vote and to choose their own representative and, most of all, they have to lull our people into a sense of

acceptance of being passive, of being able to rationalize everything that happens. "Well, that is God work; the Bible say so; we are in the last days." This is what they send out there in the propaganda grapevine. [*Crosstalk*]

"The Government cyar do nothing; crime is everywhere; crime is global; no government can deal with crime; the people have to deal with crime; is de mothers, de unemployed mothers who have to hustle to get a CEPEP work or who have to hustle to get gang leaders to give them a URP job; they are the ones who have to deal with crime and deal with their children." That is the propaganda sent out by this administration; throw everything on the people. The people are responsible for everything, "The people are too 'wotlis'; they doh want to work; dey lazy; dey inefficient", to deflect the attention of the people with respect to what they are doing to our Constitution, our laws and our democracy.

This Bill is designed to further emasculate the communities and regions, ensuring a political climate that is amenable to the re-imposition of the plantation economy in this country. This is where we are headed: to the re-imposition of the plantation economy. When you talk about foreigners coming in here to set up huge farms to grow food, that is the plantation. What else is it? This is a neocolonial government that is bent on spreading the way, like John the Baptist how he made way for the coming of Christ. This neocolonial government with laws like this is paving the way for the coming of the Antichrist. [*Laughter*]

The merits and demerits of a functioning local government, as elaborated here by the Minister of Health, the other Ministers, the young Sen. Wesley George, *PNM politics 101*, par for the course: "What yuh voting for?" "It is not important to vote." It was so senseless; it was really difficult to make any sense of what the young Senator was saying.

The problem is not that; the issue before us this evening is not the ins and outs and the merits and demerits of local government reform. The issue this afternoon before this Ninth Parliament is the unreasonable, the undemocratic, the illegal and the unconstitutional delay of the statutory requirement for a local government due since 2006. That is the issue before us. [*Desk thumping*]

This Ninth Parliament has the responsibility to send a message, loud and clear, to this administration, that we will not be part of any plot to make illegality turn on itself and make it legal. We will not be part of any conspiracy of this Government, with any government, in order to achieve its political objectives, as the Minister of Local Government clearly said, that is clearly operating outside of the law and the Constitution.

They have no apologies; the Minister said it, "Unless we achieve our objectives, we will not have any elections." In other countries they say, "You know what, the only reason we can postpone a poll is if there is fire, calamity, hurricane or war." Do you know what we come here and say? "We want to redefine the boundaries, and unless we finish that exercise, you will not get a poll." A developed banana republic. [*Crosstalk*] [*Laughter*]

This Ninth Parliament must vote with the people for democracy. You must vote with the people for the rule of law. You must not tolerate a minister of Government coming to this Parliament and telling us that unless she achieves her political objectives we will not have a poll in this country, which was due since 2006. We must repudiate that in no uncertain terms. This Parliament must stand up with the people of this country.

We must celebrate this month of Emancipation with an emancipation act of our own, that we repudiate any attempt to denigrate the democratic rights and privileges of our country in 2008. [*Desk thumping*] We must allow the people to exercise their franchise and to choose their local government representatives. We are two years behind time.

I am so happy that we have the live telecast of these proceedings, because the people could understand the kinds of things they laugh at. "What is joke for school children is death for crapaud." When we are very upset, and other developed countries are very upset and perturbed at the deferral of a poll—Mr. President, we see in Pakistan, Nepal and those other countries, that war is going on and the Opposition still wants to go through with a poll, because they understand the importance of it.

They laugh, they grin and they skin, and they have a good time in this Parliament, because they have no concept of democracy; they have no concept of the right of the people to a free and fair election. We know that, because we know what we underwent in 2002 when the general election was hijacked by force.

I would like to close my contribution with the words of John Gardiner. I quote:

"The citizen can bring our political and governmental institutions back to life, make them responsive and accountable, and keep them honest. No one else can."

I thank you.

Sen. Helen Drayton: Mr. President, I will be very brief on this Bill to extend the term of office for the members of the municipal corporations.

I got some mixed signals, in that, I have listened to Ministers of Government and two Senators, and on one hand I got the impression that the Government was not only asking to extend the term of the office, but also to postpone elections.

When I read this Bill—and I have read it over and over—I thought it was very clear. It says specifically:

"The Municipal Corporations Act is amended in section 273, by inserting after subsection (1G) the following subsections:

'(1H) For the purposes only of the elections due in the year 2008, the term of office..."—of the members—"which was extended for one year pursuant to subsection (1F), is hereby extended for a further period of one year from the date of expiration of such term.'

9.15 p.m.

I did not interpret this Bill to mean that the Government was also seeking another postponement of the local government election. [*Desk thumping*] In order to concretize my own position, I would await the Government's clarification on this matter.

Thank you, Mr. President.

Sen. Laurel Lezama: Mr. President, thank you very much for affording me the opportunity to contribute to this debate on the Bill to amend the Municipal Corporations Act, Chap. 25:04.

I begin by stating that, as a young person and a proud young citizen of Trinidad and Tobago, I stand today on a platform of hope and opportunity provided by the PNM. [*Desk thumping*] This is a platform of hope and opportunity for the realization of sustainable local communities rooted in the principles of robust, participative democracy embracing all. That is the vision of the Ministry of Local Government and of the People's National Movement.

May I also state that I completely reject the statements made by Sen. Dr. Jennifer Kernahan in stating that this is the death of democracy and that we are trying to bury local government. I can tell you that the death of democracy was avoided on December 24, 2001. I can also tell you that democracy was given a new breath of life on November 06, 2007. [*Desk thumping*] I also want to state to Sen. Mohammed, while I welcome you to this august Chamber, I am very disappointed that as a young person you regurgitate such pure unadulterated irrelevant paperwork.

To quote you, your contribution was pittance poor. I invite you to join our side if you really believe, as a young person, in developing Trinidad and Tobago. [Desk thumping] [Interruption] We just do not want to see any young ones fall by the wayside.

Mr. President, this Government is seeking to extend the life of the municipal corporations. The extension of the life of these corporations/councils is not new to Trinidad and Tobago politics. As Sen. Dr. Charles said earlier, in 1958—1968, there was a long deferral of these policies, because we had just gained independence in 1962. Local government election was due in 1966 and there was a general election in the year 1966 and because we believed in constitutional reform and local government reform, we delayed that for a further two years. The system was just not working.

Amendments were made to the Act in the 1990s, but now, over a decade into our egeneration and ecommerce and living in this virtual world and cyberspace, many of the systems available to us do not fit what the legislation states in the 1991 Act. It is not wholly pertinent and the Act does not meet the demands of today. This is not to discredit the magnificent work of the then Minister of Infrastructure. We salute him for his wonderful work.

This postponement, therefore, is to ensure that there is relevant reformation and that transformation occurs. It is ironic how much this Opposition opposes the reform. Allow me to quote from the *Hansard* in the debate of December 15, 1995. The then Member of the House of Representatives, Hon. Trevor Sudama stated:

“Except you believe in that principle of decentralization and empowerment of the people, you are not going to be committed to the principle of local government in Trinidad and Tobago.”

I further quote from the Manifesto of the UNC from the 2002 election, which says, on governance:

“Weak governance is increasingly seen to be at the heart of the economic development challenge. They speak of the framework.”

It goes on to say:

“Decentralization for the local residents has a greater voice in decisions that affect their lives.”

Reformation of local government is not new to the PNM. We have been speaking time and again of the importance of local government to the governing of Trinidad and Tobago. If we are serious about meeting with the ideals of Vision

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2020, we have to treat with local governance. One of the pillars of Vision 2020 is that of providing effective governance, which does not only mean central government, but local government as well. [*Sen. Rahman stands*]

Is it a point of order? Do you want me to give way?

Mr. President: Senators, please take your seat!

If you wish to interrupt, you can rise and say: Would the speaker give way? If you are objecting on a point of order, you can say: On a point of order. Otherwise, keep your seat. If you rise, say something, please.

Sen. Rahman: Would the Senator give way? I would like to point out to the Senator that no one on this side, either this rank or that, has objected to the reform. All we are objecting to is the extension of the life and the postponement of the local government election. You will save yourself a lot of time by remembering that.

Sen. L. Lezama: I thank you ever so kindly for your guidance, Sen. Rahman. However, on this side we do not say that yesterday is yesterday and today is today. We are serious about everything we do.

I was looking up some articles dated March 2008 and, in following on what Sen. Prof. Deosaran stated, I agree. Perhaps the Opposition should be grateful and take time to put its house in order. According to this article by Yvonne Baboolal in the *Sunday Guardian*—I am just quoting two points:

“Opposition Leader Basdeo Panday says he thinks that the COP will try to spoil the UNC-A’s chances, but he believes they will not succeed.”

It goes on to say that:

“COP political leader Winston Dookeran, feels, however, that it is the UNC-A—and not his party—that will be the spoiler.”

I am trying to say that in spite of all the talk of unity and wanting local government election, they need to put their house in order if they want to be serious about treating with the business of the people of Trinidad and Tobago.

What does this reform include? It includes reformation of the roles and responsibilities of local government executors, municipal margins, economic development, social services, environmental management and the need to develop

skilled communities. In this light, I would like to compliment the hon. Minister of Local Government for her excellent work so far. I have every confidence in the work that she is doing and that what she says here today will be done. [*Desk thumping*]

Mr. President, as we look around the world, we see that there is reform the world over. The UNDP is promoting reform. In Kosovo, in 2000, they were a major factor in the reform there. The United Kingdom also indulged in reform; Jamaica in reform; Canada and Australia are also looking to reform. All these international countries recognize the importance of local governance and we do that here in Trinidad and Tobago and, more specifically, the Government. We do it through the process of inclusion and participation all over the country. The reform is a response to the societal changes and the demands in society. As it stands, there are severe incompetencies and irrelevant pieces in the current system. This is reflected in the voter patterns over the years.

I quote from some local government results. We spoke about the different polls and the fact that people are not interested in local government anymore and feel disenchanting and apathetic. Let me first quote from an article by Mr. Raffique Shah who says:

“Voter apathy crosses party lines...

Clearly most people would have lost confidence in local government, and if serious structural changes to this system are not made soon, the future of such bodies may well be bleak.”

Mr. President: Would you please cite where the article comes from and the date?

Sen. L. Lezama: It is from a social network that is called Trini View, trinicenter.com, where people are allowed to post their comments. It is dated July 20, 2003, just after the local government election of that year. He went on to say:

“Local government is in crisis. The real challenge now is to re-invent it, to make it relevant to the ordinary citizen.”

If we look at the voting patterns over the past few years, we will see that, in 1996, for example, the Couva/Tabaquite/Talparo Regional Corporation, out of a total of over 105,000 votes, 49,000 persons voted at a 47 per cent overall turnout. Then, in 1999, out of a possible 114,000 votes, 44,000 persons voted, which brought it down to 39 per cent. In 2003, 115,529 votes, 16,449 persons voted, leaving it at a total of 14 per cent votes cast.

This speaks clearly to the fact that the people of Trinidad and Tobago do not see local government as relevant to their day-to-day operations and we need—*[Interruption]* We are not denying them. We believe firmly in people's rights to vote. Our forefathers have worked hard to ensure that we can all vote. We are not denying anybody his right to vote. The election will take place. That is a guarantee that the Government is giving.

If we are going to Vision 2020, we cannot operate local government in the context of the 1950s or 1960s or even in the last century. The passing of this amendment will go down in history as one of the most high-impact and beneficial acts ever done for our nation; for the strengthening of our communities and our democracy and of the empowerment of our people.

I conclude by saying that I support this Bill in the Senate and implore all Senators to do the same for the sake of democracy and good governance. I thank you.

Sen. Cindy Devika Sharma: Thank you very much, Mr. President. I had not planned to speak, but I feel compelled to say a few words because if I am voting against a particular Bill, I would like to say why I have taken that position. I do not think I need to go into detail about the reform process in local government because the Minister has educated us about this process whilst she has been in office.

9.30 p.m.

From what I understand, if we are heading in that direction, reform was already in the mind of the Government from the time it deferred the local government election in 2006. Since reform was already in the mind of the Government, it leads me to the point that we are in 2008 and—if I am to understand what the Minister and Government has expressed to us—within the time frame of 2006—2008, the Government has produced a Green Paper on reform for local government and they have again come to this Parliament to request a further extension of the time the current offices of the mayors, aldermen and councillors are holding, without due election.

One concern I have, which was expressed earlier, is the fact that these councillors and all the other elected persons would have been elected to those positions some time in 2003. That would have been the last election. We are in 2008. Am I expected to believe that within one year, I am suggesting one year, all that was put forward by consultations with stakeholders could not have been done within the last two years and is going to be achieved within a year?

Sen. Manning: We never said—*[Interruption]*

Sen. C. D. Sharma: Well not all, quite a bit would have been done because they want to suggest to us that all the systems would be in place.

Sen. Manning: We never said that. Mr. President, on a point of order, please. She is imputing improper motives. I never said that. Do your research.

Sen. C. D. Sharma: I expected the Minister to probably come forward and say it is—*[Interruption]*

Sen. Manning: But I did it.

Sen. C. D. Sharma: I am not imputing improper motives; I am suggesting that two years have passed and we have a reform paper coming out of the current Minister and this Green Paper is supposed to lead the charge for reform. My suggestion is that there is no need for the deferment of election because, to me, the two do not seem to go hand in hand. I cannot see why it is election cannot occur and the reform process continues at the same time. There are other systems that exist where reform takes place and those persons serve, whether in any other government agency. Why is it that the reform process cannot continue, especially to give some kind of rest to those Members, perhaps, bringing some fresh minds to come in with the newly elected officers, especially with them having the knowledge in mind that reform is in the air and they will want to execute it.

I have no problem with reform being executed. I do not believe that we should only maintain what existed in the past. On hearing the discussion this afternoon, it reminded me of the title of a course I did when I was a student in the 1990s at the university: tradition and change. There is also this tension between tradition and change. That is the tension we are seeing here today—because we have the tradition of doing things in a certain way; whether it is to have election every two, three or five years for general election—systems that have been put in place, working in a particular way with a structure. As time passes, there is always some evolution or change taking place, I cannot say. Time alone would tell.

This tension, for me, is what creates a lot of the difficulty when legislation like this comes up, because there are those forces that want to maintain the structures that are in place, when they are at work to maintain those structures. There are always those revolutionary people who want to change it. They see things in a different way from everyone else. For me, it is the interplay between these two forces that holds the key to how the future would probably evolve.

My suggestion is that we need to maintain some tradition while, at the same time, incorporating the revolutionary ideas, perhaps, as envisioned in the reform process here. Some of the traditions are in place, because they perform a certain function. Whether it is reactionary or not, it is something that we need to have in place to maintain order, because I am certain that if this Government were to act in an objective manner and put themselves in the place of those opposite, an out of body experience, perhaps, and listen objectively, how do you think—from what you have said—if you were on this side, would you have reacted if you were in a similar position? I have learnt to try it. I probably would not achieve it all the time. If I put myself in the other person's position, how credible and plausible would their argument seem to me? What can I do to make that other side believe what I am saying is true?

I am suggesting that the only flaw in the argument is that I cannot see how reform cannot take place while election is held. For me, the Minister has clearly stated her intentions of ensuring that reform would occur in due course. I am suggesting, whether it is this year or next year, that it seems to me that it would make no big difference. According to the Minister, not everything would be put in place by next year, therefore, election could be held this year, as is constitutionally required. We are asking for a deferment again of one year. *[Interruption]* Sorry, statutory election. We should have our election and allow the Minister to continue in her efforts, so that the next time election is held, all would be put in place and everyone would have been brought into the process and it would have been done from the bottom to the top. I think everyone would have had more time, if that is what is needed to adjust to the new systems that are going to be put in place.

I want to refer to the Siparia Regional Corporation Administrative Report for the period 2006/2007. Like Sen. Prof. Deosaran, I was struck by what was said on the first page.

“It is not so much that the local government system has broken down in the regional corporation, but that it has never been set up as stipulated in the Act.”

What this means is that the system is only as good as the people who work in it to effect it. If people are not working in the system, using what is already there, then that system would fail.

Perhaps, failure is sometimes what gives people the motivation to do different things. I am not sure if that is the case here. I am suggesting that it cannot be, as some people are suggesting, every single thing that was in the original Act for the

municipal corporations was complete nonsense. I do not believe so and I would never say that any legislation produced by the PNM Government or any other government was complete nonsense. I do not believe that anyone in any government is ever working completely without the interest of the people at heart. I do not believe that. Therefore, I do not believe that I can make the similar statement that other persons have made. I would not do so and I hope that other people might learn from such an example.

My only suggestion is, perhaps, like in anything else, you have to take an objective point of view sometimes and reevaluate what you are saying. I do not think I am say something from my own personal point of view. I have heard it echoed on this side and I feel strongly that election should be held when it is due. You have had a further deferment of one year. I do not see why it is necessary for another year.

Thank you, Mr. President.

Sen. Wade Mark: Thank you very much, Mr. President. It was Martin Luther King, Jr. who said—*[Interruption]*

Hon. Senators: I have a dream.

Sen. W. Mark: “Nothing in all the world is more dangerous than sincere ignorance and conscientious stupidity.”

We are dealing with a very important amendment to the Municipal Corporations Act which, if we continue as we have been going, would have far-reaching implications for the democratic form of existence that we have grown accustomed to in this Republic since internal self-government and independence in 1962.

We live in a democratic country. We on this side submit and we recognize that there is need for local government reform and we have no arguments with the process of pursuing those reforms. We have a fundamental philosophical difference with the approach that is being adopted by the Government.

I want to say from the outset that we do not support decentralization. We support devolution. There is a fundamental distinction between decentralization and devolution. I would explain, as I go along, the philosophical distinction and difference between the PNM and the UNC-A.

Mr. President, we cannot be party to any subversion of the rights of the citizens to elect their representatives of choice. We cannot contribute to the total devaluing of the rights of the citizens to participate in a democratic process.

Elected Members of Parliament are chosen by the people for five years. Local government representatives are supposed to be elected for three years. We have a situation in this country today where local councillors are serving longer than elected representatives of the people.

9.45 p.m.

Mr. President, if this amendment is passed, you are going to have councillors who would be serving and exceeding the term of office of elected representatives of the people in the House of Representatives. Mr. President, it is not to say that in the current law there is a provision of the right of recall. We do not have any such provision in the existing legislation. Whether the councillor is functioning or not functioning—whether he is effective or non-effective—there is no methodology established in law to facilitate his or her recall. So the electorate is virtually saddled with those persons who they may wish to vote out of office. The failure of not holding these elections represents a breach of accountability, not only in respect of the electorate, but also in respect of the Parliament.

Mr. President, you would know that in the Parliament, under 66A of the Constitution, there are joint select committees established. Those joint select committees are supposed to be examining the administration of power and the exercise of such power by various organizations which fall under their ambit of purview. Municipal corporations fall under the purview of the joint select committees. Just as the Government is seeking an extension or a postponement of local government election, we have a situation where eight months after a general election in this country, the PNM has extended the period of time which is not permitted under the Constitution of these joint select committees by not establishing them and appointing them. Eight months into the life of the new Parliament, the joint select committees are yet to be established and properly appointed.

We have been told by the hon. Minister of Health that we must trust the Minister of Local Government. How can we trust the Minister of Local Government when the Prime Minister who heads this Government has refused to instruct his people to move with haste and speed in establishing and appointing the joint select committees so that those municipal corporations can come before these joint select committees and be accountable to the Parliament of this country?

Sen. Dr. Kernahan: The Prime Minister has spoken.

Sen. W. Mark: Mr. President, I want to quote for you and this honourable Senate from a statement delivered in this Senate on Thursday, July 06, 2006, by

the then Minister of Local Government. There appears to be a disconnect between the last administration and the current administration.

We had the former Minister and we now have a new Minister, but one would have thought that when a government wins an election after serving for five years there would be a system of continuity. What we have seen is discontinuance in terms of policy. So, we had the former Minister of Local Government, Sen. Rennie Dumas coming to the Senate to seek an extension. When we placed a lot of pressure on him this is what he told us—I am quoting from page 65 of the *Hansard* dated Thursday, July 06, 2006. He said:

“We suggest that the meaningful change in the local government system, as proposed, will be achieved within the time frame established by this Bill, which is this year.”

So, we had the former Minister of Local Government indicating that within one year—that was in 2006—local government reform would be achieved, and he prevailed upon us to give him that extra year in order to accomplish his mission. Now, we gave him that extra year in 2006.

I want to quote again from the committee stage of this Bill, because my dear colleague and friend, Sen. Dana Seetahal SC, who is not here, was very strong on this matter about extension. In fact, she voted against the measure.

I am going to quote from the committee stage of this Bill and this is on page 29. Hear what Sen. Dr. Lenny Saith told us in that particular debate. This was on Tuesday, July 10, 2007. Mr. President, you would observe a pattern. The first one was on Thursday, July 06, 2006. They would always come and rush the Parliament, because the expiration is July 13. So, they came on July 06, 2006 and we had to rush the Bill. They came on July 10, 2007, just about 72 hours before the expiry date and now today, July 08. So, there is a pattern of behaviour and conduct.

When we were in discussions at the level of the committee stage, hear what Sen. Dr. Lenny Saith told us. He said:

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

This was on July 10, 2007. Sen. Dr. Lenny Saith, the former Leader of Government Business at the time indicated on record—they were begging us to

give them a second chance. They said that with this second chance there would be no further need for an extension.

Sen. Dr. Kernahan: Yesterday was yesterday and today is today. [*Crosstalk*]

Sen. W. Mark: I am not dealing with Sen. Dr. Gopeesingh, I am dealing here with the contribution of Dr. Lenny Saith who gave us a commitment at that time. Mr. President, who do we believe? Do we believe the hon. Minister of Health or must we be guided by our experiences in terms of the failed promises by this miserable administration?

I go now to the hon. Prime Minister's address to the nation on April 02, 2008. He said two important things in that address which gave us an understanding of the direction of this administration.

The essence of this amendment is not to really seek an extension. That is part of the story. The real objective of this amendment is to permanently abolish local government in the Republic of Trinidad and Tobago, as we know it. I am going to demonstrate to you how the Government plans to abolish local government as we know it in Trinidad and Tobago. Hear what the hon. Prime Minister told the nation on April 02, 2008:

“We are proposing that our regional bodies become major implementation arms of the State.”

Mr. President, may I repeat that for the record in the event my colleagues did not understand what the Prime Minister said. He said:

“We are proposing that our regional bodies become major implementation arms of the State.”

Mr. President, what does the Prime Minister mean by that? Do you know what he is telling us? This so-called Green Paper should be burnt in Woodford Square and at Balisier House. Do you know what they are telling the country? Local government, as we know it today, even though there are limitations, there is a certain democracy, independence and autonomy that takes place within local government bodies. What the PNM and this Government are seeking to do is to remain in Whitehall at the Cabinet level and take policy decisions on behalf of Trinidad, and all these regional corporations that he is now threatening to reduce from 14 to 12—if you give him the opportunity he will go to six. What the hon. Prime Minister is seeking to do is to take decisions at Whitehall every Thursday and then those decisions will be rolled out to the various regional bodies, and those bodies that are elected by the people, are to implement those directives coming from Whitehall.

What is the use of local government if these bodies are going to be the arms and legs of the central government? Do you see the strategy, the objective and the policy? The policy is to abolish local government. They are seeking our support in extending local government so that they can achieve their ugly and nefarious objective. Their objective is to destroy local government.

How can we associate ourselves with such a diabolical plan? I go further. You see, Sun Tzu has taught us that deception is the art of war and politics is the civilized extension or substitute for war. *[Interruption]* No, that is Sun Tzu philosophy.

10.00 p.m.

I am trying to now apply that philosophy to what I am about to say about your Prime Minister in terms of deception. *[Interruption]* Yes, the hon. Prime Minister of the Republic, who is a one-man show and you all are just his acolytes. *[Crosstalk]* None of you all can speak; none of you all; none of you all. Anyway, Mr. President, let me address you. I go on. *[Interruption]* *[Laughter]* Look, I am going very good; do not disturb me. Mr. President, I am going very good. On April 02, 2008, he goes on and I quote:

"We propose to complete this entire exercise in time for the local government election to be held later this year."

Mr. President, may I repeat?

"the local government election to be held later this year."

So, everyone in the Republic got to impression that an undertaking was being given by the hon. Prime Minister to hold election later on in the year, and here it is today, we have this amendment that is seeking to alter. I got some good quotations from Dr. Martin Luther King Jr. and I want to share this second one with you. This one says:

"He who passively accepts evil is as much involved in it as he who helps to perpetuate it. He who accepts evil without protesting against it is really cooperating with it."

What we are debating this evening is not only offensive and insulting to the population and the people of this country, but I dare say it is bordering on the irresponsible on the part of this administration. It was Abraham Lincoln who described democracy as a government of the people, by the people and for the people. And for that government to be by the people it requires that the people must decide who shall be their leaders at both the national and local levels.

We cannot legislate elections; we cannot legislate the rights of people to vote in this country; we cannot take away, through legislation, the right of the people to exercise their franchise. Without regular elections, which are free and fair, there can be no democratic society. The right to vote therefore, is not only an important individual liberty, but it is a foundation stone of a free government and a free society—that right to vote. And for us to withhold that right, not once, not twice, but "tree" times!

Hon. Member: Three, three.

Sen. W. Mark: "Trice!" [*Laughter*] That is not something that we can support. It is offensive; it is almost bordering on treason. That is what you all are guilty of here, almost bordering on treason; your conduct and your behaviour.

Once a people begins to interfere with the rights of the citizens or once a government begins to interfere with the rights of the people to exercise their franchise, one can be sure that sooner or later that same government will seek to abolish the right of the people to vote. The Government is taking inch by inch, metre by metre and they are wearing down the soul and spirit of the people of this country and you have Ministers in this Government who, I feel that they are not standing for the rights of the people; they are not standing for what is right in this land.

It is very unfortunate, but it seems that everyone seems to be caught up with singing for their supper, and they are not concerned about the liberty, the freedom and the rights of the society. Once they have a job; they are driving a BMW; they are living at Flagstaff; they have a big bungalow; they are working for \$60,000 a month, they do not care about the rest. Therefore, it will be left up to us to deal with this regime one way or the other.

I want to let them know there are two important events that are coming up here, one, the Summit of the Americas and the second one is the Commonwealth Heads of Government Conference. We will demonstrate to the world the evil of this regime. I want you to start to get the new commissioner ready because he will need to have a lot of new cells ready, because we will deal with you all during the Summit of the Americas and we will deal with you all during the Commonwealth Heads of Government Conference. We will expose the PNM for its oppression against the people of this country.

Hon. Member: That is a threat to the country?

Sen. W. Mark: That is not a threat, that is a promise. So, bring the 34 heads of government and bring the 53 heads of government from the Commonwealth

and we will demonstrate to them the oppressor that we have in that figure at Whitehall. [*Crosstalk*]

This matter is a very serious one. Tell me if we continue how we are going— You recall this draft of the Constitution of the Republic; everybody heard about this draft, the executive presidency. What is to stop this Government from coming to the Parliament in the next couple of years and saying to the Parliament, look we are having some difficulty, we want a new Constitution with an executive president and therefore we have not completed the exercise and we are now going to postpone elections? Where is it going to stop? The Government is seeking maybe at the end of the day, to postpone holding general election in the country and that might be the thin edge of the wedge that we are dealing with here.

Mr. President, I must let you know, this reform exercise started in 2003, so we are now almost about five to six years later. When it started in 2003, the first Minister of Local Government produced a draft Policy Paper on Local Government, a Green Paper, and this was the subject of widespread discussion and consultation. Even the Minister of Local Government admitted that 1,000 people participated, they had stakeholders from all over the country, et cetera, et cetera. And arising out of this Green Paper emerged this White Paper dated 2006.

Then all of a sudden, the new Minister of Local Government got this brilliant idea that this White Paper must now become the Green Paper. [*Laughter*] So the hon. Minister has changed the white into a green. So, we have now gone from green to white and then we come back to green and we are going to get a white one just now. [*Laughter*] The Government takes the people of this country for a bunch of fools. They feel that we are unintelligent. It is like the Minister of National Security, you feel that we are unintelligent. I noticed you did not deny you had your meeting; you are smart, you know, because if you had denied it the evidence would have come up and you are in trouble.

Mr. President: [*Inaudible*]

Sen. W. Mark: Okay, Sir. The new approach is when they cannot have their way they say the process is wrong and flawed. In this instance, the reform needs external intervention so they go to Jamaica, so Jamaica is coming to tell us about local government reform. Could you imagine that, Mr. Vice-President? Jamaica is telling us about local government reform, but the Jamaican consultants are only being used as a scapegoat in order to further the objectives of the Government's agenda; that is all that is taking place.

How can we support this measure that is before us tonight? We cannot. It is impossible for us to support that measure. We are convinced beyond any reasonable doubt that the Government is mortally afraid of calling a local government election in this country. [*Desk thumping*] They are afraid to face the people. We looked at the MORI poll that the hon. Minister of Local Government referred to. The MORI poll said that 87 per cent of the people believe that the number one problem in the country is high food prices and inflation, and 84 per cent said that the number two problem is crime. MORI poll said that, but the Minister did not share that with us.

Sen. Manning: We are talking about local government.

Sen. W. Mark: Yes, I know you are talking local government. The fact of the matter is that the Government is afraid to face the people. You are scared of the people. The people are ready for change once more and they would have used the local election, come July to October, whenever they decide to hold it, in order to send a message to this regime in a powerful way. They would have lost the local government election and that is why they are afraid to hold it.

We are expecting and I do not know why it has not yet arrived in the Parliament; the Elections and Boundaries Commission is supposed to submit to this Parliament now, an Elections and Boundaries Commission Report on municipal corporations.

Sen. Manning: We got it today.

Sen. W. Mark: You got it today? Okay. You see, Mr. President, I am on top of this. [*Laughter*] We are looking forward to you tabling it.

Sen. Manning: You will get it soon.

Sen. W. Mark: Very good. Thank you very much. I just want to correct the hon. Minister because I do not want you to go back to apologizing, because when you make mistakes you have to apologize, and I do not want you ever to make any further mistakes.

I want to remind the hon. Minister of Local Government of what she said recently, that the UNC postponed elections and they did not give any reasons. Again, hon. Minister, through the President, you said recently that the UNC postponed elections and they did not give any reasons.

10.15 p.m.

I just want to remind the hon. Minister before you get yourself in trouble again, that there is in the *Hansard* record of Tuesday, December 19, 1995 when

they misstepped and miscalculated and they called an election—as you remember, Mr. President—on November 06, and the Prime Minister became the Leader of the Opposition the next day. They were supposed to call local election in that year and of course they called the general election. I just want to let you know for the record that the UNC, one of the best administration that ever passed through this country; the best performing government we ever had in this country was the United National Congress. There is no other party to compete with the UNC. None! None!

Hon. Senator: Shame on you. [*Crosstalk*]

Sen. W. Mark: Mr. President, may I inform you and my hon. colleague that, just to inform the hon. Minister of Local Government that we were all prepared and ready to go to the polls, but the Elections and Boundaries Commission, when we wrote them and Dhanraj Singh, then Minister of Local Government, we wrote the EBC on November 27, 1995 asking the EBC whether they would advise us of the readiness of the EBC.

Hon. Senator: “Ooh”.

Sen. W. Mark: Do you know what the EBC said? The EBC said that there was a problem with the supply of electoral ink and the materials for it was manufactured by the Government, and therefore they were saying that they needed some time to acquire. [*Laughter*]

So, I just want to put on record, when the view is being expressed that the UNC postponed the election, it was in fact the EBC telling us to postpone the election because of this problem. [*Crosstalk*] [*Laughter*] Whenever elections were due under a UNC administration they were held. They were held in 1999 when they were due; they were held in 2000 when they were due; they were held when we had difficulties, they were held in 2001, but unfortunately, we did not get the PNM doing that thing in 2002. [*Crosstalk*] They stayed in office, as you recall, for that period.

I just want to put on record, because I know I do not want the hon. Minister of Local Government to have to apologize to this Parliament. It appears that the hon. Minister is being misled or misled, I do not know what, but something is happening.

This Government is on a campaign of denial. It is seeking to deny the rights of the people. It is slashing, it is cutting, it is burning the people's rights in this country. Not only is this Government undermining and subverting the democratic

Municipal Corporations (Amdt.) Bill
[SEN. MARK]

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institutions of our country, but we are also witnessing the abuse of power and process simultaneously in this country. Therefore, the Bill that we are dealing with represents an affront, an assault on our democracy in T&T.

We will never be associated with any legislation that is designed to undermine, compromise and subvert the democratic processes in our nation; the democratic institutions in our country and the rights of the people to choose the representatives of their choice. We could never be associated with such an effort. We are not interested in cosmetic changes and this Green Paper which should be burnt in Woodford Square tomorrow, is mamaguying the population. Mr. President, you know what that Green Paper reminds me of? The County Councils Act of 1967, when they had local government councils playing an advisory role. That is why when my good friend, Sen. Laurel Lezama, made reference about changes taking place in different countries of the world in terms of local government reform, I do not think she went sufficiently further to explain to us what were some of the changes that were taking place in those democratic states.

What are we advocating: We are advocating a system of devolution. We want the Tobago House of Assembly model for all local government corporations in the Republic of Trinidad and Tobago. [*Desk thumping*] We want the same model that they have for Tobago for these local bodies in Trinidad. We do not want to be saddled with a situation where Tobago, 40,000 people—and I have no problem with Tobago; if they want to be independent, “ah” voting for that too. If Tobago wants independence we will support them.

In the Penal/Debe Regional Corporation close to 100,000 people are living there. The size of that area is bigger than Barbados and you are giving those corporations \$160 million and \$40 million for development when they have over 600 wooden bridges in that community, because they are in the Oropouche basin.

Sen. Manning: One hundred.

Sen. W. Mark: One hundred million.

Sen. Manning: One hundred bridges.

Sen. W. Mark: No, they have more than that.

Hon. Senator: One hundred bridges—[*Inaudible*]

Sen. W. Mark: Anyway, Mr. President, I would not argue, I will bring the facts for you.

Hon. Senator: Right.

Sen. W. Mark: So how can you give Tobago, with 40,000 to 50,000 people, \$3.9 billion, close to \$4 billion and you are giving to the people of Penal/Debe and the other regions of this country pittances? Pittances?

Hon. Senator: Not true.

Sen. W. Mark: No, no, I am saying we want the same model as exists in Tobago. We want devolution and we want a block vote. We do not want to be begging the Minister of Local Government for any moneys. No, no, no. And as I said I have nothing against the people of Tobago. We are the ones who piloted and we got that new THA Act together which the PNM Government watered down, otherwise we would have given them more power to run their affairs. *[Interruption]*

Mr. President, I am saying to my colleague, if you want local government bodies to function you must fund them and I am saying they are not funded, they are under-funded, they are under-resourced. That is the point I am making to you. You may not agree. I do not expect you to agree with me. God created all of us equally, but differently, so I expect you to disagree with me.

Sen. Annisette-George: Like you do not appreciate that.

Sen. W. Mark: Of course I appreciate that. I would not like you to be me. *[Laughter]*

Mr. President, as far as we are concerned on this side, we believe that the Government is really seeking to deprive the people of their rights and their liberty. Mr. President, may I also inform you and this honourable Senate of certain developments that are taking place in this country as it relates to local government.

Mr. President, through you, and I am speaking to the hon. Leader of Government Business, how can you expect local government bodies to function effectively when the Government is doing everything in its power to undermine, to subvert and to compromise these very institutions? I will give you an example. CEPEP gets \$1 billion, and the work that they are doing duplicates the work that the regional local government bodies are designed to do, and the Government established that body since 2002/2003. So, you are talking about close to six to seven years that CEPEP has been undermining local government. In addition, there is a company called, Community Improvement Services Limited. That is a body that is headed by a “fella” called Malcolm Jones, he is responsible—

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. C. Charles*]

Question put and agreed to.

Sen. W. Mark: Thank you very much, Mr. President, and I thank my colleagues.

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

Sen. W. Mark: I thank all my colleagues. I was making the point that there are special state purpose vehicles or enterprises that have been specially designed to destroy local government. The first one that is doing an excellent job in destroying local government is the Community Improvement Services Limited. This is a board that is headed by, as I said, Mr. Malcolm Jones. They have their own directors and they have their own tendering procedures, and they are supposed to be responsible for the—is it the South?

Sen. Dr. Charles: Yes.

Sen. Manning: The North.

Sen. W. Mark:—North. I understand they are supposed to be responsible for the North. Then there is something called the Palo Seco Agricultural Enterprises Limited—

Sen. Manning: PSAEL.

Sen. W. Mark: The PSAEL is supposed to be dealing with agricultural development—[*Interruption*] 52 years old. They changed that perspective and the PSAEL is now involved in box drains, construction and road paving, and they are responsible for what is called, South Trinidad, okay. But no UNC, “eh”, Sir, I want to make it clear. [*Interruption*] So, in the North, minus UNC constituencies, they operate; in the South they operate [*Interruption*] through, minus the UNC constituencies, or if they do get into it, they do like the hon. Minister of Local Government, invades a constituency, beats her chest and says: “I am the honorary representative, you want water? I will get water for you.” [*Interruption*] You are the elected representative and the hon. Minister or any Minister who is shadowing or is an honorary representative, takes over the constituency and undermines the legitimate representative of that area.

Hon. Senator: Caring and delivering.

Sen. W. Mark: Now, it is the same way they are undermining local government. Instead of giving local government the money to do the work, they

create something called the Community Improvement Services Limited and they give them money. So, that is only pure politics, unadulterated politics involved in this.

I want to tell you something, Mr. President. You see a government that is only concerned about its existence is a government that will continue to find itself in trouble because it will seek to erode the rights and freedoms of the people in order to perpetuate itself in office. I am telling you that that particular approach that you are taking will wind you all up in trouble. That approach is going to wind you up in trouble.

Let me just continue. There is something called the Rural Development Company—Prakash Saith—

Sen. Manning: He is no longer there.

Sen. W. Mark: Who is the person?

Sen. Manning: He is not there.

Sen. W. Mark: Who is he?

Sen. Manning: Stop calling him, he is no longer there.

Sen. W. Mark: Why I must stop calling him? When you leave office, all you are trying to hide from us we will get.

[*Mr. President stands.*]

Sorry, Sir; sorry, Sir. [*Laughter*] Sorry, Mr. President.

Mr. President: Please refrain from making any threats of any kind to any Members of Parliament. Thank you.

Sen. W. Mark: I am just telling her, when the UNC takes power—

Mr. President: Do not—

Sen. W. Mark: No, I said when the UNC takes power—

Sen. Manning: [*Inaudible*]

Sen. W. Mark: If you will be there, but I know when we take power, I “go” be here. [*Sen. Mark points to the Opposition Benches*] [*Laughter*]

10.30 p.m.

So, Mr. President, the Rural Development Company is a third one—well, I am glad to know Mr. Prakash Saith has moved and he is no longer there—but that is a

body that is under the control of the Government, and the last one that is under the control of the Minister of Local Government, is the East Port of Spain Development Company. The hon. Minister of Local Government has four companies under her control: the Community Improvement Services Limited, the Palo Seco Agricultural Enterprises Limited, the Rural Development Company Limited, and the East Port of Spain Development Company. What do you think the hon. Minister is doing with those four companies? Obviously, manipulating, same bad habits and so on—anyway I do not want to tell her that now. I will say that somewhere else.

Mr. President, the point I am making is that in the past where local government used to get funds from the Road Improvement Fund for road paving and other projects, that is now coming under something called PURE, and that is under the control of the Ministry of Works and Transport. So what the Government has been doing over the last few years is stripping naked local government, and that is why I find it very hypocritical for the Minister to come here and give us the impression that this so-called local government reform is all designed to empower local government. Nothing could be further from the truth and the hon. Minister knows that she is hoodwinking you and me.

Sen. Manning: Mr. President, on a point of order. Imputing improper motives.

Mr. President: Yes, Minister, I just want to say that you know, if somebody rises on a point of order, one should state exactly what the problem is that you have. And I do agree, Senator, that had gone a little bit too far and you ought to withdraw that.

Sen. W. Mark: So, she is not hoodwinking?

Mr. President: No, no.

Sen. Manning: Nor hypocritical. Both.

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

Mr. President: Senator, it is getting late, [*Interruption*] and I am not going to ask for any grace, but ask you to be gracious and withdraw that.

Sen. W. Mark: Okay, I will withdraw. It is not hooligan, she is a nice lady. [*Laughter*]

Mr. President: And would you also refer to her as Minister rather than [*Inaudible*]

Sen. W. Mark: Minister. [*Laughter*] Minister. You like that “eh”? When you all leave office, there would be no title. Mr. President, may I go on? I find

somehow that the hon. Minister of Local Government, when she first came into the Parliament, she was thick-skinned, but I find these days, she is getting thin-skinned. Oh God, man. Anyway, that is between both of us. No problem.

Mr. President, the point I am making is that—the Minister or the Ministry if you do not want to say Minister of Local Government—the Ministry of Local Government is squeezing the local bodies through the failure of her Ministry, not to release funding as requested by the local government bodies. I would give you an example of what is happening with the Rural Development Company. What you have taking place is that they go into areas; they organize projects without you knowing; they will just tell you after they do whatever they want to do, whatever projects they want to engage in; they then contact the local government bodies and inform them of what they are doing. That is what all these organizations that fall under the hon. Minister is doing. They are taking away the rights of the body that is responsible for local government.

As far as we are concerned, the Government has stripped the regional corporations of the authority that they were given under Act No. 21 of 1991 and they are returning these bodies to the status of county councils, as we had under the County Councils Ordinance—I said 67, Sir, it was 1945—where councillors were just advisors to central government. Could you imagine this Government is going back in times—I do not know if they like back in times party—but here it is the world is moving forward. They are saying 2020 and it is not even their own concept. I read the literature, it came out of Malaysia.

Vision 2020 is not original; they stole it out of Malaysia. It is there in the literature, Vision 2020. Let me just indicate, how can we in the year 2008, agree with a Green Paper to make local government bodies the implementation arms of the central government? That is what we had in 1945, and that is what we abolished in 1967 when we did away with the county council and we had a different arrangement in place. Then of course, when Sen. Dr. Carson Charles took over in 1990 and he became Decentralization Minister, they brought an Act called the Municipal Corporations Act.

So, Mr. President, what is needed in this country is not what the hon. Minister is proposing. We reject completely decentralization in the manner that is being proposed by the Government. We are in favour and in full support of devolution, that is the difference between us and you. We want the local government bodies to have more power and more authority over their affairs.

We heard about good governance. The hon. Minister talked about good governance. How can we talk about good governance when there is an absence of transparency in the Government? The hon. Attorney General, through the President, how can we talk about transparency, accountability, participation, and openness in government? How can we talk about good governance, when the Attorney General of this country refuses to give to this Parliament, the names of the scholarships awarded to citizens amounting to \$45 million? I am going to expose in this Parliament very shortly, the names of people—I would not call the names today, Mr. President. There are people in this Parliament who received scholarships from the Ministry of Community Development, Culture and Gender Affairs valued at over \$400,000 and went to London. I am getting a list and I would expose them at the appropriate time, since they do not want to give us. There are people who are sending these things in our mailbox and I am going to expose you all; all of you and your families who were involved in the scam, where they stole the public money.

Mr. President, if you spend \$45 million of the taxpayers' dollars in this country and you refuse to tell us—

Mr. President: Do not involve me in that, first of all, and I think we need to be relevant, you have gone way off. At this point, this has nothing to do with this Bill at all.

Sen. W. Mark: Mr. President, I am about to wind down as you know, [Laughter] so I know that you give me some laxity whenever I am winding down. Anyway, I would say, do not worry with them and so on. You all could howl until the cows come home, I will expose all “yuh”.

Mr. President, let me conclude my contribution by indicating—[Interruption]

Hon. Senator: [Inaudible]

Sen. W. Mark: No, it is Minister, you are—Mr. President, let me just continue. We are very disappointed in this measure that is before us today. We cannot support it; we will not support it; we will not associate ourselves with this measure that is before us; we believe it is highly undemocratic; we think it is autocratic; we feel it breaches the rights of people, particularly the electorate and, therefore, we call on the Government to withdraw this measure. It does not deserve the paper that it is written on, and we call on the Attorney General and the Minister of Local Government to withdraw this measure and to let good sense prevail, and to allow the people of this country to go to the polls in October so that they can elect new councils and new councillors.

Thank you very much, Mr. President. [Desk thumping]

The Minister of Local Government (Sen. The Hon. Hazel Manning): Mr. President, I would like to take this opportunity to thank all Members on the other side and on this side for contributing to this debate, this very important debate extending the life of the local government bodies, and I want to put my response in context, in context of Vision 2020, in context of developed country status. When we speak of developed country status, we speak of high standards; high standards of service and an improved quality of life. We speak of looking like those cities; those countries that are much older than we are, where systems work and where life appears to be easier.

Mr. President, when we speak of municipal services in the context of developed country, we speak of support to ensure that decentralization and decentralize service is of high quality, and with that in mind, I would like to discuss the reform agenda. The reform is a long journey. The agenda is long; the reform is long; the reform is difficult; and the reform is complex. We need a very comprehensive approach as we move forward, not an ad hoc approach, not one of quick fixes.

Many speakers on the other side argued that there was nothing new under the sun. The first speaker, Sen. Dr. Carson Charles, spoke about the fact that we could have used the old legislation and just make minor changes to by-laws and everything would be okay, and it was the same argument as used in 2003, 2006 and 2007. He spoke about the functions of section 232 of the Municipal Corporations Act, Chap. 25:04 of 1965. He spoke about his own legislation and that he took a year to do it in 1989. He also spoke about the fact that all we had to do was just make some minor adjustments and things will work. Mr. President, that was many years ago and the world has been changing and when we speak of reform, we speak about doing business differently. That is what we are talking about, doing business differently.

I want to repeat the quotation that Sen. Narace quoted from Cornell West, a noted writer on democracy matters. He stated, "Democracy is not simply a matter of an electoral system in which citizens get the right to vote, and elected officials must compete for the public's favour. All systems set up to enact democracy are subject to corrupted manipulations, and that is why the public commitment to democratic involvement is so vital."

Mr. President, democracy is more fundamental than elections. How do we manage extremes in this situation? How do we manage corruption and oppression? How do we manage discrimination as was described across there, the fact that there is a perception that discrimination is rampant? How do we manage

a market that is too free in its operation? How do we manage authoritarianism? How do we put systems in place that would encourage the natural communities that Sen. Dr. Charles spoke of? And when we call for reform, we are calling for the support of CBOs and NGOs; we are calling for the creation of vibrant village councils; we are calling for the growth of local government councils that will be more effective.

10.45 p.m.

Finally, in that seamless approach, we are calling for reform in supporting the effective workings of and working with the parliamentary representatives; that is what we are talking to. The natural community which he talked of, that is what we want to put in place in this new approach.

I am in full agreement with Sen. Dr. Charles when he said that the concept of natural communities must be retained. A good way to do that is through a most robust democratic approach, where the activities of all these communities: political communities and social groups, all of them would join to ensure that things work.

He spent a lot of time talking about a centralist government. There is no centralist government in this Government. I will show you how the reform movement would further decentralize the local government system. I heard the hon. Sen. Mark talk about devolution. [*Interruption*] The hon. Sen. Mark does not understand that it is a long journey and that maybe at the end of time we could talk about devolution. At this point in time, we cannot jump into devolution immediately; we need to take our time to walk the talk.

The Ministry of Local Government has established a new unit called the Local Area and Regional Development Unit. It is with the use of this unit that we are walking that journey. The aim of that unit, the mandate of that unit, is to manage regional and local area planning. The unit has already been established. We have hired a physical planner and a regional planner. That regional planner has begun guiding the process of integrated planning.

Sen. Dr. Charles said that we have stopped many plans. Mr. President, while we are going forward and doing things, we are also getting licks for it. Knowing that unit is in place, knowing that we are pulling all the plans together and making sure we have a standard across the board, we now hear that we have stopped many plans in their tracks and that the Town and Country Planning officials have to start all over. That is very far from the truth; if they are starting all over, it is because they were not doing it right in the first place. We are putting in place the

standards to make sure that the development of Toco is the same as the development of Sangre Grande, is the same as the development of Port of Spain; same standards, same rules, same regulations. We are ensuring that the planning process is properly followed and that public consultations take place.

Right now in the region of Sangre Grande they are holding about 41 of those public consultations, as the planner walks through the process with the people; that is what democracy is all about. The public is involved in the design of the appropriate plan for their community. That is the purest form of democracy. We are also ensuring each community's unique potential. For example, Sangre Grande speaks to ecotourism, so Sangre Grande would be able to pull that together and develop a regional plan that talks to the development of ecotourism in that particular area. As soon as those plans are developed, they are taken to Cabinet and approved, then brought into the Parliament and made law. Then we would develop them, based on those legal instruments. *[Interruption]*

Sen. Dr. Charles: I just want to ask if the elected councillors of the corporations have any role to play in the development of those plans. If they do have a role to play, presumably an important role, should that part not be played at the beginning of their term, rather than the ones who passed on that role be moved out at the end of their term? I am just wondering.

Sen. The Hon. H. Manning: Mr. President, I want to tell Sen. Dr. Charles that they do have a very important role to play, and it really does not matter whether they are there now or if they are going to be there later, or whoever comes; it is open for all. Everyone is invited to sit around the table and to discuss; it is open to all. It is happening right now. Even if there are changes in time to come, it is going to continue happening; it is open for all; total collaboration and consultation; including Sen. Dr. Charles.

In this kind of democratic process, people would play a very important role. People are very much involved. As matter of fact, our mandate is that people matter; they really do matter, because it is the purest form of democracy.

The centre that you so dislike, merely ensures that the standards are maintained throughout the country, whether it is rural, urban, suburban, agricultural, city or whatever; whether it is different types of politics, race or religion; the centre just makes sure that the standards are adhered to. We have started development planning in all 14 regions, and submissions have already been made. In Sangre Grande, they are looking at ecotourism. They are considering the development of ecotourism in that area. Submissions have already

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been made by Tunapuna/Piarco, and we are now looking at their preliminary draft. Submissions have already been made by Chaguanas, and they too have submitted a draft, and we are sending our town planners and our regional planners out to ensure that everything is working well.

Mr. President, Sen. Dr. Charles also spoke about the fact that draft legislation already exists, and that we should follow the Act, because it was a good Act. He said that the Act was written by himself and a team in one year and that it was such a good Act. Act 21 of 1990 needs to be adjusted. The world is changing and we must do business differently. [*Crosstalk*] He spoke about the fact that we should encourage the care of the aged, because that was in the Act. How could we do that when the other ministries are developing, especially the Ministry of Social Development? That Ministry has established a well-managed geriatric unit and a well-managed geriatric programme. Our thinking is that we should then be able to move the care of the aged into that specialist area. We do not see why the municipal corporations should be looking after the aged.

In the same way, we do not agree that municipal corporations should be looking after early childhood care and education, when the Ministry of Education has a tremendous programme ongoing, with qualified teachers and qualified support staff looking after early childhood care and education. We are specializing, Sen. Dr. Charles, in the instance of care for the aged, in the instance of early childhood care within the relevant ministries, where those activities are properly being taken care of. [*Interruption*] Well, the Ministry of Education, at this point in time, is also decentralizing.

The others on that side have not realized that the whole Government, at this point, as we reform, is talking about decentralization in all the ministries. Already we are examining the legislation on vending. We have started to look at the updating of that legislation, so that we could properly licence our vendors and licence our streets in all our urban centres. We have attempted to use the old legislation to establish a vendors' market on Charlotte Street. Even though the market is now successfully going into place, very quietly, we are having some problems with the smooth implementation of the programme, because of the old legislation. So soon we would be bringing the vending legislation to Parliament to also update it. We want legislation that would work easily. We want legislation that is enabling, and not legislation that is descriptive, as that old legislation. [*Interruption*]

Enabling is much different; I presume the lawyers would have to explain that to you.

We are also looking at economic viability to support the development of industries at the local level. As the Senator spoke to the fact of seeding industries, I want to firmly agree that when we talk about economic viability, that is what we talk to. We have moved into the waste management programme as the first programme to ensure that we begin the development of industries at that local level. We have started a programme of separation at source; we are already creating a programme where we are exchanging trash for cash. The Ministry of Local Government is doing that, working with the regional corporations as we put in place a programme to ensure that we make the country cleaner.

The Senator called for the Government to find a formula to support communities; the reform process is designed to do exactly that. When we identify social services, we are calling for the establishment of systems to support social cohesion. So we are working very closely with the Ministry of Sport and Youth Affairs and the Ministry of Community Development, Culture and Gender Affairs to do that.

We have also taken great note of what Sen. Prof. Deosaran has said. I want to take off on the point where he said that we must put people first. We have been doing that, because that is our mantra at the Ministry of Local Government. That is why we are holding public consultations at this point in time. We intend to visit every corporation, to speak to the staff of every corporation, to speak to the citizens of every corporation. We are encouraging people to get involved in the development of their own local plans. We are encouraging people to feel the pride of being a citizen of Trinidad and Tobago, and to be involved in all that we are doing as we encourage them to be empowered, to become part of the reform.

We believe that local government is the flagship of democracy. We feel that the statement is appropriate, as we describe what we are doing. Sen. Prof. Deosaran hit the nail on the head when he said that there was a capacity problem in the regional corporations. We cannot fill many positions in the regional corporations; we cannot find enough engineers; we cannot find enough doctors; we are having a serious problem to fill those chief officer positions in the 14 regional corporations.

11.00 p.m.

We have approximately 400 vacant positions in the Ministry of Local Government. Some are filled temporarily with acting positions, but we know that there is a problem to make sure that our system works. Therefore, we have been putting in place regional companies, special purpose companies, to help us to work with the regional corporations. Already the regional corporations and the special purpose companies have started to sit at the table to begin discussions.

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We have asked them to submit a proposal for fiscal year 2009. We realize that where the regional corporations are deficit, that the companies would be able to provide the support.

To conclude, I would like to answer the question: Why extend the life of the body? Why put a number of projects in place to ensure that the life of the corporation is expanding? We have to expand the life of the regional corporations and we are doing that because we have to put a number of projects in place. We have to ensure that the boundaries are identified properly. We have to ensure that new enabling laws are put in place. We have to ensure that a new management system is put in place; that a new financial system is put in place. We have to work expeditiously to make sure that all systems are speeded up.

We believe that the point will be reached when the key systems will be in place. I take the point from the hon. Senators on the other side when I say to them that I have heard the question from the hon. Senator, the direct and sincere plea from Sen. Drayton to explain the clauses that intend to extend the period and not the date of the election.

Mr. President, you know and the honourable Senate knows that I cannot give the election date; that is not my prerogative; I do not know it. Like everyone else, I will know it when it is announced, but I can promise that the key aspects of the reform will be completed in sufficient time so that you will not have to expand the date of this regional corporation yet another time.

I beg to move that the *Municipal Corporations (Amdt.) Bill* be accepted and approved by Senators opposite. More specifically, I want to state that the Bill seeks to amend the *Municipal Corporations Act, 1990* as follows:

In section 273, by inserting, after subsection (1G), the following subsections:

- (1H) For the purposes only of the elections due in the year 2008, the term of office of the Mayors, Aldermen and Councillors, holding office in a Corporation which was extended for one year pursuant to subsection (1F), is hereby extended for a further period of one year from the date of expiration of such term.
- (1I) All powers exercisable by Mayors, Aldermen and Councillors under this Act shall be exercisable by them during the period referred to in subsection (1H).

Mr. President, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Sen. Ali: Mr. Chairman, I have an amendment to clause 2(1H), which has been circulated. It says:

In the proposed new subclause (1H), delete the words “one year” appearing in line 4 and substitute the words “two calendar months”.

Sen. Annisette-George: Mr. Chairman, we do not support that amendment.

Sen. Prof. Deosaran: We thought that, given the way the debate proceeded—in my case, I was trying to fill the breach by a compromise position, which is reflected in the proposed amendment—we would encourage the Government, rather than sticking to its one-year period—because the central issue during the debate was not so much that people are against reform, but having reform without stopping the due process of having an election, which is now long overdue as was quite evident during the debate.

We do not feel it was in the public interest to have these extensions just by not having the election. We felt that the election should continue and be held in the way that we have put the amendment and let the reform process continue. I think that was the intent of the proposed amendment—to soften the Government's heart and to see the wisdom of some compromise position.

Sen. Manning: Mr. Chairman, I would say that our hearts are softened, but we do not agree with that position.

Sen. Mark. Our position is very hard on this. We do not support any extension, but in the spirit of compromise we lend our support to the proposal advanced by Sen. Basharat Ali.

Question, on amendment, put.

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The committee divided: Ayes 10 Noes 17

AYES

Mark, W.

Charles, Dr. C.

Kernahan, Dr. J.

Sharma, Miss C. D.

Rahman, M. F.

Mohammed, Miss A.

Deosaran, Prof. R.

Ali, B.

Ramkhelawan, S.

Baptiste-Mc Knight, Mrs. C.

NOES

Enill, C.

Annisette-George, Mrs. B.

Browne, M.

Joseph, M.

Manning, Mrs. H.

Piggott, A.

Narace, J.

Dick-Forde, Dr. E.

Gronlund-Nunez, Mrs. T.

Hadeed, G.

George, W.

Rogers, L.

Lezama, Miss L.

Melville, Miss J.

Primus, J.

Drayton, Mrs. H.

Balgobin, Dr. R.

Sen. G. Merhair abstained.

Amendment negatived.

Clause 2 ordered to stand part of Bill.

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

Senate resumed.

Bill reported, without amendment.

Question put, That the Bill be now read the third time.

The Senate divided: Ayes 19 Noes 9

AYES

Enill, Hon. C.

Annisette-George, Hon. B.

Browne, Hon. M.

Joseph, Hon. M.

Manning, Hon. H.

Piggott, Hon. A.

Narace, Hon. J.

Dick-Forde, Hon. Dr. E.

Gronlund-Nunez, Hon. T.

George, W.

Hadeed, Hon. G.

Rogers, L.

Lezama, Miss L.

Melville, Miss J.

Primus, J.

Baptiste-Mc Knight, Mrs. C.

Drayton, Mrs. H.

Merhair, Miss G.

Balgobin, Dr. R.

NOES

Mark, W.

Charles, Dr. C.

Kernahan, Dr. J.

Sharma, Miss C. D.

Rahman, M. F.

Mohammed, Miss A.

Deosaran, Prof. R.

Ali, B.

Ramkhelawan, S.

11.15 p.m.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move that the Senate do now adjourn to Tuesday, July 15, 2008, at 1.30 p.m., where it is our intention to complete Bill No. 1 on the Order Paper, which is the Geneva Protocols; to complete the Bill introduced today for debate, the Treasury Bonds Bill, 2008; and to begin and complete, if possible, the Children's Authority (Amdt.) Bill.

Mr. President, the reason for this is that we are getting to the stage where the Parliament needs to go on its holidays. We are proposing to do that. However, we believe that before so doing, there are pieces of legislation that are important and urgent and we want to do that. And, therefore, if we can complete it within the time frame, we will so do. Outside of that, we would continue to sit until such time that we can in fact complete it and would therefore create for some of us,

Adjournment

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some difficulties. I am suggesting that we organize our business in such a way that we can, as far as possible without compromising Members' ability to speak on these matters, conclude these pieces of legislation. Again, complete the Geneva Protocols Bill, complete the Treasury Bonds Bill and, if possible, complete the Children's Authority Bill, all listed on the Order Paper.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 11.18 p.m.

WRITTEN ANSWERS TO QUESTIONS

The following question was asked by Sen. Mohammed Faisal Rahman:

National Currency (Value of)

36. In light of Trinidad and Tobago's relatively abundant resources and wealth, could the hon. Minister of Finance inform the Senate:

- a. why the national currency is valued below the Barbados dollar; and
- b. whether the Government intends to correct this anomaly and if not, the reason or reasons for not doing so?

The Minister of Finance (Hon. Karen Nunez-Tesheira):

- a) Why the national currency is valued below the Barbados dollar? The question mistakenly equates exchange rate with value. At present, the exchange rate between the Barbados dollar and the Trinidad and Tobago dollar fluctuates in the vicinity of *TT\$3.15* to *BD\$1*. This exchange rate arises from the fact that the Barbados dollar is fixed at *BDS\$2* per US dollar while the Trinidad and Tobago dollar is currently exchanged at approximately *TT\$6.30* per US dollar.

If the rate of exchange of the Barbados dollar to the US\$ moves from *BDS\$2* to *US\$1*, the rate of the *TT\$* to *BDS\$* will also change.

The test of the value of a currency is what the currency can purchase. Comparison of nominal exchange rates of the Trinidad and Tobago currency with that of Barbados, therefore, does not provide a reliable picture of which currency is valued more than the other. Thus, if *TT\$3* can purchase the same basket of goods and services that *BDS\$1* can buy then an exchange rate of *TT\$3* to *BDS\$1* is appropriate.

- b) whether the Government intends to correct this anomaly and if not, the reason or reasons for not doing so?

There is no anomaly to correct. The existing currency arrangements have worked well and the Government has no intention of changing them at this time.

The following question was asked by Sen. Wade Mark:

**Prime Minister's Travel Arrangements
(Details of)**

- 66.** Could the hon. Minister of Finance provide the Senate with details concerning Government's travel arrangements for the period January 2002 to April 15, 2008 in respect of the following specific matters:
- (i) the number of times that the Prime Minister and any other government officials travelled on the Guardian Holdings Limited private executive jet;
 - (ii) an outline of the various dates travelled;
 - (iii) the various destinations;
 - (iv) the quantum or value of money spent to date utilizing the services of Guardian Holdings Limited private executive jet;
 - (v) the cost per hour for using the Guardian Holdings Limited executive jet?

The Minister of Finance (Hon. Karen Nunez-Tesheira): In keeping with the role of Trinidad and Tobago in developing the CARICOM Single Market and Economy and the increasing importance of Trinidad and Tobago in Regional matters, the Prime Minister is called upon to travel at short notice. Depending on the event, the official delegation will vary in size and composition and it should be noted therefore that the cost is spread over all the passengers in the aircraft in any given time. The Standard commercial travel does not facilitate these demands. Accordingly, where required, other arrangements are made. These include charter arrangements.

Hon. Senators, Guardian Holdings Limited has advised that it only acquired the Executive Jet in September 2004 and therefore it would not have been possible to travel on this jet prior to that date; accordingly, this answer will deal with February 2005 onwards.

- (i) The Guardian Holdings Limited Private Executive Jet was leased on twenty-two (22) occasions for use by the Prime Minister and other Government officials over the period January, 2005 to April 15, 2008.
- (ii) and (iii) the details are as follows:

Dates on which Jet was leased	Destination
February 12, 2005	Jamaica
June 11, 2005	Jamaica
June 29, 2005	Venezuela
July 28-29,2005	Panama
October 1,2005	Jamaica
October 11, 2005	Barbados
January 10, 2006	Guyana
January 30, 2006	Jamaica
March 30, 2006	Jamaica
April 26,2006	Jamaica
June 14-16, 2006	Guyana/Suriname/Jamaica/Belize
July 2-6, 2006	St. Kitts/Nevis
August 9, 2006	Turks and Caicos Islands
October 17, 2006	St. Kitts/Nevis
March 2-3, 2007	Guyana
March 16, 2007	Dominican Republic
March 20, 2007	Venezuela
May 11-12, 2007	Belize
December 7, 2007	Guyana
February 22, 2008	Jamaica
March 6-9, 2008	The Bahamas
April 14-16, 2008	Mexico

- (iv) The total expenditure to date for utilizing the services of Guardian Holdings Limited Executive Private Jet is four hundred and twelve thousand, two hundred and sixteen US dollars and eighty cents (US\$ 412,216.80).
- (v) The cost per hour for use of Guardian Holdings Limited Executive Private Jet is three thousand US dollars (US\$ 3,000.00) exclusive of other charges (loading, fuel etc.). Cost is fixed and does not vary with size of the delegation.