

**REVIEW OF THE DRAFT CONSTITUTION (AMENDMENT) (TOBAGO SELF-GOVERNMENT) BILL, 2020 AND
THE DRAFT TOBAGO ISLAND ADMINISTRATION BILL, 2021
SUMMARY FEEDBACK TABLE**

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No.	Section	Reviewer's Comments and Proposals
The Draft Constitution (Amendment) (Tobago Self-Government) Bill, 2020		
1	6 (b)“(10) For the purposes of sections 53, 75A and Chapter 11A, a reference to “Tobago” means the Island of Tobago, Little Tobago, St. Giles Island, Marble Island, Goat Island, Sisters Island and the internal and inland waters of Tobago.”.	Unless the inland waters is clearly defined in other law, Tobago Waters (Area of responsibility) must be clearly defined in distance. I suggest eleven nautical miles.
2	8 (4) Where a Tobago Act is inconsistent with an Act passed by Parliament, the Act passed by Parliament prevails to the extent of the inconsistency.	This must not apply to exclusive Tobago matters.
3	14. 81A. The Premier shall keep the President fully informed concerning the general conduct of the Tobago Island Government and shall furnish the President with such information as he may request with respect to any particular matter relating to the Tobago Island Government.”.	We should maintain the position of Chief Secretary as this is probably preferred by the people of Tobago.
4	18. 141B. The House of Assembly shall consist of— (a) fifteen Assemblymen elected at an election held in accordance with the Representation of the People Act and who are qualified to be electors under section 12 of the Representation of the People Act, or such other number of Assemblymen as corresponds with the number of electoral districts as provided for by an Order made by the President;	Assemblyman should be replaced with the gender neutral term, Assembly Member (AM).
5	YG18. 141M. (1) Subject to section 141N, the seat of an Assemblyman becomes vacant where he— (a) submits a written resignation to the Presiding Officer or, in the case of the Presiding Officer, where he submits a written resignation to the President or his appointment as Presiding Officer is revoked in accordance with subsection (2); (b) is absent from ordinary sittings of the House of Assembly for such period	The following clause should be added as a condition for an Assembly Member vacating office: Where having been a candidate of a party and elected to the House of Assembly, he resigns from or is expelled by that party.

	and in such circumstances as may be prescribed in the Standing Orders of the House of Assembly; or (c) ceases to possess any of the qualifications required by section 141L (1) or is or becomes disqualified from being a Member for any of the reasons set out in section 141L (2).	
6	18. 141F. Where there is occasion for the election of a Premier and a Deputy Premier, the Assemblymen shall elect from among their number, the Premier and the Deputy Premier and following such election, the President shall administer to the Premier and the Deputy Premier respectively, the oath of office set out in the First Schedule.	This clause should be replaced by the following: Where there is occasion for the appointment of a Chief Secretary, the President shall appoint as Chief Secretary— (a) The Assembly Member who is the Leader of the party which commands the support of the majority of members of that House; or (b) where it appears to him that that party does not have an undisputed leader or that no party commands the support of such a majority, the Assembly Member who, in his judgment, is most likely to command the support of the majority of Assembly Members, and who is willing to accept the office of Chief Secretary. The Deputy Chief Secretary shall be appointed by the President on the advice of the Chief Secretary.
7	18. 141P. (1) The Tobago Legislature shall continue for four years from the date of its first sitting after any primary election, and shall then stand dissolved.	This clause should be replaced by the following: The President, acting in accordance with the advice of the Chief Secretary, may at any time dissolve the House of Assembly. (2) The Assembly, unless sooner dissolved, shall continue for four years from the date of its first sitting after any dissolution, and shall then stand dissolved.
8	18.141P.(2) A primary election for the House of Assembly shall be held on the second Monday after the date of the fourth anniversary of the last primary election.	This clause should be replaced by the following: A general election of members of the House of Assembly shall be held at such time within three months after every dissolution of the House of Assembly as the President, acting in accordance with the advice of the Chief Secretary, shall appoint.
9	Fourth Schedule (Section 53)	It is easier and more practical to identify areas of responsibility of the Central Government, while Tobago will have law making and administrative responsibility for all other areas.

The Draft Tobago Island Administration Bill,2021		
1	12. (3)The House of Assembly shall, in accordance with the Financial Rules made under section 30, establish a pension scheme for the Members of the House of Assembly.	This should be embedded in law. Either through its inclusion in the national arrangements (Retiring allowances legislative services Act.) or Tobago law.
2	12. (6) A Secretary or the Presiding Officer shall not engage in any trade, business, occupation or other undertaking for profit or remuneration other than that of serving as Secretary or the Presiding Officer.	Chief Secretary and Assistant Secretaries should be included here. It must also be noted that the bill in its current form neglected to allow for the appointment of Assistant Secretaries, which must be included.
3	13. (2) The President shall, after consultation with the Prime Minister and the Premier, fix the date of a bye-election for the election of an Assemblyman/ Assemblyperson, which date shall not be earlier than the expiration of two months after the declaration of the vacancy nor later than the expiration of three months after that declaration.	This should be replaced by the following clause: The President, acting in accordance with the advice of the Chief Secretary, shall fix the date of a bye-election for the election of an Assembly Member, which date shall not be later than the expiration of three months after that declaration.
4	22. Parliament shall appropriate for the use of the House of Assembly for any financial year no less than 6.8 percent of the total sum appropriated by Parliament in that financial year or such other percentage to be determined by the Fiscal Commission and approved by the Parliament by Resolution.	Such funding should be released to the Tobago Island Government quarterly en bloc.
5	28.2. subject to the approval of the Minister with responsibility for finance, which should not unreasonably be withheld.	This should be replaced with an arrangement which allows Tobago to borrow up to a prescribed percentage of its allocation for the particular fiscal year, without the approval of any Minister of Government. Borrowing beyond this limit must be approved by the Minister of Finance.