

**COMMENTS OF THE PUBLIC SERVICE COMMISSION ON THE DRAFT
CONSTITUTION (AMENDMENT) (TOBAGO SELF-GOVERNMENT) BILL, 2020**

The Public Service Commission (PSC) welcomes the opportunity to provide comments on the proposed amendments outlined in the Draft Constitution (Amendment) (Tobago Self-Government) Bill 2020. The observations made and questions raised hereunder reflect the Commission's attempt to identify the likely impact of these changes on its functions and operations. The Commission is mindful that there are critical policy issues and assumptions underlying the proposed Bill.

Comments

Clause 15 of the Bill proposes two fundamental amendments to section 120 of the Constitution.

Amendment 1: expansion of the membership of the PSC from a maximum six to eight - two of whom will be ordinarily resident in Tobago;

Amendment 2: creation of a Tobago Division of the Public Service Commission with powers as set out in section 121(1) in relation to the offices under the Tobago Island Government.

In the absence of additional information, the Commission is constrained to seek clarification on the following issues:

- What is the role of the additional members in terms of the overall mandate of the Commission? Will they be involved in treating with the totality of matters brought before the Commission, participating in the regular meetings of the PSC? Are the Tobago members expected to deliberate on matters pertinent to Trinidad and Tobago or only on matters specific to Tobago?
- Is it that the Tobago Division of the PSC (a subset of the Commission) alone will have the power to exercise the functions of the Commission conferred by section 121 of the Constitution in relation to the offices under the Tobago Island Government?
- The composition of the Tobago Division of the PSC is not clear;
- The roles of the Chairman and Deputy Chairman, PSC, are defined in the Constitution. It is assumed, but not clearly indicated, that these will extend to the Tobago Division.
- The Bill does not indicate the composition of the Tobago Division of the PSC.

Further, due attention should be paid to Sections 127 and 129 of the Constitution and the general provisions with respect to Service Commissions in determining the feasibility of the proposed amendments. Inevitably, when finalized, the amendments will impact the Public Service Regulations Chapter II Regulations 3, 4, 5, 6 and 7.