

**MINISTRY OF LOCAL GOVERNMENT**

**STATEMENT/ CONTRIBUTION OF**  
**SENATOR THE HONOURABLE HAZEL MANNING,**  
**MINISTER OF LOCAL GOVERNMENT**  
**ON THE OCCASION OF THE DEBATE ON**  
**THE MUNICIPAL CORPORATIONS (AMENDMENT) BILL 2009**

Mr. Speaker, I beg to move that the Municipal Corporations (Amendment) bill be read a second time.

Mr. Speaker, the purpose of the Municipal Corporations (Amendment) Bill 2009 is to extend the term of office of the members of the Municipal Councils for a period of one year with effect from the 14<sup>th</sup> day of July, 2009.

More specifically, the Bill seeks to amend the Municipal Corporations Act 1990 as follows:

In Section 273 by inserting after subsection (1I) the following subsections:

“ (1J) Notwithstanding section 11(4) and 4(A) and sections 12(5) and 15(1), only for the purposes only of the elections due in the year 2009,

- (a) the term of office of each Councillor shall continue for twelve months from the date of expiry of the existing term of office, as though each councillor has been elected for an additional period of one year; and
- (b) Subject to sections 12(6) and 15(2) , the term of Office of each Mayor, Deputy Mayor and Alderman shall expire at the end of the existing term and-
  - (i) The Councillors shall elect Aldermen for a term of twelve months, in accordance with section 13; and
  - (ii) The Councillors and Aldermen shall elect a Mayor or Chairman of the Corporation for a term of twelve months, in accordance with section 14 (1K). All powers exercisable by Councillors, Mayors, Aldermen under the Act, shall be exercisable by them during the period referred to in subsection (1J).”

Mr. Speaker, before I go 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 the proper perspective.

Mr. Speaker, on behalf of this PNM administration, let me assure this Honourable House and the nation that we are committed to modernizing and transforming the system of local government in Trinidad and Tobago. And more importantly, we are committed to the process of democracy.

In fact, Mr. Speaker, we see local government as an indispensable participatory democratic structure of our country, which must be strengthened, re-engineered and sustained. This was the reason Mr. Speaker, why we worked so hard to bring closure to this part of the journey to achieve good governance.

On Friday 3<sup>rd</sup> July, we laid in this very House, the Draft White Paper on Local Government Reform 2009, the Omnibus Legislation - The Local Government Bill 2009, and the Report on the Draft White Paper on The Local Government Boundaries Review Exercise 2009.

These documents analysed the historical journey of the Local Government Reform in Trinidad and Tobago. They identified the new Roles and Responsibilities of the reformed Local Government Structure and the Organization itself to reflect the changes to promote sustainable development within the local communities. They recommended the establishment of a national administrative boundary division to coordinate Central Government departments, State Enterprises, and local Government Bodies.

Of great significance is the document on the Local Government Boundary review. This document proposes the modifications that are required to facilitate effective service delivery coordination among government agencies as well as to promote balanced integrated regional and national development planning.

Mr. Speaker, all these policy documents led to the development of the legislation – The Local Government Bill 2009. This piece of legislation makes provision for the modernisation and the transformation of the Local Government system.

The omnibus legislation is as wide as it is deep, covering the reform of the organisational structure, the re-definition of boundaries of the Municipalities, the establishment of Executive Councils, and the encouragement of citizen participation. It also defines the need for local financing which must be dependent on local area and regional development planning and on public health issues. It also takes a special interest in community policing.

Finally, and of great significance for the Ministry of Local Government, is the institutionalisation of the monitoring and evaluation mechanisms for the delivery of quality service to our citizens.

Mr. Speaker, we are proud as a Government to have placed on the Parliamentary agenda a comprehensive approach to the improvement of local governance and sustainable development. Many attempts were made to do this over the years especially after Independence in 1962. But not many of the attempts were as revolutionary as this approach.

Mr. Speaker, Honourable Members, the history shows that:

- In 1965 The Sinanan Committee, established by the then Government, called for more decentralisation of Local governance and the empowerment of communities.
- In 1965 – 66 however, the Central Government called for greater control of the public utilities to facilitate efficient national development. The Water and Sewerage Authority (WASA) became a national entity.

- In 1967 the County Councils Act consolidated the executive positions of the seven (7) County Councils and redefined their roles and responsibilities giving them more powers.
  
- Seven years later, in 1974 the Hugh Wooding Constitution Commission recommended wide ranging changes for the local government bodies to be responsible for the maintenance of buildings, the control of funds and the extension of Boundaries. Research showed that only Boundaries were extended.
  
- In 1982 the Tobago House of Assembly Act was passed giving Tobago a fundamental pillar upon which they were able to develop a comprehensive local self-government system looking after their own welfare.
  
- 1983 the PNM Administration published a document on a comprehensive reform of local government calling for the local authorities to be a partner in national governance. Before this policy paper could be fully discussed, accepted and implemented, a new government was installed in 1986.
  
- It took this new Government three years to develop its paper on Local Government. And in 1989, the National Alliance for Reconstruction (NAR) published a draft policy paper on a proposed reform of local government and drafted the Municipal Corporations Bill, which was passed in 1990. This Municipal Corporations Act 1990 created corporate entities and expanded the

local government functional base. It also created thirteen (13) regions, two (2) cities and three (3) boroughs.

- When the PNM returned to govern in 1992, the Government reduced the number of regions from eighteen (18) to fourteen (14) to facilitate a more efficient approach to management. It placed a great deal of emphasis on accountability, transparency and value for money.
- In 1995 when the UNC joined in coalition with the NAR, not much was done for the improvement of local government.
- Mr. Speaker, in 2002 when this Government once again took power, we realised that many of the main provisions that were recommended since Municipal Corporations Act 1990 was passed, were not implemented.

Mr. Speaker after fourteen (14) years of the existence of the MCA 1990, the goals promised had not materialised. Distinguished researchers have reported that this lack of achievement may have been based on the fact that many aspects of the law were not implemented. It has been further stated that, at the end of the day, it really may not have been realistic to implement the proposals recommended.

And therefore Mr. Speaker, relentlessly, this Government began to pursue the reform initiatives from 2004. We began to carefully research the challenges, we began to listen to the people and to adapt to the environmental realities of the day, while making appropriate adjustments along the way. It is these five years of painstaking research that have brought us to this point of laying in Parliament, the Draft White Paper on Local

Government Reform, The Local Government Bill 2009 and the Report on the Draft White Paper on the Local Government Boundaries Review Exercise.

Mr. Speaker, not only have we laid the documents in Parliament, but we are preparing our staff to implement the new proposals. The Ministry of Local Government and the Municipal Corporations have already joined with the United Nations Development Programme (UNDP) in training approximately four (400) hundred staff members in the skills of project management – the Prince2 (Projects in Controlled Environment). This training will be ongoing as we build our capacity to implement this far-reaching programme.

Mr. Speaker, we have also been negotiating with the University of the West Indies to build capacity and we are about to sign a Memorandum of Understanding with that Institution to access certified training for our politicians as well as for all levels of staff from the Ministry and the Regional Corporations. We intend to improve the capacity and capabilities of all members of the local government family because we believe that these are components of good governance.

In preparation for the transformation of the Local Government system, the Ministry has instituted a Project Management Board, which meets fortnightly. This Cabinet appointed Board comprises key stakeholders including Trade Union representatives, appointees from the Village Council Association of Trinidad and Tobago, and from The Trinidad and Tobago Association of Local Government Authorities (TTALGA) and senior staff members of the Ministry. The Minister of Local Government chairs this Project Board.

Our Project Managers report to the Project Management Board. They have developed a strategic plan to implement the reformed programme and have identified twelve (12) projects for immediate implementation.

We have already 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, recycling and reusing. We have established an effective partnership with SWMCOL to implement initiatives in these focal areas.

Mr. Speaker, 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 and capacity building and institutional strengthening.

Mr. Speaker, Members of this Honourable House, we are ready to make the necessary changes that will help us to implement the reformed local government that this policy document and legislation call for today. But we can only move forward after we have the full approval and consensus of the Parliament.

We on this side put the question to you - Are you in agreement with the policy and the programmes set before you? And if not what are your recommendations?

Mr. Speaker and Members of this Honourable House, we must join hands in this journey for effective local governance and democracy. History has shown that because we have

not done so in the past the implementation of good governance has not taken root. Our people need a better chance to benefit from the potential that exist in this country.

As I said in my statement on the occasion of the debate on the Municipal Corporations (Amendment) Bill 2008, research documented was by Dr. Bishnu Ragoonath of The UWI, titled "Governance and Participatory Democracy in Caribbean Local Government" states that:

"Local Government, ... has been and continues to be a primary vehicle for the institution of governance in the Caribbean."

He continues, therefore "decentralization is postulated as a cornerstone.

..... But the practical administration of local government in the Caribbean leaves much to be desired, and to some extent local government is replete with;

- Ø Poor quality of services,
  
- Ø The inability to make and implement decisions,
  
- Ø Weak financial management
  
- Ø The employment of public resources for private and even corrupt interests, and
  
- Ø A largely closed or non-transparent decision making process. "

Mr. Speaker, cumulatively, more than fourteen thousand people have participated in the consultation process on the reform initiative from 2004 to present, all representing a wide and diverse cross-section of the population of Trinidad. This Government views this as an endorsement of our approach to reform and as an indicator of continued support for the process by the population.

Mr Speaker, as a result of the consultations, Cabinet approved the roles and responsibilities for local government bodies which included eight (8) new and extended roles and responsibilities for Local Government bodies:

- Planning for Local and Regional Areas.
- Monitoring the execution of works by state enterprises, statutory corporations, and public sector agencies, as prescribed.
- Landscaping and beautification of communities
- Providing community policing
- Waste Management (beyond collection and disposal to include reusing and recycling waste)
- Disaster Management
- Issuing approvals for applications for full planning permission (not requiring a CEC from the EMA) for residential and small building developments.
- Public health.

Mr. Speaker, the Draft White Paper and Draft Local Government Bill, 2009 were laid in this Honourable House on July 3, 2009 and together they represent the government's policy and guiding philosophy for the reform.

Mr. Speaker, the most monumental achievement at this juncture has been the completion of the draft Local Government Bill, 2009, which represents the cornerstone upon which the reform now rests. It is envisioned that the draft bill will become the catalyst for all major reform initiatives.

Mr Speaker, we intend to get this right and believe that the reform as envisaged will bring about tremendous benefits to the people of Trinidad and Tobago, as well as promote balance, regional development and vibrant, sustainable communities. We have already begun to see the commitment of our citizens to the process and this gives us the impetus to continue along the road we have charted for the reform.

Our approach, has been deliberate, calculated, phased and developed with our people in mind and we see the light at the end of the tunnel with the legislation having been laid in Parliament. We see the culmination of five years of hard work and we are at the cusp of a new era, a new era of local government, a new era of good governance, a new era in Trinidad and Tobago's history.

Mr Speaker, this matter is of critical importance to our nation, in that it seeks to reshape and restructure the institutional mechanisms of local government and governance. We are of the firm belief that the new systems should be implemented before the local government elections are held, thereby allowing the system to get a fresh start, a new

disposition for a new dispensation, with enabling legislation and appropriate institutional frameworks to bolster the system.

Mr. Speaker, we have calculated that it will take at least six to nine months to put in place the new arrangements, after the Bill is passed and becomes law. Therefore, we do not believe that it will be wise to hold Local Government elections under the old system and then a year later hold it under the new system.

Mr. Speaker, if we had adopted this course of action, the same Opposition and other critics would have had a field day, saying among other things, that we are not serious about the reform, we are wasting taxpayers' money and that we waited for three years to hold elections under the current system. Indeed, Mr. Speaker, it would have been a case of damned if you do and damned if you don't.

Mr. Speaker, given our commitment to holding the elections under a reformed local government system, we would be in breach of the law if we did not adopt the wise, mature and responsible approach of proposing the amendments to the MCA, 1990.

Mr. Speaker, we at the Ministry of Local Government, the agency responsible for the local government reform programme, had a clear plan of action for implementation of the reform. Our action plan had identified January and at the latest March, for the completion of the packages for submission to Parliament.

However, Mr. Speaker, the national community should know that the Ministry does not work in isolation and that there are other key stakeholders involved in the reform – e.g. the Ministry of Works and Transport, the Ministry of Health, the Ministry of Planning,

Housing and Development and the Ministry of Finance. Also involved, Mr. Speaker were the trade unions, the Municipal Corporations and of course Cabinet, to name a few.

Several discussions were held with these agencies and from time to time we had to make compromises and adjustments to the policy proposals and programmes. It was this that was chiefly responsible for the extended period within which we worked to complete the various components of the reform package.

We believe that the expanded range of responsibilities at the local level will allow for improved effectiveness in the management of resources, expanded quality service delivery coverage, better and superior physical infrastructure, safe, secure and more resilient communities, a cleaner and healthier environment, employment generation and community entrepreneurship and increased opportunity for citizen inclusion in decision-making.

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 (1I) the following subsections:

“ (1J) Notwithstanding section 11(4) and 4(A) and sections 12(5) and 15(1), only for the purposes only of the elections due in the year 2009,

- (a) the term of office of each Councillor shall continue for twelve months from the date of expiry of the existing term of office, as though each councillor has been elected for an additional period of one year; and
- (b) Subject to sections 12(6) and 15(2), the term of Office of each Mayor, Deputy Mayor and Aldermen shall expire at the end of the existing term and
  - (i) The Councillors shall elect Aldermen for a term of twelve months, in accordance with section 13; and
  - (ii) The Councillors and Aldermen shall elect a Mayor or Deputy Mayor of the Corporation for a term of twelve months, in accordance with section 14.

(1K) All powers exercisable by Councillors, Mayors, Aldermen under the Act, shall be exercisable by them during the period referred to in subsection (1J)."

Mr Speaker, by adopting this approach we have again called on our elected representatives to work with us as we draw closer to the realization of a vision. A vision that was crafted in 2004 and has been re-engineered, reformulated and re-focused and is now best suited for our nation's development.

At this stage, and on the issue of the expiration of the term of office of Mayors, Deputy Mayors and Aldermen and the provision for the election of new Mayors, Deputy Mayors and Aldermen – this amendment Bill simply provides for those who do not wish to continue in these positions or remain in public life to exit the system. While we believe that there is no distinction between all those who have been called to serve country, we must recognize that persons who have not been elected by the people should be given

the opportunity to determine the extent of their further involvement as their tenure has been extensive, way beyond initial expectations.

We believe that the extension of the term of office would allow for continued representation, while the implementation of the new legislation takes place.

Mr Speaker, I therefore urge those on the other side to support the amendment to the Municipal Corporations Act, 1990 which will allow the councillors to continue in office and provides for the election of new Aldermen, Mayors and Deputy Mayors, as the new arrangements are put in place for a more effective, efficient, dynamic and progressive system of Local Government.

Mr. Speaker, we are not about “old talk”, but we are action oriented. Furthermore, Mr. Speaker, the complete package of our Local Government Reform policy prescriptions would require new legislative provisions both primary and secondary.

Mr. Speaker, having regard to the current environmental considerations and impending Local Government Elections 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 implementation of the new systems, structures, governmental policies and legislation of the proposed Local Government Reform.

We firmly believe that more time is required to ensure that 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 and responsibilities, more resources for deployment to communities, opportunities for more

effective representation and decision making and a greater measure of contribution to the development of sustainable communities.

Mr. Speaker,

I So Move