

THE TOBAGO ISLAND GOVERNMENT BILL, 2021

EXECUTIVE SUMMARY

Bill No.:	House of Representatives Bill 6 of 2021
Introduced in:	House of Representatives
Introduced by:	The Honourable Camille Robinson-Regis (Minister of Planning and Development)
Introduced on:	04-Dec-2020
Published in Gazette on:	30-Jun-2021, Vol.60 No.105

The Tobago Island Government Bill was sought to repeal the Tobago House of Assembly Act so as to provide greater autonomy to the island of Tobago while still maintaining the unitary state of the Republic of Trinidad and Tobago. This amendment has allowed for the increased powers and functions of the Tobago Island Government and the Tobago Legislature. The Bill has also accounted for operational matters, including financial provisions and a suite of administrative and financial oversight committees. The clauses of this bill have been divided mainly into five (5) sections; Tobago Island Government, Tobago Legislature, Finance, Transitional Provisions, and General Provisions.

Tobago Island Government

The Tobago Island Government section has examined the Tobago Executive Council and its jurisdiction and powers. It has stated that the Tobago Executive Council shall have exclusive jurisdiction over the administration within Tobago. The Prime Minister and the Chief Secretary shall hold quarterly meetings with a view to formulating administrative and legislative mechanisms for the promotion of harmony in the affairs of Trinidad and Tobago. The Chief Secretary may attend meetings of Cabinet to represent the interests of the island of Tobago. Further to this, the Government of Trinidad and Tobago may, by way of Memorandum of Understanding, authorize the Tobago Island Government to act on behalf of the Government of Trinidad and Tobago in respect to any of its responsibilities in Tobago. This section has also examined the power of any Secretary appointed in the Tobago Island Government as well as the appointment of a Chief Administrator and those persons appointed on contract.

Tobago Legislature

This section of the Tobago Island Government Bill has examined Tobago legislature. It has stated that the Tobago legislature shall be constituted by the President and the House of Assembly, and may make laws with respect to the matters set out in **Schedule two (see notes below)**. This section has also provided for the assumption of duty of both elected and appointed members of the House of Assembly, as well as a time limit for elected or appointed members of the House of Assembly to be sworn into office. This section has also spoken to the remuneration of members of the House of Assembly, review of their salaries by the Salaries Review Commission, establishment of a pension scheme for members of the House of Assembly, and restriction of engagement in any trade, business, occupation or other undertaking, for profit or remuneration, other than that of serving as Chief Secretary, Deputy Chief Secretary, Secretary, Assistant Secretary, and the Presiding Officer.

This section has further outlined the regulations regarding the appointment of certain select committees, as well as their constitution and respective functions. Such committees include a Public Accounts Committee, and a Public Administration and Appropriations Committee. Provisions were made that members of the House of Assembly be exempted from jury service and that they be recognized as persons in public life for the purposes of the Integrity in Public Life Act, and that the House of Assembly be recognized as a public body for the purposes of the Prevention of Corruption Act. The overall establishment of the Tobago Legislature, as well as the specifications and responsibilities of the positions of Clerk and Deputy Clerk of the House of Assembly, have also been provided for in this section. This includes the terms of appointment and remuneration conditions of these positions.

Finance

The Financial section of the Bill has examined the establishment of a Secretary of Finance as the Corporation Sole for Tobago. This section has also provided for the annual parliamentary allocations for the Tobago House of Assembly, as well as the establishment of a Tobago Fund and the overall expenditure of the Tobago Island Government. It has also accommodated for the making of financial rules for the proper management of finances of the Tobago Island Government.

Transitional Provisions

The Transitional Provisions has provided for the regulations regarding the continuation of the matters and rules of the Tobago House of Assembly, instituted prior to the ratification of this bill. This bill holds that any matter before the House of Assembly, which immediately before the commencement of this Act, was not disposed of by the Tobago House of Assembly, shall continue under the Tobago Legislature. This has accommodated for any person who was employed by any institution established under the Tobago House of Assembly Act, whether contract or permanent, immediately before the date of the coming into force of this Act, to be transferred to the Tobago Island Government. Additionally, all the rights, privileges, tenure and other terms and conditions of service, incidental to such employment, shall continue in accordance with this Act and any other applicable laws regulating such employment. This section has also made accommodations for pending legal proceedings, existing land and property under the Tobago House of Assembly, and the financial rules that currently govern the Tobago House of Assembly.

General Provisions

The General Provisions section has allowed provisions for consequential amendments to written laws and the repeal of the Tobago House of Assembly Act. It seeks to amend clause 2 of the Trinidad and Tobago Order in Council, 1898, to remove Tobago as a ward of the State of Trinidad and Tobago. General Provisions has also covered the consequential amendments to the Interpretation Act, Chap. 3:01 and the Statutes Act, Chap. 3:02.

Notes:

Schedules

- **Schedule one (1)** has provided a list of matters for which the Tobago Executive Council shall have exclusive administrative jurisdiction in Tobago, up to eleven nautical miles.
- **Schedule two (2)** has provided a list of matters for which the Tobago Legislature shall have exclusive law-making powers in Tobago.

****As of June 30 2021, this Bill was still at the Committee stage and no clauses considered.**