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## **Submission to JSC on Self-Government Legislative Bills**

### **Overarching Strategic Issues critical to the Self-Government quest by Tobago**

1. What is Tobago
2. How much control should Tobago exercise over its affairs
3. How does Tobago equip itself to execute government functions
4. How does Tobago earn and utilise money
5. What mechanisms for government oversight are possible

Answers to these questions were published in various issues of my Tobago News column (2012-2017). I summarise most of them in addressing the clauses that require some input. In doing so, I accept the JSC rationale to limit a definition of Tobago to contents of the TIA bill. Secondly, I accept the revised construction of section 75 to exclude any role of the Cabinet in matters listed under the 5<sup>th</sup> schedule. I do have some reservations about **Planning** -especially conforming to national standards that may be inimical to an integrated Tobago development agenda. In addition, trade development and promotion are not expressly stated in the schedule. For example, export of goods and services should be permitted with Tobago administering some aspects to unclog channels that militate against progress of the Tobago development agenda. The other questions require further amendment to the draft bills.

#### *How does Tobago equip itself to execute government functions?*

The Tobago Public Service Commission may not be justified in this period. However, safeguards are needed to ensure relying on the existing service commissions does not cripple the recruitment of office holders in the expanded role of the THA. Chief technical officers will be required for most THA divisions and such positions should be occupied by public officers within the staffing establishment. I favor an expeditious mechanism be introduced by the PSC to fasttrack appointments and regularize existing appointments within all divisions of the THA. Perhaps the proposed Standing Committee for Tobago Administration should be accorded some role in this matter akin to measures within Parliament effected for recruitment and confirmation of Police Commissioner and the Deputies in the TTPS. This approach will preserve transparency and fairness while ensuring boundaries between political personalities and senior public officers are scrupulously observed. A professional public service should be in evidence within 18months of the establishment of the Tobago Island Administration.

#### *How does Tobago earn and utilise money?*

All revenue making functions must be placed under TIA operational control. It is expected that that the budget determined for Tobago will be scrutinized in the Tobago Legislature and all explanations given there with little recourse to the national parliament. Furthermore, the disbursement from approved budgetary allocation to TIA shall be the basis of quarterly transfers from the Ministry of Finance and set off mechanisms be rigidly applied.

#### *What mechanisms for government oversight should be enforced?*

The principal arena for oversight of TIA is the legislature. I endorse the two standing committees to be headed by the minority and or independent councillors. It must be emphasized that all members of the legislature should be under the jurisdiction of the Integrity Commission. This body should extend its remit to all THA

owned or controlled enterprises. Annual reports of THA state enterprises must be laid in the Tobago Legislature.

#### *Legislature Composition and Functioning*

1. The Deputy Presiding Officer shall not be a member of the Executive Council given the expectation of the workload of Assembly committees.
2. The legislature should comprise 25 members.
3. The minority should be allotted two Councillors which are sufficient for them to chair the 2 standing committees. Note that the opposition in the Senate is allowed 6 which is less than 40% of the seats held by government side.
4. The premier should appoint no more than 8 Secretaries and a maximum of 4 Assistant Secretaries where applicable. This is reasonable given the size of Tobago and the resultant expenditure in emoluments and provision for pension benefits.
5. Losing candidates shall not be appointed to councillor positions
6. Insert clause stating that all elections shall be by **secret ballot** in respect of premier, deputy premier and minority leader

Matters of the Tobago Legislature except for elections triggered by no-confidence motions should be determined by the full legislature of elected and nominated members.

#### *Miscellaneous*

1. The Mediation Committee should comprise Prime Minister, Premier and 3 independent senators (the longest serving parliamentary committee chairpersons) chosen by the President. This is to preserve fairness and limit selection bias.
2. Non-voting presence permitted of national legislators in the Tobago Legislature as circumstances dictate.
3. Outline nature of emergency that can trigger the Cabinet override in 5<sup>th</sup> schedule matters. Note such action must be only temporary (about 90 days) EXCEPT ACCEPTED BY 2/3<sup>RD</sup> MAJORITY OF BOTH HOUSES in the National Parliament.
4. The President can intervene to resolve measures arising under the 5<sup>th</sup> schedule in his own discretion not longer than 6mths which should be reversed where ¾ of the THA desire that the matter be remitted.
5. Clause 16 – The Premier should **not** be consulted on department head appointments and transfers to preserve the independence of the Public Service.

#### **General Provision**

**The THA or TIG will be accorded the right to participate in international organisations where territories and sub-regions are permitted including the Commonwealth of Nations, Pan American bodies and the OECS (on the basis of associate status) especially given Tobago's geographical position.**