

Leave of Absence

Tuesday, November 25, 2014

SENATE

Tuesday, November 25, 2014

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Anand Ramlogan SC and Sen. The Hon. Fazal Karim who are both out of the country.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Anthony Thomas Aquinas Carmona, S.C., O.R.T.T.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago.

/s/Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: MR. LARRY LALLA

WHEREAS Senator the Honourable Anand Ramlogan is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, LARRY LALLA, to be temporarily a member of the Senate with effect from 25th November, 2014 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Anand Ramlogan.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 24th day of November, 2014.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago.

/s/Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President

TO: MS. ASHAKI SCOTT

WHEREAS Senator the Honourable Fazal Karim is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ASHAKI SCOTT, to be temporarily a member of the Senate, with effect from 25th November, 2014 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Fazal Karim.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 25th day of November, 2014.”

OATH OF ALLEGIANCE

Senators Larry Lalla and Ashaki Scott took and subscribed the Oath of Allegiance as required by law.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Recovery of Expenses of the Ministry of Energy and Energy Affairs for the year ended December 31, 2013. [*The Minister of Finance and the Economy (Sen. The Hon. Larry Howai)*]
2. Foster Care Regulations, 2014. [*The Minister of State in the Ministry of Gender, Youth and Child Development (Sen. The Hon. Raziah Ahmed)*]
3. Children's Community Residences Regulations, 2014. [*Sen. The Hon. R. Ahmed*]
4. Children's Authority Regulations, 2014. [*Sen. The Hon. R. Ahmed*]

Papers Laid

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5. Response of the Teaching Service Commission to the First Report (2011/2012) of the Joint Select Committee appointed to inquire into and report to Parliament on Municipal Corporations and Service Commissions on an Evaluation of the Service Commissions. [*The Vice-President (Sen. James Lambert)*]
6. Response of the Teaching Service Commission to the Third Report of the Joint Select Committee appointed to inquire into and report to Parliament on Municipal Corporations and Service Commissions on a Re-evaluation of the efficiency and effectiveness of the Teaching Service Commission. [*Sen. J. Lambert*]

**JOINT SELECT COMMITTEE REPORTS
(Presentation)**

Sen. Anthony Vieira: Mr. President, I have the honour to present the following reports:

**Municipal Corporations and Service Commissions
San Juan/Laventille Regional Corporation**

Fifteenth Report of the Joint Select Committee appointed to inquire into and report to Parliament on Municipal Corporations and Service Commissions on a review of the Administration of the San Juan/Laventille Regional Corporation.

Sangre Grande Regional Corporation

Sixteenth Report of the Joint Select Committee appointed to inquire into and report to Parliament on Municipal Corporations and Service Commissions on a review of the Administration of the Sangre Grande Regional Corporation.

**Ministries (Group 1) Statutory Authorities and State Enterprises
National Insurance Board of Trinidad and Tobago**

Sen. Elton Prescott SC: Mr. President, I have the honour to present the following report:

Tenth Report of the Joint Select Committee appointed to inquire into and report to Parliament on Ministries (Group 1) and on Statutory Authorities and State Enterprises falling under their purview on an inquiry into the administration and operations of the National Insurance Board of Trinidad and Tobago [with particular focus on the Board's relations with the National Insurance Appeals Tribunal (NIAT)].

ORAL ANSWERS TO QUESTIONS

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you very much, Mr. President. The Government is in a position to answer question Nos. 4 and 5. Question No. 6 to the hon. Minister of Transport, we ask for a deferral for two weeks.

The following question stood on the Order Paper in the name of Sen. Camille Robinson-Regis:

**Public Transport Service Corporation - Terminal Malls
(Ejection of Tenants)**

6. A. Could the hon. Minister of Transport indicate whether any tenant was ejected from occupation of any unit in any of the Terminal Malls under the purview of the Public Transport Service Corporation (PTSC), during the period May 2010 to August 2014?
- B. If the answer to (A) is in the affirmative, would the Minister indicate:
- (i) how many such occupants were ejected;
 - (ii) from which mall and which unit(s);
 - (i) when was/were this/these tenant(s) ejected;
 - (iv) by what legal means this was achieved; and
 - (ii) whether any legal proceedings were instituted in the High Court or the Magistrates' Courts to achieve this objective and if so, the names of the Attorney(s) used for this purpose and the respective fees(s) paid in each case?

Question, by leave, deferred.

**Top Design Limited
(Details of)**

4. **Sen. Camille Robinson-Regis** asked the hon. Minister of Food Production:
- A. Could the Minister kindly indicate whether the firm Top Design Limited provided goods and/or services to the Agricultural Development Bank (ADB), and if so, the nature of the goods and/or services provided to date?
 - B. If the answer to (A) is in the affirmative, could the Minister indicate whether this firm is/was the only provider of these goods and services to the ADB?

- C. If the answer to (B) is negative, would the Minister indicate how many other firms/companies provided similar goods and services?
- D. If the answer to (A) is in the affirmative, could the Minister indicate the number of contracts that were entered into between the ADB and Top Design Limited between January 2011 and August 2014?
- E. Could the Minister indicate the total sum paid in all the contracts awarded to the said Top Design Limited, during the period as at (D) above?

The Minister of Food Production (Sen. The Hon. Devant Maharaj):
Thank you very much, Mr. President. Regarding part A, yes, Top Design was hired by the ADB to provide public relations and events management services.

Part B, no, this firm was not the only provider of these goods and services to the ADB.

Part C, one other firm provided similar goods and services to the ADB.

Part D, the number of contracts which were entered into between the ADB and Top Design between January 2011 and August 2014 were approximately 44.

Part E, the total sum paid in all contracts awarded to the said Top Design during the period January 2011 and August 2014 amounted to approximately \$5,512,867.88.

Mr. President, thank you. [*Desk thumping*]

Agricultural Development Bank (Details of Security Arrangements)

5. Sen. Camille Robinson-Regis asked the hon. Minister of Food Production:

With respect to the Agricultural Development Bank (ADB), could the hon. Minister of Food Production indicate to this Senate:

- (i) the name(s) of the security firm(s) that now provide security services in respect of the property and personnel associated with the Bank at all its various locations?
- (ii) when was this/were these firm(s) so contracted, and for what period?
- (iii) the name of the firm(s) which provided these services, prior to the engagement of the present provider(s), and why was the change made?

The Minister of Food Production (Sen. The Hon. Devant Maharaj):
Thank you very much, Mr. President.

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With regard to (i), the name of the security firm that now provides security services in respect of the property and personnel associated with the ADB at all its various locations is Fortress Security Services Limited, formerly Personnel Protection Security Services Limited. The firm was first contracted on August 30, 2007 for an initial two-year period and is currently on a month-to-month contract.

The name of the firm which provided these services prior to the engagement of the present provider which was in 2007 was Sure Security and the change was made via the tender process on the conclusion of that contract period for Sure Security Services. Thank you. [*Desk thumping*]

1.45 p.m.

Sen. Robinson-Regis: Thank you very much Mr. President. Minister, would you be able to indicate why the firm is now on a month-to-month contract?

Sen. The Hon. D. Maharaj: The bank is presently in the process of tendering back out for security services.

Sen. Robinson-Regis: And this month-to-month started when?

Sen. The Hon. D. Maharaj: I do not have that information before me. Sorry Senator.

Sen. Robinson-Regis: You do not. Thank you, Minister.

ARRANGEMENT OF BUSINESS

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you very much, Mr. President. In accordance with Standing Order 20(4), I beg to move that the Senate consider Government Business instead of Private Business.

Question put and agreed to.

URBAN AND REGIONAL PLANNING PROFESSION BILL, 2014

Order for second reading read.

The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie): Thank you very much, Mr. President. I beg to move:

That a Bill to establish a Council for Urban and Regional Planners and to provide for the regulation of the urban and regional planning profession and other matters incidental thereto, be read a second time.

Mr. President, I have before me the Bill, the title of which I just mentioned and hon. Senators will remember that several months ago, close to a year now, we did lay before the Parliament the National Spatial Development Strategy consisting of four related documents that set out the strategy for planning for land in the country and the context in which this would be done. Those documents, in one of them, a vision for the country was outlined, spanning 20 years ahead and this was supported thereafter by the laying of the Planning and Facilitation of Development Bill, which was debated in this Senate and in the other place and which has since been passed and assented to.

This Bill before us today is integral to the implementation of the Planning and Facilitation of Development Act passed by Parliament in the last Session. It is part of an overall reform of the way in which physical resources are managed in this country and the way in which development is going to be planned and implemented in both the public and private sectors.

There are many aspects to Government's reform programme in this sphere and I want to share a few of these with you. First of all, the comprehensive reform of the planning of land and the regulation of land, buildings and infrastructure development under the Planning and Facilitation of Development Act, 2014; secondly the modernization and strengthening of municipal government as agents of both planning and regulatory development. As you know, a lot of the simple planning decisions are going to be transferred to the local government entities.

Next is recognition and strengthening of the planning and development regulatory powers of the THA under the Planning and Facilitation of Development Act. The THA will have even more jurisdiction than it does at the present time.

Fourthly, the development of a comprehensive code or comprehensive codes and standards, and these include the National Building Code. It includes the microzonation of seismic impacts and the Small Building Code. All of these are key elements, small building, national building and microzonation of seismic impacts, based on the microzonation study that is now continuing with the seismic centre at the UWI.

Fifthly, a comprehensive hillside development policy and standards are to follow the existing moratorium on hillside development. You would remember, Mr. President, approximately two years ago, we established a moratorium on hillside development, and what we are doing now is looking at that policy to see how it might be refined, how we might take into account what has transpired over the last two years and how it has impacted and, therefore, how we can have enlightened policy that will address the challenges of hillside development.

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Sixth, existing urban and residential uses policy and standards have been reviewed in keeping with modern thinking on compact and sustainable city development. There has been a complete revision of this in certain geographical areas of the country, urban and semi-urban areas that allow for what you might call more intense development, the more effective use of land space and taking into account the society, the culture, the evolution of the communities in these particular areas.

While awaiting the passage of the Planning and Facilitation of Development Act, the existing approval process was also streamlined to remove the backlog of applications. [*Desk thumping*] So that, by and large, it is possible for someone with a simple housing development to receive attention and bring his or her matter to conclusion within about two months and it is possible for more complex applications to be attended to within three months. Sometimes that is not always possible because of the guidance that is sometimes necessary. But these things hardly go into a year, as they used to in the past and they certainly hardly go into years, as had become the norm in the past.

A project facilitation mechanism was initiated to fast-track key public and private sector development necessary for development initiatives of the society, and these are done well. They are done together. They are done through collaboration, and they are done expeditiously. Public sector projects are specially paid attention to and the big private sector projects leaders find themselves in direct engagement with the members of the group, the task force that has been assigned with this responsibility, so that these things can be speeded up. [*Desk thumping*]

The Ministry of Planning and Sustainable Development has also partnered with the Ministry of Trade, Industry and Investment in improving the ease of doing business initiative. You would have seen, we have made significant progress in this area, and as far as this is concerned, the automation of the regulatory system is an integral part. This is being done with technical assistance from the IFC, International Finance Corporation of the World Bank Group.

The National Spatial Development Strategy, and this is the tenth point that I am making, which is a comprehensive policy and strategic guide to national physical development, was completed, as I mentioned earlier, and laid in the Parliament, after extensive national consultation. We had, over the period, close to 20 consultations on these. Some took place before a line was even written. Some took place at different levels of the draft and some took place before the final draft was done. That is to say, in the next to final draft we also had consultation on it.

The eleventh one, in order to facilitate the timely update of these elements of existing plans and policies, to undertake evidence-based decision making in the development process, we have initiated the development of a National Spatial Data Infrastructure (NSDI) and the reform of the CSO.

I should say that what is happening now with the CSO is that the CSO is moving to newly acquired premises. These are temporary and ultimately, by the beginning of next year, they will all, members of the CSO, be moved to their permanent home, which we are trying to achieve within short time. [*Desk thumping*]

I should say as well that the National Spatial Data Infrastructure Council has been established. All the members have been invited to make their commitments to the council and they have been given a mandate by Cabinet to proceed with their work. What this means is not only are we reforming the process of data capture and timely data availability and dissemination in the CSO but we are bringing all the data that have a GIS framework together in a single space, collaborating with all the government agencies and the ministries within the governmental structure to put all of this information in a single space.

It is in this context that we have introduced the registered professions regime in the regulatory framework, under the Planning and Facilitation of Development Act. This is in part a means to act smart and realistically with the technical resources available in both the public and private sectors to address the chronic shortages of technical and skilled human resources in the public regulatory agencies. I will say a little bit about that later but you had a certain planning regime under the colonial order, then you had a Bill brought to Parliament in 1960, the Town and Country Planning Bill, which in fact was only put into effect in 1969. And while that brought land management under national control, as distinct from being under the colonial order, it in fact caused, what can I say, positive achievements as well as negatives and the end result is that we have really had to look to see how to reform this entire system.

Now, the shortages in the public regulatory agencies have hampered the timely approval of applications of all types: land use, buildings and infrastructure. Public projects are not immune to similar delays in approvals experienced by the private sector and, therefore, the following constitutes some of the justifications for the Bill now before this honourable Senate:

“An Act to establish a Council for Urban and Regional Planners and to provide for the regulation of the urban and regional planning profession and other matters incidental thereto”

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The registered professions regime, under the Planning and Facilitation of Development Act, allows properly qualified and registered professions to attest to the accuracy and adequacy of development applications and it provides the regulatory agencies a level of comfort in fast-tracking approvals. What this means is that a person will be able to go and have the process certified by a professional. That would give greater comfort and subject to, perhaps, not as detailed scrutiny, what comes into Town and Country Planning now, but which would be a different system under the new Bill.

What it will do is give a certain level of comfort both to the customer, that is to say the citizen, as well as to the approval process in the governmental structure, because you will have a professional as a bridge between the citizen and the approval process.

2.00 p.m.

Secondly, the public interest is protected by quality assurance and monitoring mechanisms in the regulatory system administered by the offices of the Chief Building Official and the Director of Planning under the Planning and Facilitation of Development Act, the scrutiny of the registration boards for the professionals and minimum levels of professional liability coverage of the registered professionals involved. So what you are trying to do is create a system that is much more effective, much more professional, much more efficient.

Three, the Planning and Facilitation of Development Act also classifies development applications into complex and simple applications. I mentioned that before and we are doing that even now as we wait for proclamation, as we move towards proclamation of the Act. The preponderance of applications, over 80 per cent, is simple applications and can still be submitted by anyone, but complex applications must be submitted by registered professionals. I need to emphasize this because what this means is that an ordinary citizen wanting to build a house on a plot of land he or she owns will not have to go to a professional to do that if he does not wish to do it, and will not have to pay a fee if he or she cannot afford it. He can use the same process. But if you are doing a development, if you are a developer, you have to use the professional services that we are bringing under this Bill. It will also support the improved quality and efficiency of built development in the country.

Finally, the registration and regulation of planning professionals protects the public who use their services in such a critical area of land and development. This is normally the most significant expenditure and store of wealth for the majority of people in our society, that is to say, house and land property ownership, and the legislation has mechanisms to hear complaints on the professional conduct of a registered planning professional. This is important because you do not want to have a regime in which the

professional becomes a law unto himself or herself, and therefore, you want to have a mechanism where the citizen, if he is not properly treated or if he is not looked after as a professional should, by a professional who has been hired for the service, that they will have a form of redress. The immediate requirements for this Bill, the Bill before this honourable House to establish a Council for Urban and Regional Planners, can be found in Part VII of the Planning and Facilitation of Development Act which deals with the listing of professionals and the extraditing and coordination of developmental approvals and it proposes mechanisms to expedite and coordinate development approvals, and I will list some of them.

First of all, the submission of development applications by listed professionals; secondly, the review of complex plans by a development control committee and you can find these in sections 73, 74, 75, 84 of the parent Act; three, it sets out the mechanisms for listing professionals, their obligations, certifications and sanctions and those are in sections 76, 77, 78, 79, 80, 81, 82, 83 and 84 of the Planning and Facilitation of Development Act. It provides for the NPA to grant approvals, permits and special building permits, relying on the competence of listed professionals and their performance bond, and these are found in sections 77, 85, 86, 87, 88 and 89 of the parent Act.

However, there are four main sets of professionals involved in the built development sector and these are land surveyors, engineers, architects and urban and regional planners. It is only the regional planners—they constitute the only category of professionals who are not governed by registration and regulatory legislation. So we are trying to do here for the Urban and Regional Planners what already exist for land surveyors, engineers, architects, et cetera.

In Part II, clause 4 of this particular Bill, the Bill before this honourable House now being presented, establishes the Trinidad and Tobago Council for Urban and Regional Planners which is responsible for the regulation of the urban and regional planning profession. The Council is comprised of five members: three of them are appointed by the Minister and the Trinidad and Tobago Society of Planners appoints two of them. The Minister appoints a public sector planner, someone from the public service; the Minister appoints an attorney and also someone representing the general public interest; and the Trinidad and Tobago Society of Planners appoints two professional planners. The chairman is appointed from among the professional planners which provides a good balance between the role of the State and that of the professional body.

Clauses 6 to 14 of this Bill establish the functions of the Council and its operational procedures. The key functions include:

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- (a) the registration and licensing of persons to practise urban and regional planning;
- (b) to monitor adherence to the Code of Ethics;
- (c) to institute disciplinary procedures in accordance with the procedure of the Act;
- (d) to review the fees for registration; and
- (e) to maintain the membership and the register of professionals.

The full set of functions of the Council is specified in clause 6 of this Bill.

Clause 26 provides for an appeal against a decision of the council to the courts. In order to undertake the functions of licensing, planning and discipline the practice of the professionals for practise, the council has two committees. One is a Recognition Committee which admits you and the second is a Disciplinary Committee which functions to establish the code of conduct as the guiding code of all professionals in the organization. This is established under clause 34 of Part IV of the Bill.

The Recognition Committee's functions are identified under clause 35 and include the assessment of the qualification and experience of applicants for registration and the licensing of Urban and Regional Planners. In assessing the suitability of the qualifications of applications, they are to be guided by the Accreditation Council of Trinidad and Tobago. The recognition council comprises five members: one from the council and four others nominated by the Trinidad and Tobago Society of Planners from among its members.

So, the idea is that the council cannot simply be arbitrary in its admission procedure. They are to be guided by the Accreditation Council of Trinidad and Tobago in making an assessment of qualifications that they review, but the dominant membership is by members of the Trinidad and Tobago Society of Planners.

In Part III, clauses 16 to 25, the requirements for the licensing and practise of urban and regional planning are detailed. This includes the qualification and experience required and the types of registration that are available, and as you will see there are two types.

There are three classes of registration: professional, regional and temporary. The professional licence meets all the criteria for registration. So if you meet all the criteria, you are basically classified as a professional. You get that licence and

that is that. The provisional licence meets all the qualifications but not the experience requirements. So you may have the academic qualifications, the certification involved, but you will not have the experience, and therefore, you are given a provisional licence. The professional licence allows the individual to use the title and the professional stamp. The provisional licence allows the individual to practise under the direction of a licensed planner. So there is a kind of mentorship arrangement there.

The temporary licence must meet all the criteria for professional practice except the nationality qualification and is intended for foreign professionals working on a project or contract for a limited time. So the temporary licence will really have to do with foreigners who are coming to work in Trinidad and Tobago. That means that they must engage the local society of planners and, secondly, they must be given the go-ahead by them. It is intended to protect the local professional community by ensuring equality of requirement for foreigners practising in Trinidad and Tobago in whatever manner. It also protects the Government and the public by ensuring their adequate qualification and experience to undertake the work that they are doing. I will simply add that this would be required of all planners if they went to another jurisdiction and that this is reciprocal in nature when you deal with states of one and the other.

The legislation is in keeping with all obligations under the Caricom regional movement of categories of professionals and skilled workers. Nationals from qualifying Caribbean community countries can apply and be registered as nationals of Trinidad and Tobago. In fact, this Bill utilized the draft Caricom legislative framework and is a pioneer in the region in doing this. This Bill does provide a framework for updating other similar legislation in Trinidad and Tobago and the region. So this is pioneering legislation in this regard. It accommodates Caricom nationals meeting the obligations under the Caricom regional movement of categories of professionals and skilled workers, and in that sense it is oriented to a one Caricom profession and professional standards and is committed to the idea of regionalism.

The Disciplinary Committee's functions are established under clause 43 which includes disciplinary hearing on matters referred under clause 50 and making recommendations to the council. Members of the public have the right to file complaints and the council does not have to accept the recommendations of the committee. This committee is chaired by a qualified attorney and includes a member of the council and a professional nominee of the Trinidad and Tobago Society of Planners with extensive experience. So this is a clause really to protect the public from malpractice.

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The disciplinary actions available to the council are specified in clauses 52 and 53. There are procedures of hearings and the council can review and send back recommendations. Persons aggrieved with a ruling of the council on these matters have access to the court. So the matter is not finally settled if the citizen is not satisfied by this committee alone acting as a disciplinary committee and involving this society of planners.

The Bill also enhances the rights of practising planning professionals by clarifying their domain of professional expertise; ensures continuous professional development and rights to collect fees owed.

So the Bill as developed was in full consultation with the Trinidad and Tobago Society of Planners. Some may say that the planners had too much influence in the crafting of the Bill and fulfils their desire to have their professional expertise recognized and regulated, similar to the other built environment professionals which I mentioned before—land surveying, engineering and architecture.

Work on this Bill commenced on an earlier draft Bill which the Trinidad and Tobago Society of Planners had submitted to the former administration. They have participated, that is to say the Society of Planners, in its formalization at the National Planning Task Force. You would remember that in 2011 we established a National Planning Task Force which has played a critical role in bringing the National Spatial Development Strategy to Parliament and to establishing it as the guiding framework for development in the country and they also played a critical role in going through, clause by clause, the Bills that preceded the national Planning and Facilitation of Development Bill, which was passed by this Parliament but which was built on the backs of two previous Bills that had come to Parliament and that were never passed.

So the National Planning Task Force gave us continuity between what had been attempted by other administrations but never completed, and they brought to completion these two very important pieces of work that contribute significantly to development in this country, and I want to thank them for their services. [*Desk thumping*] And they have also worked with the Trinidad and Tobago Society of Planners to bring this Bill as well to fruition.

Now the Trinidad and Tobago Society of Planners has participated in the formalization of this Bill because they were part and parcel of the National Planning Task Force. They participated in the pre-LRC process and they participated in meetings of the LRC. In addition, the LRC requested, separate, the views of aspiring young planners, largely in the public service, to ensure that they were not being adversely affected by any recommendations of the existing professional members of the Trinidad and Tobago Society of Planners.

So, not only were the planners consulted based on the society, but the young planners in the Ministries, principally, Ministry of Planning and Sustainable Development, Ministry of Local Government, were brought into the picture because interests on this matter might be different and you do not want to take the view of one set of professionals who, in the scheme of things, might seem as privileged, and another set of professionals who might be seen as relatively marginal to the process. You want to take all the issues into account.

This Urban and Regional Planning Profession Bill, regulating planners, is also being proposed in the context of cooperation between the Government of Trinidad and Tobago and the wider construction industry represented by the Joint Consultative Council (JCC) of the construction sector under the Planning and Facilitation of Development Act which they, in fact, supported publicly.

The following are the specific areas of dialogue and collaboration between the Government of Trinidad and Tobago and the JCC. Section 75 of the Planning and Facilitation of Development Act requires that minimum levels of professional competencies be set for submission of the various types and classes of complex development, and that is being done: the terms and conditions; the standards are being worked on collaboratively.

Section 76 of the Planning and Facilitation of Development Act requires the fixing of the quantum of bonds for listed professionals. If a person is involved in construction, what is the level of bond that is required to secure the interest of non-performance?

Section 77 of the Planning and Facilitation of Development Act deals with certificates of competence to be established by professional governing bodies and section 78 of the Planning and Facilitation of Development Act establishes the obligations of listed professionals.

The point I am making here is that we have really used a comprehensive, consultative approach that is meaningful both with people in the profession and in the wider profession; having to do with the built professions, so to speak—the built environment—and, more than that, the same process that we used in the procurement legislation to try to find harmony and to try to build consensus, which is involving them in the pre-LRC stage and then the LRC stage itself, was in fact used and the consultation continues in order to do things that are implied and are made necessary by the Act that has already been passed.

The Government expects that these regulations will both be established in collaboration with key national stakeholders and will be kept under review for the operational efficiency as we move into what is essentially going to be a new regime of planning and regulating the use of land and built development in the country.

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So, Mr. President, it is my distinct privilege and honour to present this Bill to this honourable House at this time. I want to say that urban and regional planning as a profession has been practised in Trinidad and Tobago, as I indicated before, since the colonial days. At that time, the implementers of what was essentially a comprehensive planning of settlements were different than they are now. We had a governor and the governor had a central administration that addressed some of those issues. Then we had town councils. There was the energy industry. There was the agricultural sector and all of these were important sectors that had a say in development.

Examples of this structured planning, even in colonial times, include the layout of early Port of Spain by governors such as Chacon and Woodford, after whom the square is named, following the Spanish style of town development and the squares and the grid layout of the streets. So even in early times, there was some methodology; there was some approach, some planning, some thinking about how we proceeded.

The early residential settlements of Morvant, of Gonzales, of St. James, of Mon Repos, of Techier Village, to name a few, were examples of this overall town planning that included allocations for economic residential community and recreational activity. However, informal settlements of essentially housing developments were also emerging and the dichotomy of planned and unplanned existing side by side became the norm and that pattern still persists today.

At Town and Country Planning Division, we are looking seriously at how we might bring some resolution as we move towards an enlightened and more manageable and better enforced regime to deal with the fact of unplanned settlements in the country and to bring even to those, some order and some system and we will be talking to the public about that before long.

I think that I have said enough about this particular Bill in introducing it. I will listen to all the contributions in this honourable House, take note of them and in my closing I will respond to some of the issues. What I have tried to do in the presentation of this Bill is to answer some essential questions:

- (1) What makes this Bill a necessity and what is the thinking behind it? And I tried to link that to the Planning and Facilitation of Development Act and some of the sections in the Act that make this necessary.
- (2) What is the value and significance of what this Bill is seeking to do? It is seeking to bring some order and system and some seamlessness to the connectivity between the citizen applying for something or the developer applying for something and the process of approval.

- (3) How are citizens' interests improved by this legislation and where are we headed? Citizens' interests are improved because the citizens can have access to professional services, but also they have access to redress if those professional services are not properly delivered.
- (4) How is governance improved in the profession, in the facilitation of development and in governance for the country? Governance is improved in the profession because you now have a regulatory system for the entire profession and all professionals in the system. Secondly, it facilitates development because it creates a fast track for development by the use of professionals, and it improves governance in the country because, first of all, it is based on a decentralized model in which all simple applications go to the local government, but it is also based on an effective model that allows for complex applications to be dealt with in an expeditious way.

I have referred to certain clauses in the Bill to illustrate the various things that are important in the Bill and I hope this Bill is taken in the spirit in which it has been brought to Parliament, which is how to strengthen and make effective the Planning and Facilitation of Development Act; how to bring the professionals into the picture in a collaborative way and how to create the conditions to make sure that the professional bodies manage their business effectively. Thank you very much. [*Desk thumping*]

I beg to move.

Question proposed.

2.30 p.m.

Sen. Faris Al-Rawi: Thank you, Mr. President, thank you, hon. colleagues. Mr. President, it is with great pleasure that I rise to make some contributions to this Bill. The hon. Minister, I know, has been the architect of carrying forward a lot of the reform positions that began, certainly, in the tenure of government prior to this one. Indeed, one could say today represents a continuity of purpose.

Planning and development of this small island, which we are all pleased to call home, is certainly something that we all share. After all, 1.3 million of us share 4,582 square kilometres of space, and land is certainly a definite resource; it is finite. One may, in fact, engage in some form of reclamation, et cetera, but on an island such as this it is critical that we know who we are, where we are going and what we are doing.

The hon. Minister said with some degree of aplomb that he has, perhaps, said enough on this Bill. Forgive me for begging to differ. I think that the hon. Minister has omitted to address a few issues, which I will now deal with and, in particular, to remind citizens through you, Mr. President, that this is three-fifths majority legislation.

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We are here sitting as a Senate this afternoon, being asked to exercise a special majority of this Senate to agree to the Bill before us and it is incumbent, therefore, for anyone dealing with the justice of purpose of a Bill to explain why a three-fifths majority is required [*Desk thumping*] and, regrettably, the hon. Minister has not reflected on that. I think it was incumbent upon him to do so. But the three-fifths majority is pegged upon rationality, proportionality, reasonableness within the meaning of section 13 of the Constitution of the Republic of Trinidad and Tobago, and it says that three-fifths of the members of this Senate should agree. In other words then, the Government needs more than just the Government votes to succeed on this Bill. It needs the support of the Independent Bench, some of them, and the Opposition Bench, perhaps some of them or all of them.

But, Mr. President, the rights that are being infringed are very serious rights, so allow me to focus on that for a moment. This Bill before us which is eight parts, 62 clauses, nine schedules long, says that we are inviting those persons who call themselves urban and regional planners, we are inviting them to suffer certain consequences. The first consequence that we invite them to suffer is that their livelihood and profession can be taken away. [*Desk thumping*] That is their right to property can be taken away. It can be taken away by measures under the exercise of disciplinary complaints as contemplated in this Bill, or by reason of the council acting independently upon advice of its own volition.

Secondly, it involves due process. It involves the constitutional sacred issue of due process such that people that are going to be the subject of having their rights taken away ought to be guaranteed a fair process, a due process, to ensure that capriciousness or unreasonableness is not seen to enter into the equation.

The third factor is that it involves the right to equality of treatment. And this Bill, in fact, prescribes that a Minister may tell planners, urban and regional planners, who qualify for registration under clauses 15 or other clauses of the Bill, that they cannot exercise their profession in similar circumstances to other persons, because there may be the view that there are enough locals or persons in the Caricom region to conduct the work. So that is equality of treatment. But, Mr. President, beyond those constitutional measures, we come now to the understanding of reasonableness.

Now, this Bill is properly a creature contemplated in Act No. 10 of 2014. That was the Act which we did together as a Senate to deal with the planning and development of land and to repeal and replace the Town and Country Planning Act. This Bill became an Act of Parliament on October 01, 2014 but this Bill, the planning Bill, now Act No. 10 of 2014, has a proclamation clause in it. It cannot be made law unless the President is invited to proclaim it as law by virtue of a Cabinet decision.

Trinidad and Tobago is now well accustomed to the issue of proclamation because they are all aware of how section 34 was proclaimed and they understand now [*Desk thumping*] the difference between a proclamation and a simple assent. But it is in this Bill and, in particular, in two sections of that Bill, now an Act of Parliament that the concept of urban and regional planners came about.

The first section of the Act was section—I believe it is 8 of the Bill and then now Act—18(3), and that required that the Director of Planning who occupies the position in the National Planning Agency, that that person be—it is section 13(1)—the Director of Planning shall have qualifications and at least 10 years post-qualification experience in urban and regional planning. That is number one.

Number two, there is another section in this Bill, now Act of Parliament, which says that you should have the governing body—that is the Urban and Regional Planners Council—should ensure that standards are met for its professionals. And as the hon. Minister correctly contemplated, that is because planning in its mixed centralized/decentralized approach in this new planning legislation that we have, is built upon the qualified say so of certain professionals, that is, architects, engineers and urban and regional planners. There is a concept in the architecture of the planning laws that are awaiting proclamation that the say-so of urban and regional planners is to be factored. You must be qualified—indeed, the Director of Planning to be such—and you must obey the rules and regulations of the Urban and Regional Planners Council.

There are some consequential amendments that will have to be made to Act No. 10 of Parliament as a result of the passage of this law if it indeed passes. But, Mr. President, what is important to factor now, having set out the positions of the Bill is: what is the correct election that we should consider as a Senate for the architecture of this Bill? We have two choices in law: you have framework legislation or you have prescriptive legislation, but this is certainly not the first time that a Parliament of Trinidad and Tobago is going to be invited to consider these kinds of laws.

Indeed, there are numerous examples in the laws of Trinidad and Tobago, which I wonder if the drafters of this legislation have contemplated, and permit me to throw a few of them out. There is the Engineering Profession Act, Chap. 90:01; there is the Architecture Profession Act, Chap. 90:02; there is the Legal Profession Act, Chap. 90:03 about which I propose to say quite a bit; there is, very importantly, the Dental Profession Act, the Medical Profession Act, the Pharmacy Board Act, the RHAs Act and, most interestingly, the Land Surveyors Act of Trinidad and Tobago, Chap. 58:04. But what struck me as rather conspicuous, Mr. President, is that this particular Bill bares an awkward association with those other pieces of legislation.

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First of all, the first point that one can capture by reflecting on those other laws of Trinidad and Tobago is that this architecture is rather different. Firstly, it is different insofar as there is an unusually close association with the Minister with responsibility for this legislation. Now, let me clear the ground on this issue. I see nothing wrong with elected members who serve in government and appointed members accordingly, to stand and fall by the sword upon which they were appointed or elected. After all, elected persons are people that face the poll every five years. They can be discharged by the people of Trinidad and Tobago as this Government will soon be discharged in 2015. [*Desk thumping*] But the fact is, the position is that the elected members ought to have a certain amount of discretion and room to carry out policy if one can discern policy.

This Government has had a hard time defining what its policy is, let alone implementing it, notwithstanding the fact they have had close to \$300 billion [*Desk thumping*] \$300,000 million of expenditure or put another way, they have had 15 years of budgets back to back. Prior to this Government, if you take 15 years of budgets, you add them all up, this Government has outspent 15 years of expenditure. [*Desk thumping*]

Now, Mr. President, when you look to the fact that a Minister should have a certain amount of discretion, what strikes me as unusual when you compare the other pieces of legislation that I have just mentioned is that in all of the other pieces of legislation, the proximity to the Minister by these boards is a very simple one; that the board or council shall advise the Minister on what amendments are necessary to legislation from time to time. It is no more than that.

When you look to clause 6 of this Bill:

“The functions of the Council are to—

(a) advise the Minister on matters relating to the operations of the Act;”

Then they go through the powers, which are important ones and which impinge on sections 4 and 5 rights of the Constitution:

- “(b) register and license...
- (c) monitor adherence to the Code of Ethics;
- (d) disciplinary proceedings...
- (e) application fees...
- (f) suspend or revoke...
- (h) collect such fees....”

But if you look at any other piece of law—and let us look at the Engineering Profession Act, for instance, Chap. 90:01—you will see that the functions of these particular boards or councils are very limited in their proximity to the Minister and that is—if you look at the functions of the board of engineers at section 16:

- “(a) to assess the qualifications...
- (b) to conduct examinations...
- (c) to register engineers...
- (d) to monitor adherence to...
- (e) to exercise disciplinary control...

And “(g)” which is penultimate:

“to advise the Minister on such amendments to this Act as it considers desirable;”

And that features in almost every single one of the laws.

Now, let me clarify why it is I think that this is unusual. This is unusual, Mr. President, when you look to the fact that the composition of this particular board, this council, is a very small one. Trinidad and Tobago, let me inform—through you respectfully, Mr. President—there are approximately 30 urban regional planners in this country. They operate in association with other Caricom regional planners, for instance, in Barbados, in Jamaica. So, it is a small pool of planners.

In fact, Mr. President, if you were to take a strict definition of qualification, not including diploma, as we now propose to do here, the current Director of Planning at the TCPD, the Town and Country Planning Division, would not qualify as an urban and regional planner; [*Desk thumping*] does not possess that level of certification necessary. This Bill proposes something which could perhaps bridge that gap, but the fact is there are only 30 people. So, we have the Minister having the discretion to appoint three out of the five members of council; two members appointed by the TTSP Association, that is the Society of Planners Association. That is rather unusual.

Now, I appreciate that there may be a nexus insofar as the planning authority is pivoted on relying upon urban and regional planners to approve complex Bills on say-so, because the planning Bill says if you have a bond and you say it is good enough, we will trust you at your word subject to audit. But, Mr. President, where the functions described in clause 6 of this Bill come in—associated with the majority of members of the council being appointed by the Minister—I think

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we are not on such good ground, particularly when you contemplate the comparisons in every other piece of legislation standing on the current laws of Trinidad and Tobago where the functions of advising the Minister are limited to amendments proposed to legislation, and where the Minister's involvement is usually in a minority position.

2.45 p.m.

Even the Medical Board Act, there is a minority position because one wants to ensure that there is not undue influence or capriciousness in the exercise of ministerial responsibility. We saw an interesting situation in the newspapers last week where there was an issue as to whether a Minister was too close to a transaction or not. Those kinds of issues, whether they are true or not, are things with which a society must be very careful because they affect our international rankings and the perception of transparency and undue influence.

It does not help in terms of national spatial planning that this Government has embarked upon the largest and greatest expenditure in the history of Trinidad and Tobago in non-transparent mechanisms. I am referring, of course, to the selection of OAS to build the highway to Point Fortin. It was not rolled out properly. It cannot be funded by the IDB. It cannot achieve muster of transparency as admitted to by the hon. Sen. Vasant Bharath openly in the public domain. So we are in problems already in terms of perception that this Government has brought into the equation. All governments may have that perception but we as legislators need to make sure that the proximity between Minister and functionaries is guarded, at least in the manner in which it is composed, and as we say in Trinidad, "How it go look". [*Desk thumping*]

Mr. President, when we look to the structures contained inside of this Bill, having touched upon functions, the undue proximity to the Minister, I notice that there is a tenure limitation in clause 7. In clause 7 of the Bill we have that you can hold office for three years, you are eligible for reappointment, but you will not be eligible for reappointment having served two consecutive terms. Now that features in other pieces of legislation, in fact, some of those that I have mentioned, but bearing in mind that the pool is only 30 people large, the question is resource capacity and limitation. I just want to flag that issue. I have no real concern with it, per se, but bearing in mind that this will always be a limited pool in terms of the resources available locally, I have some concerns about the limitation on consecutive service.

Mr. President, I look next at the removal architecture in clause 8. I notice that there is a preponderance in legislation these days. There is a tendency to want to describe every method by which somebody can be removed. I found it quite interesting that the

older pieces of legislation would still function very well, operate on the backbone of the Interpretation Act, particularly where it specifies how body corporates can appoint or remove persons, and I find it not necessarily a great manoeuvre to go down the prescriptive route that we are going as opposed to the framework route where we can just have somebody appointed or removed. It gives the discretionary factor for flexibility and, certainly, for workability.

Mr. President, I look next to clause 9 of this Bill. Clause 9 of the Bill says that:

“The Council shall pay its members...remuneration and allowances as the Minister may determine.”

Now, that is quite okay insofar as that is the usual formula, but we are in a situation in Trinidad and Tobago where we have persons who are in the employ, for instance of the Prime Minister, occupying state housing at Federation Villas, having their education paid for by the public purse, [*Desk thumping*] having services of PM 1 at their disposal up and down Trinidad and Tobago, including bodyguards. We therefore fall into this rubric of suspicion because if Mr. Tancoo, Mr. Baldeosingh and Miss Boodancan have accommodation paid for by taxpayers of Trinidad and Tobago, beyond their contracts of employment, there is difficulty in clause 9. What if this Minister proposes, for instance, remuneration which is unreasonable, [*Desk thumping*] as this Government is often prone to do? There must be some alternate construction for clause 9 of the Bill.

Mr. President, I look to clauses 10, 11, 12 and 13, and the meetings of the council, and I compare that immediately with clause 40 of the Bill. When you look at the operations of 10, 11 and 12 of the Bill you wonder why, in such a limited quorum circumstance of five persons, that there is a stricture for operationality, or non-operationality, where if the Chairman and Vice-Chairman are absent that the meetings cannot be convened. Why? Particularly when the Chairman or Vice-Chairman may be the creatures of the Minister. I do not mean this Minister. I do not mean anything pejorative to this Minister. This Government, perhaps, may suffer some culpability in that regard, if you look to their history, but the question is, there ought to be when you look at clause 40 of the very Bill, the ability for the work of the council to continue. [*Desk thumping*] Mr. President, that is important when you look at the small pool and when you look to the importance of urban and regional planners in the Bill.

So, Mr. President, that is a critical function that we need to look at. I think that this should be amended, perhaps in line with clause 40. The precedent for using

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any other member to act as Chairman in the absence of the Chairman so nominated exists in the other bits of legislation that I have referred you to.

Mr. President, I turn next to clause 14 of the Bill, personal liability removal:

“A member of the Council shall not be personally liable in any action or proceeding for or in respect of any act or matter done or omitted to be done in good faith in the exercise or discharge...”

This appears in some bits of legislation. It does not appear in others. I checked the *Hansard* in certain bits of legislation where it appeared and there was a cry and hue brought about. So there was an explanation which went one way or the other, but my question here is: Why do I need to give an exculpation from liability in this circumstance?

Let me explain this deeper. I have sat as a Member of the Board of Directors of the HDC, for example—I will be the subject of a commission of enquiry, which I am very much looking forward to. [*Crosstalk*] I am dying to get there. I will deal with Sen. Hadeed on the outside. [*Crosstalk*] But the fact is that the reason why I am looking forward to going there is that I have acted with propriety and I can withstand the scrutiny, and I cannot understand the exculpation clause in this circumstance. Indeed, unless there is a cogent reason volunteered as to why it should be there, I think it should be struck out.

Mr. President, I turn next to clause 15. Clause 15 is the licensing of urban and regional planners. We have this unusual operation of being proficient in the English language without specifying how that should operate. Do we really need to prescribe that in legislation?

Mr. President, we turn to 15(3):

“An application...shall be accompanied by—

(a) evidence of—

(ii) a degree, a post graduate diploma or other professional qualifications...”

Is a postgraduate diploma really what is required insofar as the Director of Planning, under the new Act No. 10 of 2014, who is in charge of all of Trinidad and Tobago, may get in on a diploma as opposed to a degree basis? I am not quite certain if that is the bar and the level of bar that we want to prescribe for someone, upon whose word alone, planning authority is going to be given if you look to the operability of Act No. 10 of 2014.

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Mr. President, when we go to clause 16. Clause 16 is very inelegantly drafted. Clause 16 says:

“An applicant who satisfies the Council that he has complied with the requirements of...15 and who is a—

(a) citizen of Trinidad and Tobago or a qualifying Caribbean Community State;
”—

I noticed other bits of legislation refer to this as Caricom and define it in the definition section—

“or

(b) resident and permitted to work in Trinidad and Tobago,”

That is the bit I have a problem with. That requires you to have the horse coming after the carriage, the cart before the horse. Very often you do not get permission to work, or residency, until you have the job secured. In other words then, the work permit comes after the acceptance or invitation to work, and that caused me some concern in subclause (b).

Mr. President, I thought that clause 16(2) was unusual and perhaps otiose, because:

“Where an applicant is a citizen of a qualifying Caribbean...State complies with the requirements of section 15, the Council shall not refuse to act in accordance with section 16(1)...”

Why? Why is this stated? I think that it does not need to be there. I have a problem with the transitional period of three months only being prescribed in clause 16(2), so that persons previously licensed will lose their licence and their property rights within three months, and I give you an example—the national spatial strategy. If you listened to the hon. Minister’s smooth talk and easy tone, you would think that this document has been in the public domain for a long while. In fact, it was dropped into the Parliament on October 01, 2014, according to the stamp. Certainly, the map work that goes along with this is not in the current cycle of discussion in Trinidad and Tobago, and I would come to that in a moment specifically dealing with a few regions in Trinidad.

Mr. President, when we look next to clause 19, clause 19 causes me great concern. Clause 19 of the Bill says that—in subclause (4):

“The Council may refuse to grant a Temporary Licence where it has reason to believe that there are sufficient Urban and Regional Planners in Trinidad and Tobago and qualifying”—Caricom—“States with requisite experience.”

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Why on earth would you want to put that into legislation? The Work Permit Committee could deal with that, but why would we want to so totally run in the face of the EPA? The EPA, as a trade agreement between Trinidad and Tobago and the European Community, prescribes for reciprocity of treatment. It is something that everybody hopes to see, where our skilled professionals can receive reciprocal entry and treatment into the European Union and elsewhere. Why then are we prescribing into the parent law, on a three-fifths majority basis, this particular provision? Most respectfully, hon. Minister, I think that this ought not to feature in this legislation. I think it runs contrary to the EPA which we are constantly in negotiation with. [*Desk thumping*]

Mr. President, I look next to clause 22. Clause 22 of the Bill says that:

“An Urban and Regional Planner is entitled to—

(a) demand and recover reasonable remuneration...”—et cetera

Now, that is a feature of requirement, because unless you have the licence and the designation you are denied the ability to sue for services rendered, but, Mr. President, it does not go as broad as perhaps it ought to go, and I invite the hon. Minister in his reflections to invite his team to look at the Legal Profession Act, where reasonable disbursements and other aspects beyond professional fees can be levied and charged for.

Mr. President, I turn next to clause 24. Clause 24 is an unusual section.

“All documents that are required to be signed by an Urban and Regional Planner shall be valid only where the person signing...is the holder of a valid licence under this Act.”

The law always speaks as being operational—what if it was signed and the person died? What if the person signed it while validly registered, and the holder of licence, but subsequently came to be in a circumstance where you were not the valid holder or you passed away? Is it that this clause now suggests that you must always be alive and always be current for anything that you have signed to be in existence? I just had a query in relation to that. It did not seem to make sense insofar as “is” may exclude “was”. Perhaps the drafters can assist us with that.

3.00 p.m.

Mr. President, I look next at clause 25 of the Bill. Clause 25 speaks to the Council’s ability to revoke the licence of an Urban and Regional Planner. We are coming now into some of the thicker areas of concern in the Bill. The first thing that one has inside

of here is if you are in the circumstance of having been convicted of an offence, which is punishable on indictment in Trinidad and Tobago. I come back to the municipal corporation legislation and the selling of rotten tomatoes. That is an indictable offence under the laws of Trinidad and Tobago, and it causes me concern that this should feature in this way. I have seen it in other pieces of legislation, but if we go to the other boards or council legislation in Trinidad and Tobago, you will note that the provision there is described differently, perhaps described a little bit better. It says:

Where there is a conviction for an indictable offence which is not capable of being met by the payment of a fine.

That is a very important distinction that you can have inside of this position. Mr. President, the drafters would do well to have another look there.

Clause 27 of the Bill, where we deal with appeals:

“A person may appeal to a Judge from any decision of the Council including...”—refusal to renew, revocation of licence, suspension of licence, refuse to reapplication.

Why, pray tell, are we abandoning a very neat and cost-effective mechanism of a tribunal? Thirty Urban and Regional Planners, somebody is not renewed, their licence is suspended, you automatically go to court. You are subjected to legal costs in court. There is a long procedure to get there, but many other pieces of legislation: the Regional Health Authority, the engineers’ board, the land surveyors board go through the mechanism of a tribunal. That mechanism of tribunal is certainly something that I think is worthy to look at in this structure of this unique profession that we are now seeking to bring into the laws of Trinidad and Tobago. I do not think it an appropriate step to run first stage automatically to court, [*Desk thumping*] particularly when, that the judge on hearing the appeal shall have it heard within a particular time where the rules of court must make that prescription.

Very often in the laws of Trinidad and Tobago, the Rules Committee does not prescribe the time, and you find yourself in the lacuna if three months or six months—if you borrow from the different areas of law, so we have to be careful that we do not increase costs or exacerbate costs unduly, and go into a domain that we ought not to go to as a first resort.

Also, I would like the hon. Minister to pay attention to the fact that in other pieces of legislation, you have the right to appeal to the Court of Appeal, specifically stated, and that is not stated in this legislation. Are we going to be met

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with a “construction summons”, as we call it in the old days, or an interpretation application in court, that this law is a preclusion of a right of appeal to the Court of Appeal? It may not be, but perhaps we ought to be specific insofar as other pieces of legislation have been specific.

Clause 29 deals with the register, and, again, I am going to ask the hon. Government of Trinidad and Tobago: What about the data protection legislation? What about the Electronic Transactions Act? It is our heartfelt fundamental belief that this is a tick-in-the-box Government. [*Desk thumping*] They are only interested in saying that they have ticked off boxes, and now I understand why in 2015, as we approach it. After \$80 million in contracts for billboards, digital billboards—which Sen. Hadeed will no doubt tell us about when he gives us his usual robust contribution this afternoon—after \$80 million in billboards all over Trinidad and Tobago, which I am sure there is no planning permission for—or I would love to find out if there is any—where this Government nauseates the people of Trinidad and Tobago, causes nausea worse than Chickungunya ever could, that we are bombarded by ridiculous statements, Mr. President. [*Laughter and crosstalk*] We are very concerned that we get the data protection legislation, and we get rid of this tick-in-the-box Government, that just want to say: “We did this”, “We did that”, “We did this”, and there is no substance behind it. [*Desk thumping*]

Mr. President, because I am running out of time, if I jump to clause 31, there is the position of an erasure from the record—the record shall be erased. It is common usually to require a strike-out of the record, so that you can actually see under the interlineation what has been struck out. I am not comfortable with the Resmi Ramnarine position that has been visited on this country of allowing for an erasure of a record, much like there is an attempt to erase section 34 from our memories. The fact is, it ought to be an interlineation or a strike-out, as is the norm in the law.

Mr. President, I turn next to—[*Interruption*] Sen. Hadeed says that he is very close to Resmi Ramnarine. I apologize, Senator, I did not mean to cause any matrimonial or other disputes.

I turn next to clause 46 of the Bill. The Bill proposes the establishment of a disciplinary committee and a recognition committee. It is in the operationality of the disciplinary committee—[*Interruption*] Mr. President, I am being disturbed about the origins of my Iraqi heritage and other things. [*Laughter*]

Mr. President: Senators, can we listen to Sen. Al-Rawi in silence, thank you.

Sen. F. Al-Rawi: Mr. President, Sen. Hadeed is a wonderful gentleman, but he sometimes gets ahead of himself. I invite you to pay attention, Senator—pay attention. [*Crosstalk*] I know in the UNC you are not accustomed to getting content, but this afternoon you are getting content, so let us drag along with that. [*Laughter and desk thumping*]

When we go to the operability of the recognition committee and the disciplinary committee, I am concerned. I am concerned that the disciplinary committee is acting on a lesser standard than it should. Clause 50(2) prescribes the operability of dealing with a complaint by affidavit. I would be much more comfortable with a statutory declaration. Why? Because you suffer the penalty of perjury for statutory declarations that are lies. We know what people that support this Government can do, and I think it incumbent that we allow people who wish to sully good people's names, the ability to know that there is a consequence attached to a lie. I would be very pleased if clause 50(2) dealt with a statutory declaration as opposed to an affidavit.

What concerns me in the disciplinary proceedings is that there is no expressed statement that there must be a hearing. In fact, the right to confront your accuser, armed with counsel of your choice, the right to not suffer self-incrimination and to have that privilege waived, another section 5 right, this is traversed entirely in the construct of the disciplinary proceedings. The disciplinary proceedings are on a lesser standard of proof, in re-using an affidavit as opposed to statutory declaration.

The disciplinary proceedings do not expressly state that you have the right to cross-examine your accuser and to have an attorney-at-law represent you. The disciplinary proceedings also do not permit for a complaint which has been brought to the committee, to at least go through a prima facie case testing. Let me explain that: the disciplinary committee of the law association, for instance, under Chap. 90:03, it is not that every complaint that is brought against a member of the law association or, in fact, of this Urban and Regional Planners Association, should automatically pass through and move to the disciplinary committee. There should be a filtration or examination of complaints, to weed out frivolous complaints from real complaints. That is the standard used in other pieces of legislation on the books of Trinidad and Tobago.

But what concerned me in this particular part of the Bill was that you would have a determination that a complaint has been made, that there may or may not be professional misconduct, you suffer the consequence of suspension, but nowhere in here does it say you must tell the man against whom you made a

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decision, that an adverse inference is being drawn in relation to his conduct, and give him the right to be heard. That is a very serious lacuna in this Bill. In fact, it is a critical and fatal flaw in the Bill. It must be contemplated; it must be factored.

Look to the engineering legislation; look to the architecture's; look to the land surveyors'; look to any other piece of legislation, you have the right to face your accuser, to cross-examine your accuser and, more particularly, to be told if there is an adverse inference brought about you. Salman letters are written for that reason in many proceedings, as I am sure my learned senior, Sen. Prescott SC and Sen. Vieira will no doubt reflect upon.

Mr. President, I look as well to clause 56, where we have this unusual phrase of an "incorrect entry". Clause 56 of the Bill:

"A person who fraudulently makes..."

I would have preferred the expression "wilfully and knowingly". "Fraudulently" is a higher standard of proof, wilfully and knowingly is slightly lesser, but:

"(a) a false or incorrect entry..."—is an incorrect entry to be dealt with—"on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years."—I think not.

I think that is going a little bit too far.

Clause 57—under offences we have dealt with the expression "and" between the "fine of fifteen thousand dollars and to imprisonment for two years"—section 57 all of a sudden uses the word "or":

"A person who during the suspension of his licence..."—et cetera, certain things are described—

"commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for two years."

I do not think that that is on.

Clause 62 of the Bill:

"The Minister, upon consultation with the Council, may by Order, amend...First, Second, Third, Fourth, Fifth, Seventh, Eighth and Ninth Schedules".

In other words, you may amend everything except the code of ethics. I am not so sure if that is what we want to do, nor am I certain that we may want to just have the fees automatically jacked up by order. Other pieces of legislation on the books of Trinidad and Tobago put this subject to, at least, negative resolution. In some instances I have seen affirmative resolution. I would be happy with the negative resolution aspect.

Mr. President, these are some of the observations on the Bill itself. May I enquire how much time I have left?

Mr. President: You have three minutes left.

Sen. Faris Al-Rawi: Of regular time. Yes, Sir; thank you.

Let me now, reserving the right to go into committee stage a bit more forcefully on some of the errors that I think exist in the Bill, come to some of the real issues as to how this operates.

We have: Prosperity for All, Manifesto 2010; TOP, COP, UNC. On it features the faces of one Ashworth, “no longer seen” Jack; one, Makandal “I have not seen him for a long time” Daaga; Mr. Winston Dookeran, hon. gentleman that he is, who is no longer the leader of the COP, and Mr. Errol Mc Leod, who is no longer the leader of the MSJ, and there is a beautiful picture of a lovely Prime Minister, our Prime Minister, Mrs. Kamla Persad-Bissessar SC, as she is, with one finger up in the air. She was right, one party left standing, the UNC, consuming all as it moves along its path. [*Desk thumping*] It is the operationality of this Bill that causes me concern.

When you marry the fact that the Urban and Regional Planners get by their say-so to have plans and policies produced, I zone in to what this Government is doing in the city and in the constituency—first the City of San Fernando, and particularly the constituency of San Fernando West, which I hope to be returned confidently to the People’s National Movement. [*Desk thumping*]

Sen. G. Singh: Who is the candidate?

Sen. F. Al-Rawi: I am the candidate. I confess to being the candidate for San Fernando West with pride, and I will certainly look forward to the House of Representatives.

National Spatial Development Strategy for Trinidad and Tobago—National Development Strategy for Trinidad and Tobago—under the tab, Regional Planning Guidance for San Fernando and south—three paragraphs. Mr. President, I do not know who Sen. Hadeed is calling “son”, but it cannot be me, because that would be an offence at law.

3.15 p.m.

But anyway, when I look to the City of San Fernando, I want to reflect upon how this Bill operates. This Bill proposes regional and spatial planning on a very important basis. The definition section of the Bill requires continuous education.

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That is a first in the Laws of Trinidad and Tobago. To have a certificate of fitness from the Planning Society of Trinidad and Tobago, you have to be continuously educated from year to year. We are in a situation in Trinidad and Tobago where we do not have the resources available, and if you look to how the architecture of planning is going to be implemented now, San Fernando City Corporation—
[*Interruption*]

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. C. Robinson-Regis*]

Question put and agreed to.

Sen. F. Al-Rawi: Yes, Mr. President. So, the architecture contemplates that the regional planners, the municipal corporations, as the hon. Minister reflected upon, are going to work in operation with the national level planning, the National Planning Association.

Mr. President, in the San Fernando City Corporation which resided under the grip of the COP for three years, under a sitting Government for nearly five years with nearly \$300 billion of expenditure, the current council of the San Fernando City Corporation came in and met a depleted mayoral fund from seven digits in figures to massive debts. It met a situation where planning, as carried out in this city, could not be had because they were understaffed in terms of municipal police, understaffed in terms of resources, understaffed in terms of management.

But, Mr. President, what I found very unusual is that the waterfront development project at San Fernando City centre, which was to happen after the PNM hallmarks were set down, the Chancery Lane Car Park, et cetera, we met a situation where contracts were awarded for the beautification of the waterfront, millions of dollars with no paperwork, benches for vagrants to sleep on, umbrellas put up and stolen overnight. But Mr. President, what has happened in the City of San Fernando, through a lack of resource allocation by this Government, is a tragedy. One thousand five hundred empty lots. [*Crosstalk*]

Sen. Coudray is asking me what I am talking about. Sen. Coudray must know what I am talking about. She invited the national community in the full public glare to have the City of San Fernando remove litigation against residents, owners of empty lots to have those lots cleaned; and we know why. Because the planning structures, without the collection of land and building taxes, left a gaping hole in

the reserves of San Fernando City Corporation, where you cannot have lots cleaned, and take the charges and apply it to owners of lots. So, we are left with a chikungunya and dengue epidemic in San Fernando. We are left with a hospital burgeoning, bursting at the seams.

But, Mr. President, what caused me even greater concern, as I reflected through the National Spatial Development strategy for Trinidad and Tobago, this Government says, in the published documents, that they are going to act in consultation with people.

Mr. President, San Fernando has an old railway line. We have some of the most impoverished people in San Fernando living on that line. Do you know what this Government did in terms of planning and operationality of this national spatial plan? They went to the people of the Marabella train line, which is a large squatting community, and they have now said to them, we are giving you certificates of comfort for your land. No survey for the land, people living on the water's edge where there is tidal activity that we have just seen in Manzanilla, washed out an entire community. But, Mr. President, this Government knows that certificates of comfort are not worth the paper that they are written on. So how could this be justice for the people of Trinidad and Tobago as this National Spatial Strategy suggests?

Mr. President, when you look to the Deloitte Ministry of Planning and Sustainable Development Feasibility Study for the Redevelopment of the San Fernando Waterfront Draft Integrated Feasibility study—[Crosstalk] none less than the Vice-President of the Senate bawling out in crosstalk, but I will prevail. But anyway, [Crosstalk] when you look to the site preparation and the relocation—Mr. President, I am going to ask you to deal with the Vice-President.

Mr. President: Hon. Senators, just give Sen. Al-Rawi an opportunity to speak. [Crosstalk]

Sen. F. Al-Rawi: You know, Mr. President, Sen. Coudray is brilliant in crosstalk, but I never hear her stand up and talk, you know. [Desk thumping] An incredible situation. Crosstalk. Crosstalk. Crosstalk. Give her an opportunity to speak, cannot stand up and speak. I do not know what the point is.

But, Mr. President, when we deal with the situation of the people of the Marabella train line being offered certificates of comfort, which have been determined in law to be worthless, the poor and impoverished people of this country, and particularly the most vulnerable, are being taken for fools by this Government. [Desk thumping]

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Mr. President, what is going to happen when seashore activity of the type that happened in Manzanilla, happens along the train line in Marabella after 500—300 billion dollars of expenditure?

Sen. G. Singh: Is there a change in the Gulf?

Sen. F. Al-Rawi: Mr. President, Sen. Singh asked a very good question. Is there a change in the Gulf? [*Crosstalk*] Sen. Singh who has a whole Ministry for water resources never heard about the greenhouse effect and rising tides. It did not occur to him that that occurs. The people of Embacadere—[*Crosstalk*]

Sen. Maharaj: Standing Order 34(b). I would like to know the source of the letters of comfort from the hon. Senator?

Mr. President: You said 34—

Sen. Maharaj: (b), elucidation and—[*Crosstalk*]

Mr. President: You have appeared to have given way to the Senator—

Sen. F. Al-Rawi: No, Sir.

Mr. President: Well you sat down. [*Crosstalk*] No. He asked, he referred to the fact that he was interrupting you because he wanted you to elucidate the matter relative to the letters of comfort—I take it—under 34.

Sen. F. Al-Rawi: Thank you, Mr. President. I have not given way. The hon. Minister raised Interruptions 34. He moved on a Standing Order. I sat to allow you to rule. I am not giving way. [*Crosstalk*]

Mr. President: If you will have your seat. That is not what I understood took place. The Senator sought your leave, as it were, to interrupt. You allowed him to interrupt. I did not understand him to raise a Standing Order. He indicated the Standing Order under which he was interrupting, and that he was seeking clarification. [*Crosstalk*]

Sen. F. Al-Rawi: Thank you, Sir.

Mr. President:—and therefore—[*Interruption*]

Sen. F. Al-Raiw: I appreciate. I will tell him because you usually ask the courtesy after five years, would the Senator give way? But anyway, if that has not stuck yet to the hon. Sen. Maharaj, well then one hopes that something else will.

But, Mr. President, the source of the letters of comfort come out of the Land Settlement Agency. I invite the hon. Minister, when they are in Cabinet, they should at least talk to each other. They should try and find out what the left hand and right hand

are doing, otherwise we are going to end up in a situation where you have junior Ministers asking about senior Ministers. [*Desk thumping*] We are going to end up in a situation where allegations of corruption or lack of transparency rebound and reverberate throughout Trinidad and Tobago. The fact is, this Government is guilty of taking advantage of the most poor and vulnerable citizens of Trinidad and Tobago, and it is a crying shame. It is a shame.

3.30 p.m.

I ask the honourable citizens of this country to take very careful note that they will be begged, bribed, cheated by all sorts of people in Trinidad and Tobago, certainly not the PNM. I ask you, Mr. President, to let the people of Trinidad and Tobago understand, in the national spatial strategy for Trinidad and Tobago, that they should spend every black cent this Government offers them, because it is their money.

Sen. Maharaj: Standing Order 35(5), Mr. President. He is imputing the motive that we are bribing, cheating and so on.

Mr. President: I did hear Senator—

Sen. F. Al-Rawi: I said all sorts of people.

Mr. President: I did hear Sen. Al-Rawi refer to that. I thought he quickly corrected himself, and then excluded a particular organization, so I allowed it to pass. But, of course, you would not go down that line.

Sen. F. Al-Rawi: No, Mr. President. I do not know if Sen. Maharaj wishes to associate himself with those sentiments, but I certainly am not ascribing anything other than the fact that there are people that will trick you, they would put big-light advertisements in your face and ask you to consider what is happening in Trinidad and Tobago. They would spend taxpayers' dollars and write you letters in the mail, paid for by taxpayers, to tell you, "give us ideas". Well, there is one idea that is coming out of San Fernando West relative to planning, in particular, which is to tell the Government, pack up your bags and leave. That is all we are interested in. [*Desk thumping*]

Mr. President, this Bill has a lot of problems, problems that are not insurmountable. I think with some good tweaking and some reflection upon the structures of other pieces of legislation, I think the hon. Minister could find an even keel somewhere there. I am very concerned about the lack of introduction of a tribunal, the automatic move to court, the expenses associated there, the proximity of the Minister to the functionality of the council, the proximity of the Minister to the appointment of members of council. I am very concerned, Mr. President, that fees are not dealt with.

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Other pieces of legislation allowed this body, any body that is structured, to receive fees and penalties. It is in the other pieces of legislation that I have referred to. I wonder why it was left out here. How is this going to be funded? How do 30 members of the Trinidad and Tobago Society of Planners fund all of this? I do not know. The engineering board, the land surveyors' board, the other elements have either a recompensation fund, consolidated fund, or certainly the ability to use fines such as the medical board—that was amended, I think it was, in 2007 by Act No. 31, if you look to the medical board itself.

I think the honourable Government needs to do some homework on this and to do some refining of purpose and intent, and I invite the hon. Minister to do as my learned friend, Sen. Hinds—as he once was—used to say, to sip his porridge cool. Do not just tick the boxes off, get on board with proper and holistic policy, so that we may have the pleasure of supporting legislation which is well drafted. After all, Mr. President, we as an Opposition in Trinidad and Tobago, the PNM Tenth Parliament Opposition, we have supported 94 per cent of legislation coming through this Parliament [*Desk thumping*] and we have done so because we are a responsible, well-organized institution, and that our Houses are given the ability, through the direction of our hon. political leader, to come up and interrogate the Laws of Trinidad and Tobago, with the citizens of Trinidad and Tobago foremost in our minds. Mr. President, we urge the Minister to go back and do a little homework and let us get this right.

Thank you, Mr. President. [*Desk thumping*]

Sen. Helen Drayton: Thank you, Mr. President, I would not be too long. Let me open by saying that regulating the profession of urban and regional planning, certainly an excellent idea; licensing practitioners, an excellent idea; and I want to commend the hon. Minister and the Government for their efforts in tackling urban and regional planning legislation in a comprehensive and well-coordinated way. I think that is a very positive development.

Now, there are many good things about the Bill. There are certain things that bother me. Sen. Al-Rawi has mentioned a number of them, and I think they are sufficiently important for me to re-emphasize.

Let me just start with the interpretation. I note under—that is Part I, clause 3, it says that a:

“‘certificate of good standing’ means a statement issued by”—the Trinidad and Tobago Society of Planners—“TTSP which certifies that a person has—

(a) paid his fees for membership in TTSP;”

And I am wondering whether this should not, in fact, read, “for professional membership in the TTSP”.

Why I think that is important? It is because there are several types of membership of the TTSP: there are professional members, which, I think, is the group they are seeking to license; then there are graduate members; there are student members; there are honorary members; there are affiliate members. And, by not including that word, “professional”, I think it leaves the TTSP open to be challenged, should it decline application for any member who does not meet the requirements in its—this is the qualification requirements in its constitution, and I will come back to that.

I have to agree with Sen. Al-Rawi that I think the structure of this legislation appears to have undue control by the State over the affairs of a professional body. It has already been mentioned, and therefore, I would not say much more than that. I note under Part III, clause 15, subclause (3), that:

“An application under subsection (2) shall be accompanied by—

(a) evidence of—

(ii) a degree, a post graduate diploma or other professional qualifications in urban and regional planning...”

I do not think that is very clear. Does it mean that the applicant need not have a degree, and can have any one of these qualifications? In other words, are we saying that for an authority, a regulatory body, that it is satisfactory to have a minimum qualification of a diploma? And would any of the related professions, whether it is the architects, quantity surveyors, would they accept a diploma in terms of their profession? And if we are saying that this industry is very important to the development of Trinidad and Tobago, and it certainly has to be when we consider the state we have found ourselves in—rather I should say the mess as a result of the lack of planning, or bad planning—I would imagine that as a profession, it is extremely important to our development, and if the intent of this Bill is to lower the standard of qualification, I have a serious problem with that.

I note that the constitution of the TTSP makes mention of a bachelor of science degree with three years’ spatial planning experience, and if a masters, at least two years. So, professional bodies usually require their membership to have at least a first degree. We certainly are not going to find somebody practising law without a degree or practising medicine without a degree. [*Desk thumping*] And this is usually in addition to years of experience or some period of internship. So, if it is the intent of this legislation to lower the standard, I want to ask the Government, why is it settling for the lowest denominator for council members? Why are we not seeking to raise the bar instead of lowering the standard of the TTSP? [*Desk thumping*]

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Now, I appreciate that there may be people practising who do not have a first degree, but are we legislating based on that standard? If so, I have a problem. We are spending billions of dollars in GATE, and if there are people who do not have the basic qualification, then, by all means, give them a scholarship and tell them to go and get that degree.

Now, I think when you look across our country, you look in health, education, business facilitation, policing, national security, I think we could see the impact of low standards on the delivery of service. So, let us seek to raise the bar and not lower the bar, and if I am interpreting this Bill correctly, it means that the Minister could nominate someone for the regulatory body who does not have a first degree, but given the constitution of the TTSP, an applicant to their organization for professional status would not be accepted for membership in that professional body, if they did not have a first degree. So, is there not a contradiction?

I want us to note as well, that the very law states that the persons nominated by the TTSP must have 10 years' experience and hold professional membership. So that the law is mandating one standard for the Government's nominee and another standard for the TTSP nominee, and I think we need to look at that. We need to be more concerned about promoting continuous development, rather than bringing laws that prune minimum qualifications for persons on a regulatory authority to a diploma status.

Now, according to this Bill, there will be committees of the council, and I tried to find out how many professional planners there are in Trinidad and Tobago, and Sen. Al-Rawi answered that question. It is about 35 to 40. So, it certainly appears that there will be more committees and staff, between the councils and its committees, than there are planners, and therefore, I wondered about the cost efficiency, and whether such a big bureaucratic structure is the best structure for an industry of 35 persons growing, probably, at a rate of one or two a year. [*Interruption*] So, it is, yes; probably about 20 or 30 people to regulate 30—35 people. Do we really require this structure? Could we be a bit more creative?

Now, under clause 19(4) it says that:

“The Council may refuse to grant a Temporary Licence where it has reason to believe that there are sufficient Urban and Regional Planners in Trinidad and Tobago and qualifying Caribbean Community States with requisite experience.”

And, yes, I too ask the question: Does this not conflict with the EU agreement and the whole notion of competitiveness?

Again, clauses 54, 55 and 56, which deal with penalties, were previously mentioned. These seem to be inconsistent with clause 57, where, in one instance it is \$15,000 and two years' imprisonment, and in the other instance it is \$15,000 or two years' imprisonment, and I could not understand the reason for the difference.

Now, apart from these observations, I am not going to go into any further detail, as Sen. Al-Rawi has already mentioned what I have here. I think it is all well and good to bring this law and the planning and facilitation law that was passed a few months ago. These laws updated the ones that had been established around 1960, which would include the old town and country planning law, which it repealed. But, frankly, we would not be in the mess that we are today with all and sundry structures, haphazardly erected everywhere, if the laws that we had were enforced. And this is what worries me again about another big bureaucratic state agency and the enforcement of laws.

It certainly would have not been the situation, like we see in Woodbrook, where authorities right now close their eyes to the increasing number of bars, clubs, entertainment places that generate heavy traffic, make much noise in the heart of a residential area where there are many elderly people. So, right now the laws are being flouted. It would not be the case of tyre shops starting up throughout heavy thoroughfares such as in Diego Martin, St. James, the eastern main road, scarring the community in the ugliest possible way.

The laws that exist now are being broken by state agencies. So, when you bring a structure with a great deal of state control over a professional body, it begs the question: Are we really serious about the implementation and the enforcement of laws? And, yes, I have to mention it too, it would not be the case of billboards going up illegally with government advertising in areas around the Savannah and other prohibited places. How could the Government bring a Bill like this, proclaim its seriousness about planning and development, and it is advertising on structures throughout Trinidad and Tobago that are illegal? The laws prohibit them. [*Desk thumping*] So, why are we to believe that this law will make any difference?

And, of course, another one I have to mention: if laws are being adhered to, it would not be the case of casinos, bars and betting shops, getting licence to open up near schools, and it would not be the case of schools being given licence to build where these structures exist. So, I ask the question again, are we serious about what we are doing here, or is it just nice to say we have passed legislation?

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Now, I know this Bill is about regulating the professional practice of urban and regional planning, and there is a planning authority, but when one considers that the Government could proceed to open a major part of a new highway under construction, when in its own words, “drainage was not completed”, please do not blame citizens if they believe you are duplicitous with respect to what you say and what you do. It is a serious matter.

So, for what it is worth, Mr. President, from a professional urban planning standpoint, I think the Bill could be supported with appropriate amendments. However, I ask that the Government take another look at the structure and whether it is suitable for the licensing of 35 people?

I thank you. [*Desk thumping*]

Sen. Larry Lalla: [*Desk thumping*] Thank you, Mr. President, for the opportunity to contribute to the Urban and Regional Planning Profession Bill, 2014. I think that this Bill is a very important Bill. It is important because of the contemplated role that urban and regional planners are required to play in the further development of this country. And, on the issue of development of this country, I want to agree with something that my good friend Sen. Al-Rawi said about this Government—that the Government is a tick-in-the-box Government. The Government is a tick-in-the-box Government because this piece of legislation is in keeping with all the other visionary pieces of legislation that this Government has passed for the development of this country, and it is ticking the boxes as it goes along. [*Desk thumping*]

And the same people who did not go to the PNM’s convention a few weeks ago, the vast majority of the people who were supposed to go—[*Interruption*]

Sen. Robinson-Regis: Like who?

Sen. L. Lalla:—have seen the work that this Government has been doing, and come next year September, not before, they are going to go to the polls, including those good citizens from along the Marabella train line, and put their ticks in the box for this Government. [*Desk thumping*] So, yes the Government is a tick-in-the-box Government.

3.45 p.m.

But the point is—[*Interruption*]

Sen. Al-Rawi: “That is Tunapuna speech there, boy.”

Sen. L. Lalla: The point is—including Tunapuna, [*Desk thumping*] the home of my birth and development. [*Laughter*] The point is, Mr. President, it is a serious issue. Planning and the work that city planners are doing all around the world play a very important role in development of the country. It is not just about putting up buildings,

about laying out streets. It is something which is very sophisticated and something which goes towards the national identity, the national psyche of the people, and that is why it is important to have in place legislation which regulates what is a very serious and important profession, to ensure that the country, the Government in place, is able to properly get the services of this very important profession.

One of the benefits of proper city and urban planning deals with the issue of aesthetics. We want to have development in this country, Mr. President, that is pleasing to the eye. We want to have adequate proper building styles, with proper building setbacks, proper eaves and advertising signs.

I recall when we were debating before this honourable Senate, the Planning and Facilitation of Development Bill, that my other good friend on the other side, Mr. Stuart Young, who is not with us today, spoke about his experience in travelling to a city like Manhattan, and the impression that the development there had on him, and how the orderliness of everything appealed to him. That plan of that city was developed somewhere in 1821, and you wonder why, you know—there being an example of good planning and existence such a long time ago—why could we not have something like that here? Because good planning, apart from aesthetics, facilitates proper traffic flow, we are able to cater wider streets, so that we have a better flow of traffic. You have room for expansion of streets and running of utilities. You are able to have better control over security. A better planned city is a city that is easier to monitor. It facilitates the easier use of security cameras, an easier facilitation of police patrols, you have less dark corners and less places for the undesirables, the persons who mean harm to the populace to hide.

More importantly, and on the issue of diversification of our economy, better-planned towns and urban areas are more appealing to tourists—you make it easier for persons who are visiting the country and who are unfamiliar with the country to navigate through the country when you have better planning. And very importantly on that topic is the issue of branding. With proper planning and development, Mr. President, we are able to brand our development and have some sort of national identity.

We all know from pictures, from visits, Venice is a brand. The city of Venice is a brand because of its architecture, because of the way it was planned a long time ago. There is no reason why in Trinidad—with the proper use of planning and professional planners, a national and political will—that we cannot achieve a national brand for our planning, for our architecture, for our urban and city development.

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Another popular brand that many of us may know of, is the island of Santorini, one of the Greek islands. Any picture of Santorini, you will see they have dome-shaped structures on the buildings painted in blue with crosses. This sort of architectural style has become a brand for them. They put it on postcards, they put it on souvenir items, it is featured in movies, and there is no reason why our beautiful Trinidad and Tobago cannot have a brand, an architectural brand.

For example, our beautiful gingerbread houses, that could be the focus of our national brand. Imagine if we have towns and villages, even cities in the gingerbread style. Imagine what we could do with that.

Hon. Senator: You used to live in one?

Sen. L. Lalla: That is just an example. I would love to live in one, I would love to live in one, and we have many beautiful gingerbread houses in Tobago which we should maintain.

The point is that a lot could be achieved if the very noble intention behind this legislation is put into effect and we see the big picture, we see where it could really take us if we understand all its implications, if we understand all that this profession of urban and regional planners could bring to this country. Because unfortunately, when we look around Trinidad and Tobago, we wonder what has happened to national planning for all those years that my friends on the other side—not them, but their party—had control of the Government in this country. What happened to planning? And maybe it is not their fault, maybe it is something that was not paid attention to, people were more concerned with more basic aspects of human development and maybe it is something that just was not paid proper attention to. So I am prepared to forgive them for that.

Sen. G. Singh: Dr. Williams said planning has lost its mystique.

Sen. L. Lalla: But the point is, when we move all over our beautiful land, we see that there is a serious need for future development of the country to follow some plan, because at present there is no plan. When you drive along the East-West Corridor, Tunapuna, my home town, you see that the Eastern Main Road is heavily congested. There is no room for expansion, there is no proper running of utilities. There is what my geography teacher in Hillview College taught me—just linear development.

Sen. Ramnarine: Who is that?

Sen. L. Lalla: Omar Ali. So it is something that we have not paid proper attention to historically. And the point we must understand is that chaotic

planning affects the national psyche, and it lends itself to the disorder that people find themselves in at times, even because of improper traffic flow.

You know, recently, Mr. President, there was this devastating flood in the Manzanilla area which resulted in that road being washed away. It is very important in the rehabilitation of that road that we have a road which is in harmony with the environment. Some people might think that is something—that might be a bit airy-fairy, but I will tell you something.

I remember as a little child [*Interruption and laughter*] driving from Tunapuna to Mayaro with my parents to spend a couple days, in the August holidays, in Mayaro. And driving on that road, between five and six in the morning, and my memory of that drive is that it was the most peaceful, the most beautiful drive one could ever experience. And it is very important as we seek to rehabilitate the road, to build a road which would be consistent with the natural beauty, with the serenity of that part of the country.

Recently I was in Tobago and I had an opportunity to take the drive—after some years, the last time was many years ago—to take the drive along the Roxborough, Parlatuvier Road and through the Tobago Forest Reserve. And, Mr. President, that drive, credit to the THA, is perhaps one of the most pleasant drives anyone could take in this country, and for persons who are watching on television and to my colleagues, I say if you have not done that drive you must take that drive, and you will feel proud of our country. You will feel proud of what the THA and the Government have done on that road. That is a drive that you could sell as part of your tourism package. It is so beautiful, and that is the point. Proper planning is able to make a contribution to our revenue earning capacity as a country.

In preparing to speak this afternoon, and doing some research on the Internet, I came across an article from Penn State University, which speaks about planning and what is planning. With your kind permission, Mr. President, I will read certain parts of it, because I think it is important to us that we fully understand the importance of this piece of legislation. Some might think of it as being drab legislation, legislation which only seeks to build upon the red tape that already exists in this country. But I think if we really appreciate the importance of the function that planners perform, we will be more motivated to assist in the passage of this Bill here this afternoon. And if I may read:

“Planning, also called urban planning or city and regional planning, is a dynamic profession that works to improve the welfare of people and their”—

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circumstances—“by creating more convenient, equitable, healthful, efficient, and attractive places for present and future generations.

Planning enables civic leaders, businesses, and citizens to play a meaningful role in creating communities that enrich people’s lives.

Good planning helps create communities that offer better choices for where and how people live. Planning helps communities to envision their future. It helps them find the right balance of new development and essential services, environmental protection, and innovative change.

Planning is done in many arenas and involves professionals who are planners and those who are professionally certified by”—and in relation to this article they speak of—“the American Institute of Certified Planners. Planners work with elected and appointed officials, such as mayors and planning commissioners, to lead the planning process with the goal of creating communities of lasting value...”

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“Professional planners help to create a broad vision for the community. They also research, design, and develop programs; lead public processes; effect social change; perform technical analyses; manage; and educate. Some planners focus on just some of these roles, such as transportation planning, but most will work at many kinds of planning throughout their careers.

The basic element is the creation of a plan. Planners develop a plan through analysis of data and identification of goals for the community or the project. Planners help the community and its various groups identify their goals and form a particular vision.

In the creation of a plan, planners identify the strategies by which the community can reach its goals and vision. Planners are also responsible for the implementation or enforcement of many of the strategies, often coordinating the work of many groups of people. It is important to recognize that a plan can take a variety of forms, including: policy recommendations, community action plans, comprehensive plans, neighborhood plans, regulatory and incentive strategies, or historic preservation plans.”

On the topic of historic preservations plan, I think it is very unfortunate what is happening at present to the Greyfriars Church. That is a church, again, as a little boy I remember travelling by taxi with my mother to Port of Spain—
[*Interruption*]

Hon. Senators: From Tunapuna.

Sen. L. Lalla:—to shop for the Christmas holidays to take back things to Tunapuna—[*Interruption*]

Hon. Senators: Uhhh. [*Desk thumping*]

Sen. L. Lalla:—and walking on Frederick Street by the Greyfriars Church, and always admiring this building, and for the life of me, I cannot understand how we find ourselves in the position where this treasure, which has been with us for so long and which has touched so many lives, falls victim to the bureaucracy of the Port of Spain Corporation to the point where it is on the verge of being destroyed. I cannot understand how, in this country, in this day and age, that a national treasure like the Greyfriars Church could find itself in that position. Because we have to understand, in relation to all our beautiful old buildings, at one point in time someone took pride in building these structures. Great time was taken to come up with these designs, to labour on these projects and to put them where they are.

What do we say to the generations which have gone past when we, as a people, decide that we are going to attach no value to those buildings? By doing so, we do a great dishonour to our history, to our generations that have gone past, to the persons who, at that time, felt pride in our country, and such pride that they were motivated to do beautiful things.

It is up to us. It is in our interest to honour that work, to maintain beautiful buildings as beautiful buildings, and to preserve them for generations to come, and planners have an important role to play in ensuring that our old buildings are honoured, that developments which take place around them are consistent with them and not in conflict with these old and national treasures.

On another interesting point, dealing with health. City planning and urban planning, we may not realize, has a lot to do with the health of the citizens who live in these areas. From the website, rudi.net, which is an English website, I printed this article which is not very long and if I might read part of it again, with your kind leave, Mr. President. The title of the article is: “Poor planning: the layout of towns, cities and buildings is making us unhealthy”, and it reads:

“Transport and planning policies are creating places that discourage physical activity and contribute to heart disease and rising obesity rates, according to a report by the National Heart Forum, Living Streets and the Commission for Architecture and the Built Environment.” [*Interruption*]

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rudi.net. It is an English—

“The layout of towns, cities and buildings influences the amount of exercise which people take naturally in their daily lives. The report, *Building Health*, provides a blueprint for action, including changing transport policies in which ‘the car is king’, and locating housing, shops and services to encourage walking and cycling.”

—which is something I do not understand why we do not do more as Trinidadians, perhaps because of the type of drivers we have and perhaps there has not been proper planning to facilitate bike ways, which is something you find, again, in most modern cities.

Hon. Senator: Amsterdam.

Sen. L. Lalla: It continues:

“With three million new homes being built by 2020, planning and design decisions made now will affect the shape of communities and public health for decades to come. European cities such as Copenhagen have proved that it is possible to have thriving city centres which cater fully for pedestrians and cyclists, making healthy living seem the easy option.

The recommendations are aimed at policymakers, planners, architects and transport professionals in the UK. Practical recommendations for new ministers include:

- Applying a ‘health check’ to every investment programme, which include assessing the impact on levels of physical activity.
- Strengthening guidelines for key strategic planning documents such as Community Strategies, Local Transport Plans, Regional and Sub-Regional Spatial Strategies, Local Development Frameworks and Sustainability Appraisals to make health and physical activity a key goal alongside sustainable development.
- Integrating health promotion principles into the training of built environment professionals such as highways and transport engineers and town planners.

The report argues that the investment in regenerating East London for the 2012 Olympics must create a legacy of more opportunities for everyday physical activity in the new built environment. The Prime Minister has proposed an investment of £100m in five hours of PE a week at schools to

foster a new generation of athletes. This report says that young people who may never be athletic, and who are at greater risk of obesity, diabetes and heart disease, will however become healthier through well designed school buildings and playgrounds, interesting walking and cycling routes to school, and opportunities for informal play and other outdoor after-school activities.”

So we know that in Trinidad diabetes is a serious issue. Our children now are not outside. I cannot remember the last time I saw somebody playing cricket in the road, or football.

Sen. Robinson-Regis: If you go to Tunapuna.

Sen. L. Lalla: In Tunapuna they still do, but in other parts of the country I do not know what is happening. The point is, we owe a duty to our citizens to ensure that the moneys which are devoted to development of the national infrastructure are spent in such a way that we have better spaces in which to live, in which to work, in which to go to school and generally to exist, to ensure that even our health is catered for as development moneys are spent.

That is the role that planners have to play, and it is in this Bill, because if I might take you, Mr. President, to the code of ethics which the professionals who are going to be regulated by this legislation would be bound to adhere to, we see that all of these ideas which I have pulled from international sources are in the legislation, and the persons who would be covered by the legislation would be bound to factor all of these ideas into their planning decisions.

If I might read from the Code of Ethics, the Sixth Schedule, section one, Part I of the Code of Ethics:

“An Urban and Regional Planner who is employed in the public service or private practice and performs work involved in urban and regional planning, whether academic, research or otherwise, shall have a duty to the public, his employer and clients, as well as to other members of the profession, at all times to—

- (a) serve the public interest in a manner which upholds the integrity of the profession within the laws of Trinidad and Tobago;
- (b) uphold the reputation of the urban and regional planning profession;
- (c) conduct himself in accordance with the highest standards of professional practice and integrity; and
- (d) assist with advancing the competency of persons who are qualified or training to become urban and regional planners.”

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Section 3 of the Code of Ethics:

“An Urban and Regional Planner shall consider in his practice of urban and regional planning the following concepts:

- (a) land is a finite resource, particularly in small island States and should be utilised in a judicious manner;
- (b) the need to protect the integrity of the natural environment;
- (c) problem solving involves an analysis of choices which requires the balancing of competing interests;
- (d) future consequences of present actions;
- (e) the need for meaningful and informed public participation in the urban and regional planning process and due consideration of available choices;
- (f) the social, economic, physical and environment issues underlying land use and spatial development;
- (g) the rights and privileges of individuals under the Constitution and other written laws;
- (h) the pursuit of excellence in design, whether in the natural or built environment;
- (i) the need for public advocacy;
- (j) the desirability of monitoring and evaluating the implementation of a plan.

4. (1) An Urban and Regional Planner in this practice shall—

- (a) have regard to the totality of land use and adjacent seabed;
- (b) ensure the rational and sustainable utilization of land and related natural resources;
- (c) consider the integrated development of settlements and supporting networks which promote human well-being, environmental harmony and aesthetics.”

Section 5:

“An Urban and Regional Planner shall—

- (a) endeavour to extend public understanding of urban and regional planning and its place in society;”

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- “(b) endeavour at all times to enhance the public regard for, and its understanding of, his profession, by extending the public knowledge thereof and discouraging untrue and exaggerated statements with respect to professional services in urban and regional planning;
- (c) have proper regard for the safety, health and welfare of the public in the performance of his professional duties; and
- (d) conduct himself in such a manner as not to prejudice his professional reputation.”

So the point is, here we have a very important profession. A profession that if properly utilized, controlled and regulated, could ensure that we have development in the future which could benefit us in so many different ways, in so many different sectors of our national existence.

It is in our interest as a country to ensure that our urban and regional planners are regulated, that their activities are controlled, that they be disciplined when they depart from the ethics of their profession, that there is a governing body to regulate them. All of these things are found in the legislation, and are reasons why we in this honourable House should ensure that this legislation is passed, and it becomes part of the law of the land.

Sen. Al-Rawi, in addressing the various sections of the Bill with which he wanted to take issue, spoke about—and started off his contribution with the issue of the taking away of rights—that is being done in a way as it is done in relation to all important professions. All persons hold services as professionals are important to national development, are subject to regulation, are subject to having some of their rights taken away. As one seeks to balance their right to practise their profession, with the need to have the country’s development first and foremost in the minds of everyone, and to ensure that their services are used for the betterment of the country, and not simply for the betterment of their profession. So yes, rights are taken away, but it is done in a way which strikes the proper balance between their profession and the country’s development. [*Desk thumping*]

Sen. Al-Rawi raised the issue about the closeness of the governing body to the Minister. He saw something wrong with that. Of course, not with this particular Minister, but in general. I think we need to distinguish the role that this profession is required to play and the way in which they are required to operate in relation to the Government of the day. The Government of the day is required to have control over the spatial development that is taking place.

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Unlike other professions, for example, the legal profession, where there is required to be some distance between the profession and perhaps the Government, this profession is very different. It is very important for the Ministry of Planning and Sustainable Development to be able to work in harmony with these developers. [*Desk thumping*] So I think we cannot look at the way control of the profession is structured in a vacuum, but we must understand that structure in relation to the way the profession is required to work, and the role that the profession is required to play.

Sen. Al-Rawi raised issue as well with clause 8. He had issue with the clear stipulation provided there as to the circumstances in which persons may be removed from office. Now, I have difficulty understanding that because I thought it was something he would welcome, because by having it clearly laid out, what you are doing is complying with the requirements of natural justice, [*Desk thumping*] being fair to persons and letting them know up front the circumstances under which you may be removed. So I think if he gives that section further consideration, I am almost certain that he will find it in order and that it is something that he should support as drafted.

In relation to clause 14, Sen. Al-Rawi raised the issue about immunity, and members of the Council having a statutory immunity, but one has to read the section carefully. It is not a blanket immunity. It is not an immunity that is inconsistent with the duties that you are required to perform, and the way that you are required to perform those duties. Clause 14 says:

“A member of the Council shall not be personally liable in any action or proceeding for or in respect of any act or matter done or omitted to be done in good faith in the exercise or discharge of any duty or function under this Act.”

So the point is, the immunity only applies if you perform your duty in good faith, [*Desk thumping*] in exercise or discharge of your duty or function under the Act. If you do not comply with the requirements of this Act, the immunity does not apply. So there is no proper reason not to support the immunity as drafted.

As I close, Mr. President, [*Interruption*] in my research, Sen. Camille Robinson-Regis will be happy to know, apart from those articles, I found a poem which I would like to read. Who would have thought that there will be a poem on planning, but there was a poem on planning which I found, which I think we would benefit from, and it is short. It says:

“Some cities”—and it is a poem by—just so that I give attribution, Joann Snow Duncanson from Greenland.

Sen. Robinson-Regis: What is the name of the poem?

Sen. L. Lalla: City Planning:

“Some cities now trumpet aesthetics —
 tear down and rebuild, is their cry.
 Corridors to and from Main Street
 must sparkle, look good to the eye.
 Done with the Mom & Pop storefronts!
 Out with those unsightly shops!
 And the well-worn apartments above them?
 Be gone! It’s time ugliness stops.
 So we watch as the buildings we once knew
 and loved are replaced row by row
 but we cannot help wondering and asking
 just where will the poor people go?
 Now where will the poor people go?”

I just thought I should read that to add another perspective to my contribution. That yes, we want to ensure that all this oil revenue, all this oil and gas revenue that we have in this country, are used in such a way to enhance our environment, to put up taller buildings to accommodate more people and more offices, and we have better and bigger roads for more cars to drive on, and we want them to look good, but at the same time, that development has to be balanced with the needs of the poor and underprivileged. We have to ensure that whatever development takes place, keeps their interest and their needs in mind.

I would ask this honourable House to give its full support to this piece of legislation. I am sure that it is well understood why the legislation is important—the ways in which our country could benefit from having this very important legislation in place. Because I have always said, Mr. President, that in the Caribbean once we, little Trinidad and Tobago get our act together, there is no one who could compete with us. *[Desk thumping]* No other country in this hemisphere has the variety of people that we, Trinidad and Tobago possess, have the variety of religions and religious festivals, food, a perfect combination of flora and fauna, and national festivals. Once we get our act together, once we use the resources which we have wisely, to ensure that what we have is properly packaged in a way which could make it easily sold on the international market. There is no way—*[Interruption]*

Mr. President: Your speaking time has expired. Hon. Senators, the speaking time of Sen. Lalla has expired.

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [Sen. F. Al-Rawi]

Question put and agreed to.

Sen. L. Lalla: There is no way—[*Interruption*]

Sen. Ramnarine: Thank him for the extension.

Sen. L. Lalla: Yes, I thank you very much Sen. Al-Rawi, my good and gracious friend on the other side.

Yes, the point I am making, there is no way anyone could compete with us.

Last Divali, the day after Divali, I took the opportunity to go to Chaguanas, and driving on the Endeavour Road—is it the Endeavour Road?

Sen. Singh: Caroni Savannah.

Sen. L. Lalla: The Caroni Savannah Road, I was amazed to see the work that Sen. The Hon. Ganga Singh had been able to do [*Desk thumping*] in that community, not as a planning developer, but as a cultural developer. [*Desk thumping*] The beauty that I saw displayed there, Mr. President, was second to none. There is no reason why the people of that great constituency of Chaguanas West, which will be back in the folds of the People's Partnership [*Desk thumping*] come the next election—There is no reason why what they are doing there cannot be packaged and sold internationally, to bring in persons from all over the country to witness the beauty that is the culture of Trinidad and Tobago. [*Desk thumping*] It is all consistent, with what we are trying to do with this Act, to ensure that the beauty that is Trinidad and Tobago is brought out and is fully achieved, so that we as a country could achieve our full potential for generations to come.

I thank you very much, Mr. President. [*Desk thumping*]

Mr. President: Hon. Senators, it is now 4.30.32. I, therefore, propose to take the tea break at this point, and we will return at five o'clock. This House now stands suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. President: Sen. Diane Baldeo-Chadeesingh.

Sen. Diane Baldeo-Chadeesingh: Thank you very much, Mr. President, for giving me the opportunity to contribute to what is arguably a most important Bill as it relates to the effective legislation for our urban and regional planning professionals of Trinidad and Tobago. This Bill is long overdue and it is also very important in light of the Planning and Facilitation of Development Act which was recently debated.

But before I get into the Bill itself, I have and must make mention of the contribution of Sen. Lalla, and Sen. Lalla spoke about the seriousness and importance of the planning profession. But, in the same breath, he spoke about that developments in essence must be pleasing to the eye. He went on as well to speak about the adequate, proper advertising signs and better-planned towns, and he spoke about branding of foreign countries—several foreign countries. At one point, I thought he was the Minister of Tourism of another country. Attorney, legislator and poet, the hon. Senator shared a lot of concepts but here is one: those who fail to plan, plan to fail. [*Crosstalk*]

Mr. President, the Senator also indicated that no one can compete with the UNC or with the PP Government and he is quite right. No one can compete with scandal after scandal. [*Desk thumping*] SIS contracts; National Quarries; Gopaul Construction; LifeSport; Beetham waste water treatment plant; Constitution (Amdt.) Bill; runaway murders; \$300-billion spending; the fire truck fiasco, \$6 million; Resmi Ramnarine; [*Desk thumping*] prison gate; and a perpetual lack of planning; box drain galore and flooding of monumental proportion. He is absolutely right, Mr. President, no one can compete with that. [*Desk thumping and crosstalk*] He was right, and I quoted the hon. Senator, he was right. He said, “We need to get our act together” and I could not have agreed with the hon. Senator more. [*Desk thumping*] He said it. His own words.

Mr. President, but the issue is the complementary nature of the two Bills requires mention of the proposed professional planners in the context of their function in the planning and development of our country, and the need to discuss the impact of such a breach in linkage with the two Bills.

Trinidad and Tobago—and I am hearing “steupsing” on the other side as well already, Mr. President. [*Crosstalk*] Trinidad and Tobago—[*Interruption*]

Sen. George: “Dah is from your side.”

Sen. Cudjoe: Not over here at all, at all.

Sen. D. Baldeo-Chadeesingh: Not over here. Trinidad and Tobago has been in charge of its development since 1962, and while some may claim that this Bill will be the first for urban and regional planners as a Bill, it must be mentioned that the Trinidad and Tobago Society of Planners, TTSP, was incorporated in 1975, an indicator of the vibrancy and function of planners in Trinidad and Tobago.

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We often hear of so many repeated presumed first claims occurring only between 2010 and 2014. One has to put the development of the country and the supporting legislation in the context of, not only legislative accomplishment, but also to offer an overview of the history and function of this august body of professionals who offer hundreds of years of professional experience and training combined.

It is imperative that we as lawmakers facilitate their ease in professional management and enable their effective professional delivery of services to Trinidad and Tobago. They are partners with us, the citizens, in this dynamic development of our country. We must also recognize that our human development and its long-term sustainability are dependent on the comprehensive, effective management of the plans developed and managed by these professional planners.

Mr. President, this area of planning is arguably one of the most important in any country since poor planning results in negative outcomes, not only for those directly affected by inappropriate planning, lack of legislation or legislation not well integrated to enable sustained development of institutions, communities and the economy. The Bill we are asked to consider today is inextricably linked to the Planning and Facilitation of Development Act, which, of course, I said we debated, and which seeks to reorganize and strategically devolve the Town and Country Planning services into the regions of the country. This Bill strengthens the relations.

Our national development must no longer be constrained as a result of poor deployment of financial and human resources in an inequitable manner. Interventions in the country that should facilitate national development are now trending currently to what appears to be designed to satisfy special interest agendas.

Sen. G. Singh: Like what?

Sen. D. Baldeo-Chadeesingh: Development must be equitable—I listed 12 of them at the beginning—and must align with the tenets of democracy. [*Crosstalk*] Any other outcome will be a breach of the constitutional rights of citizens who are victims of inequity in development programmes. The input of these professional planners will go a long way in ensuring appropriate national development process, and while consultation exercises in the area of development have been undertaken with communities and stakeholders which should align—Mr. President, I am being disturbed.

Mr. President: Hon. Senators, can we listen in silence to Sen. Baldeo-Chadeesingh?

Sen. D. Baldeo-Chadeesingh: Thank you very much, Mr. President, for your protection. And so, Mr. President, while consultation exercises in the area of development have been undertaken, and Minister Tewarie indicated 20 consultations were undertaken, these consultation sessions, my research says that they were poorly managed and resulted in more questions being asked than answers to fundamental questions that are posed at such consultations. The planners are trained professionally and their experience, knowledge and skill must be respected in Trinidad and Tobago in the same manner that planners in other jurisdictions are. Planners are experts and bring professional expertise to defuse and resolve many disputes in development between Government, between citizens and contractors.

We are all aware, however, from current challenges faced in development projects in Trinidad and Tobago that, notwithstanding the efficiency of expert planners, reports and recommendations, decisions are made on the contrary. And the extent to which nationals can challenge the ill-advised plans and implementation of such decisions by a Government, notwithstanding expert professional advice, is an ongoing learning curve in Trinidad and Tobago. And whatever the outcome of the current challenge, which remains an impasse, will be forever etched in the history of Trinidad and Tobago, of this country. Professional planners will, through their work, complemented by the JCC, another partner in development in Trinidad and Tobago, yet we have an unfortunate impasse.

While this Bill lists the roles and duties of the urban and regional professional planning council, the operationalizing of such duties will create issues with the Bill in its present form. The issue of the effective functioning of this council is real. Where consultation is required, we have serious setbacks. From the local government consultations to the consultations on the Constitution amendments, there has always been some obfuscation in the communication, and the terms of the exercise and its scope are never explicit in its very content.

The legitimate expectations of the public have been trumped by perhaps Government's reinterpretation of what seemed to have been a clear mandate, but suddenly become truncated, for want of a better word, and the mandate and the authority presented become vague, and discontent arises. This discontent leads to a loss of trust and effective communication breakdowns.

Mr. President, we are all aware of generations who continue to protest and seek what they see as injustices in their rights and freedoms when vagueness is used, and this is not effective development. Land acquisition and land-use plans cause major issues without effective planning expertise. Planners, Mr. President, are essential and they are very invaluable in our country, and this legislation must ensure they can function effectively as professionals and regulate their peers as their counterparts do globally.

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In instances where the public seeks professional clarification, it is the planner, or the planners who intervene and bring to the table experienced professional interventions that will impact generations. So the council's role must be clearly identified as expert advice on which non-planners must rely and which must be used to complement the development of Trinidad and Tobago.

Mr. President, evidence of this miscommunication has plagued Government's interaction with the public, and let me identify some concerns in this Bill which would require clarification and the lack of evidence of the supporting infrastructure to enable this Bill to be effective. To be effective in the overall planning sector, the Bill should be linked with complementary legislation roll-out dealing with planning and facilitation. And the Planning and Facilitation of Development Bill, subsequent Act, seeks to include effective town and country policies and operations in the regions of the country to enable an environment in which effective planning supports operations and sustained development in the regional or the urban areas.

5.15 p.m.

Our urban and regional planners are inextricably linked in the effective outcome of this Bill, yet no complementing discussion has been undertaken. The two complementary service divisions cannot operate separately in silos, Mr. President. That is the Town and Country Planning Division and the professional planners in the national arena. Although in practice, planning and administration must work together, and without this strengthening Trinidad and Tobago planning cannot function effectively without the much needed linkage.

Mr. President, without this linkage, we will continue to have dysfunction in the area of services to the public and with our international partners. This is a challenge that legislative agendas pose when government activity is seen as a political agenda achievement, for instance. But we must review all the areas that would challenge their professionalism, and that is the professional planners, and we must reject those. Our professionals must be on equal and even more enhanced professional level, when compared with their regional and international counterparts.

Mr. President, we have some concerns about the extensive power of the Minister to appoint members of the Council. But more than that, I would also like to refer to clause 15(3)(ii):

“a degree, a post graduate...or other professional qualifications in urban and regional planning held by the applicant;”

We believe that a tighter definition of the qualifications prescribed in clause 15(3)(ii) is needed.

And under, clause 15(3)(ii)(b):

“recommendations from two Urban and Regional Planners attesting to the applicant’s fitness and ability to practise urban and regional planning in Trinidad and Tobago;”

I was wondering whether the recommendation of the members should not come from the TTSP as a corporate body, as opposed to just two members.

In addition, Mr. President, with respect to clause 19(4):

“The Council may refuse to grant a Temporary Licence where it has reason to believe that there are sufficient Urban and Regional Planners in Trinidad and Tobago and qualifying Caribbean Community States with requisite experience.”

I was just wondering, with respect to clause 19(4), with the EU Agreement and perhaps Canada, regarding the issue of reciprocity for practice, our planners should be treated with the same professional mandate and conditions to operate efficiently.

In addition to that, would it really be possible to restrict a planner by the Minister on the basis that there are sufficient planners who can perform the task at hand? That was also something that came to my mind. We find the penalties under “offences and penalties”—I know Sen. Drayton as well, alluded to this. I too was taken aback with clause 54. It says:

“A person who practises urban and regional planning without a licence issued under this Act or who fraudulently holds himself out or pretends to be the holder of such a...licence...”

Well, the fine for that:

“...on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.”

That is in clause 54, but in clause 57 it says:

“A person who during the suspension of his licence—”

if he practises, then he:

“is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for two years.”

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It seems that some discretion must be allowed here because it is higher for one offence, as opposed the other. But one of the offences seems a lot more dire than the other one.

Mr. President, another question that came to mind in doing my research for this debate is, I asked myself: how will this Bill assist the Trinidad and Tobago Society of Planners function more effectively and more efficiently? Because the scope of the Bill excludes the mandate of the professional group, which should be at the level of the accreditation body for the professionals in the same manner that maybe dentists or the medical practitioners who regulate the professional organizations.

Another one again, any improvements—I have to reiterate this because I think it is ultra-important—for the Trinidad and Tobago Planners for reciprocity in the region. That is also very important.

Sen. G. Singh: What do you mean by that?

Sen. D. Baldeo-Chadeesingh: Well, if our planners go to other jurisdictions to practise, will they be accepted if we allow other persons to come in?

But Mr. President, it was the hard work of these planners and public officers in 1982, that produced the last and only statutory National Physical Development Plan, that is the NPDP, prepared and adopted in 1984. I mention this to share with Members of the Senate the history of the development in Trinidad and Tobago. No other administration than the People's National Movement undertook such a comprehensive plan from which the country developed with input from our planners, even where infrastructure required other expertise and other skills, for example, drainage experts, surveyors, engineers. There was respectful integration of such complementary professionals which must be retained in the development of this country.

The professional organization of planners must operate as a regulatory body—like I said, perhaps, the medical profession—and they must also be allowed to undertake registration as well as evaluation of continuing education consistent with state-of-the-art professional skills upgrade complemented with robust research and development in their specialized field.

Development in Trinidad and Tobago began—and the Minister was right—with the colonial governments presence and their plan for a colony from whom agricultural plantations, the oil industry and asphalt were the main interests economically, and we gained independence in 1962 and on this historical event

the future, a very successful development of Trinidad and Tobago took on greater meaning nationally, and economically we moved to a developing nation with planners guiding us through this very critical phase.

Mr. President, the details of the comprehensive document which guided this country successfully since 1982 include the involvement of some of the planners who are still striving to be as efficient as possible.

Sen. Dr. Tewarie: I would give you the other part to that story.

Sen. D. Baldeo-Chadeesingh: I look forward to it. The legislation does not facilitate any deliberate dysfunction in the planning and implementation of any intervention or plans in the interest of all citizens. The legislation must also ensure that any breach in the professional conduct should be handled by peers in the professional body and the cash fines and imprisonment penalties or cash or imprisonment are not very well articulated in the Bill and these require further analysis and some comparative examples, perhaps, from other jurisdictions.

Development must not be measured solely as improvements being relevant nationally but must be seen in a wider perspective of the region and internationally. This gap between the links of related Bills is unacceptable. It creates a negative synergy issue between the legislative implementation and demotivation and initiatives of our urban and regional planners.

Mr. President, the Bill we are debating today brings into focus the urban and regional planning professionals who are critical in the development of any country. And as we debate their professional function and mandate in the legislation being considered, which, as I mentioned earlier, is long overdue, we see this legislation today not linked with the vision articulated, perhaps, in the Planning and Facilitation of Development Bill, although there is no doubt whatsoever by virtue of the very name of the two Bills, that they are not merely related by accident but in order to effectively strengthen the professional stakeholder in development. The nexus between both Bills seem not to be an issue in the legislative agenda of the Government.

As a result of the names of both Bills, I will refer to the Bill before us again and its merits, while indicating the challenges that will continue, even if the current Bill gets the approval of the Senate today. This Bill, the Urban and Regional Planning Profession Bill, seeks to establish a council, which will enable effective implementation by the Ministry of Planning and Sustainable Development, consistent with the professional standards of the urban planners.

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In this advisory role, one must be clear if the advice is what is considered expert professional advice required for appropriate action when required, or is the advice merely an exchange between the professional planner and the Government for consideration. In other words, to what extent are we to presume or be advised that a decision inimical to the best outcome of the country has strummed the professional expert advice of the planners of Trinidad and Tobago?

The Bill is not strong enough on the inclusion of directives from planning professionals in instances where such an ad hoc interpretation from consultations, from reports and evidenced-based recommendations are disregarded in favour of special interests of a Cabinet. One must remember that the Cabinet, with the Executive operates as a separate unit but is inextricably linked to the people, to the citizens, and one has to make this link and repeat the purpose of a Cabinet decision based on all professional expert input its ideal; in other words, without government interference.

Any national planning improvement requires urban and regional planning, strengthening with the regional corporations and the planning council. Hence, the Bill that will not facilitate a cohesive legislative plan is not doing justice and does not show regard to the planners of Trinidad and Tobago.

Mr. President, the Ministry of Planning and Sustainable Development has embarked on a review of the NPDP and in 2012, this review has resulted in the preparation of a National Spatial Development Strategy. The development of the NSDS entails two phases. Phase one commenced in early 2012 and comprised the situational analysis and the harmonization of the 14 MDPs produced for the municipal corporations.

The situational analysis involves an analytical overview of the main economic, social, environmental and spatial planning issues, identifying where opportunities, gaps and constraints exist. While the harmonization—which is the second phase—project focused on the harmonization of the land use classifications and land use proposals recommended in the regional planning programme of the Ministry of Local Government was completed in 2010, Mr. President, this Government has not integrated the planning function of the Town and Country law, now repealed, at the local and regional level. There has been no implementation start-up, with a link between Town and Country Planning and effective links with authority to Town and Country in the regions and local government and planning. Put another way, there was no transitional plan, Mr. President.

5.30 p.m.

Sen. Dr. Tewarie: Talk about what you know.

Sen. D. Baldeo-Chadeesingh: Development without professionalism—Mr. President, I heard a comment coming from the other side, “talk about what you know”. You know, I shudder to think being a Member of this House, that statement was made. I could well imagine what the citizens of Trinidad and Tobago might well hear from [Desk thumping] Members of the opposite side. [Crosstalk]

Development without professionalism and without an effective legislative and administrative agenda as we have today, would lead to strictures in what should be effective planning and development that true democracy offers: equity, equality and sustainability.

And finally, in closing, I wish to urge that success in planning and governance must include sociology. Sociology and planning, both valuable to a society, both valuable to any society, are different. Sociology provides scientific understanding of societies, while democratic planning utilizes community values through policy. Policy goes to social and physical development. Though valuable together, Mr. President, these fields involve two kinds of careers with divergent cultures and role orientation, seldom included or combined in a single life experience.

It is, therefore, mandatory that the planners who act and incorporate sociology in their practice as well as history, be allowed to not only regulate their profession, but should also be enabled to continue as they begun in 1982 to be free to guide the technical management of development, to ensure sustainability and democracy.

Thank you very much, Mr. President. [Desk thumping]

Sen. Dr. Rolph Balgobin: [Desk thumping] Thank you, Mr. President. I rise to speak very briefly on a Bill entitled, “An Act to establish a Council for Urban and Regional Planners and to provide for the regulation of the urban and regional planning profession and other matters incidental thereto”.

I confess to having some concerns, for here we have yet another governing entity being created in an environment where many of our governing entities created by this very Parliament do not work, or do not work well; discrimination abounds. We have an Equal Opportunity Commission. The FIU exists. We have no arrests. We have had a big drama with the share issues of First Citizens Bank. We have an SEC with sweeping powers. We have no results from any investigation. Although in other jurisdictions, we would know what happened by now.

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We have given in the budget in excess of \$700 million to Caribbean Airlines, and someone crashes a plane in Guyana, and we still do not know what happened, neither apparently did the cabin crew. The Police Service Commission has in five years in this present Government, and well, you know, well, not in five years, I suppose in three or so, failed to appoint a Commissioner of Police. We can speak ad nauseam about the Public Service Commission, the Teaching Service Commission, the Telecom's Authority, TTPS, there is a whole heap of things that do not appear to work particularly well. And, of course, the less said about the SRC, the better. [*Desk thumping*]

Now, Mr. President, all these bodies and more are to my mind very weak, malnourished, both in terms of skills, on the one hand, and money on the other. So I am very sympathetic to my colleague Sen. Drayton's point, which to my mind cannot be over emphasized, that the mischief we are attempting to solve, may very well have been averted had we just enforced what was already there.

If I accepted that as a possible logic, I would immediately move into the question, why do we need this at all? Because I read it and I read it, and I read it. I read the parent legislation. I know what is to come, and so on and I could not figure out why we need this. Is it really to govern and regulate 35 persons? We are all here gathered for that? Why not let them regulate themselves as other professions do? What is it that is so interesting about this particular profession that requires such a pronounced hand of the State in its council? But then, Mr. President, it occurred to me as one police officer told me once, "when something looking strange, it strange". [*Laughter*]

So I am not inclined to support the legislation unless I receive during the course of the debate answers to some very simple questions. What is the anticipated financial impact on those who will enjoy the monopolistic conditions that this legislation will create? That is question one. [*Desk thumping*]

Question two, will the fees these people can charge be governed by legislation or by regulation? Question three, why would we create a super profitable anomaly for a few? Question four—and really it is my last question—who is to benefit in earnings or in office from this Bill? We must not by accident or design favour someone for roles which may be presently beyond them, or create an artificiality which financially or otherwise benefit a very few or one.

I thank you, Mr. President. [*Desk thumping*]

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): [*Desk thumping*] Thank you very much, Mr. President. You know, that must have been the shortest contribution ever by Sen. Dr. Balgobin in the four and a half years that I have been here. We thank all Members who have gone before me for their contributions, and we recognize, Mr. President, the very hard work that is being done by the Minister of Planning and Sustainable Development. [*Desk thumping*]

One of the aspects of the period in time that Sen. Dr. Bhoe Tewarie has been Minister of Planning and Sustainable Development, I think it is now four years, is his bringing to the Parliament several pieces of legislation aimed at institutional strengthening. I think this is one such Bill, [*Desk thumping*] aimed at strengthening the institutions in the country that regulate our economic and our social activity. In the other place, he is currently engaged in the piloting of another Bill, the procurement Bill, and that is also a historic piece of legislation.

I am stepping a bit out of my area of comfort today, and in looking at the Bill, in preparing for the Bill, I realized that planning is a very important thing in Trinidad and Tobago. I will give you an example. I live in a place called San Juan.

Hon. Senator: “Yuh mean Cumuto.”

Sen. The Hon. K. Ramnarine: I am originally from a place called Cumuto. That is correct, yeah. [*Desk thumping*]

Hon. Senator: “Yuh livin in ah good place now, eh.”

Sen. The Hon. K. Ramnarine: Yes, San Juan, and in that area, of course, there are groceries that are built virtually on the pavement. They impede, impair, obstruct and cause tremendous traffic jams on the El Socorro Main Road, and that is not something which is unique to any Government. It is something which has been going on for years. It is a function of how our society evolved over time.

In speaking to Minister Gerry Hadeed who has a lot more experience than most of us in this Parliament, Minister Hadeed will tell you about the time when the road from Manzanilla to Mayaro was a trace, and to cross the Ortoire River, you had to have a ferry take your car across the Ortoire River. So it is a function of how the society has evolved from colonial times to the present day.

So why is this Bill important? Which is the question I pose to—[*Interruption and laughter*] why is this Bill important? As I said, it brings to bear institutional strengthening in the remit of the Ministry of Planning and Sustainable Development, and that is a very important Ministry.

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The very first time I had—I was conscious of the Ministry of Planning was when the NAR was in Government, and many of us would recall who was the Minister of Planning and Mobilization. It was at the time now the Minister of Foreign Affairs, Minister Winston Dookeran.

Mr. President, in thinking about the importance of this Bill, planning is important to economic development, and that is the central thesis of my contribution today. Lack of proper planning impairs economic development, and inadequate infrastructure also impairs economic development. That is why this Bill is important, and that is why the proper—the institutions that lend to proper planning in Trinidad and Tobago, must be strengthened and those that already exist, they too must also be strengthened.

When we look at the panorama of our economy from the year 1974, and I start with the year 1974 and I move to the year 2014, a 40-year period for which the economic historians have not really written that much, and maybe they should. That period in time is the period in time I categorize as the emergence of the modern economy of Trinidad and Tobago, because 1974 as far as the oil industry goes, was a watershed year. It is the year that marked the commencement of what we refer to as the oil boom.

For that 40-year period, Mr. President, 1974 to 2014, for the majority of that 40-year period we have had economic growth. With the exception of the period 1984 to 1990, the period we know as the recession of the 1980s, and with the exception of a two-year period, 2009 and 2010, for that 40-year period, we have had economic growth. That economic growth has been driven mainly, of course, by the energy sector and now the non-energy sector is coming into its own.

Economic growth on its own lends to what they call capital formation. Capital formation manifests itself in infrastructure, in buildings and so on. So in Trinidad and Tobago we have communities and towns that have developed. When you look at what has happened, Mr. President, between Debe and Siparia in the last 20 years, it has been a mushrooming of commercial and residential type structures.

When you look at what has happened to the town of Point Fortin—Point Fortin had in 1974 an oil refinery in Shell, that was eventually closed down, acquired first by the State. It became Trintoc and was then closed down, then we had the emergence of the LNG industry in Point Fortin. When you look at other towns in Trinidad and Tobago, and where they were, Sen. Larry Lalla and I have had the benefit of seeing Tunapuna change over time. One of the things that I was told about Tunapuna is, one of the first multi-storey—that is more than two storey—buildings to have ever gotten Town and Country approval in Trinidad and Tobago, is the building in the heart of Tunapuna which is the C & I Seeterram Shopping Plaza in Tunapuna close to the Palladium Cinema.

5.45 p.m.

So that 40-year panorama, 1974 to 2014, is where the modern economy of Trinidad and Tobago begins to emerge and now we have in the year 2014—Sen. Dr. Mahabir would correct me if I am wrong—the GDP per capita of the economy is somewhere between US \$20,000 and US \$21,000 per capita, which places Trinidad and Tobago in a category well above its peer group in the English-speaking and, dare I say, the Latin American/Caribbean region.

So the economy has developed and towns have changed and towns have evolved. The Eastern Main Road in itself—I was reading the Director of Highways saying recently that the Eastern Main Road itself used to be a trace and that trace is now one of the busiest roads in Trinidad and Tobago, the Eastern Main Road. So, in that 40-year period, we have had this evolution and in some regards we have had good planning and, in other regards, we have had a sort of organic kind of growth of towns and villages and so on.

In thinking, too, about the economy—and the Parliament should know—we have five power plants in Trinidad and Tobago. There is the TGU Power Plant in La Brea. There is the Penal PowerGen Power Plant. There is the Point Lisas PowerGen Plant. There is the Trinity Plant in Point Lisas and the fifth one being the oldest of all the power plants, the Wrightson Road Power Plant. And there is a sixth power plant in Tobago, which is run by T&TEC at the Cove Estate.

In thinking about planning and cities for the future, one must think about electricity. So I am very happy to see that you are again institutionalizing planning because when you go to the major cities of the world, you do not see all these overhead wires and more and more cities are moving to what they call utility corridors where water and electricity and telephones and everything are put underground and that is, of course, lending to the aesthetics of those cities. These are some of the things my colleague, Sen. Lalla referred to.

Again, when you think about modern cities and modern planning, you think about the aesthetics of cities. One of the trends in the world is that power plants are no longer located in the centre of cities. When you go to London, you see what used to be abandoned power plants in the City of London—abandoned coal power plants—and more and more people are moving power plants just outside of cities and moving from coal to cleaner burning fuels.

Another important part of planning is how one plans for water generation and water delivery. Again, having the benefit of being a Minister of Energy and Energy Affairs for now three and a half years, I will tell you that—and I was

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sharing that thought with Minister Ganga Singh—at the very foundation of this economy are three important things and if any one of these three important things goes out of whack, we have immediate manifest problems.

One of them is natural gas; the other one is electricity and the third one is water. Believe me when I say that all three are interlinked. In the planning of the Point Lisas Industrial Estate in the 1970s, water was not taken into consideration and I want to put on record the fact that my colleague, when he served as Minister of Public Utilities in the 1990s, sought to introduce desalinated water into Trinidad and Tobago and that has now been the saviour of the Point Lisas Industrial Estate in this decade. So we put that on record. [*Desk thumping*]

We also have a second desalination plant in Trinidad and Tobago, which is located in Point Fortin, the Seven Seas Desalination Plant and, as I said, in terms of planning—because that is what the Bill is about—there is a relationship between water and electricity because water is required for what they call combined cycle steam turbines and for simple cycle turbines. Water is also required by industry as both raw material for the actual process of making ammonia and methanol and also for the purposes of cooling.

So that is the very critical relationship between all three and, of course, as you would recall, sometime ago we had a blackout and it was because Trinidad and Tobago's electricity is 100 per cent today generated by natural gas. That includes the island of Tobago. I was recently in Tobago as part of the Cabinet retreat and I enquired as to the health and as to the functioning of the Cove Power Plant and I was told all is well and natural gas is flowing into Tobago.

So the other thing I wanted to talk about in terms of planning is the south-west peninsula. I think that successive governments and this Government in particular have identified the need to develop the south-west peninsula of Trinidad and Tobago. The south-west peninsula is the cradle of industrial Trinidad and Tobago. It is where our first commercial oil well was drilled in 1908 and the Government has taken a decision, and any decision you take when you are in Government, especially in a country like Trinidad and Tobago which is a very robust democracy, will be criticized.

The Government is constructing a highway that will connect San Fernando to the Borough of Point Fortin and will also make its way between Debe and Mon Desir—the Debe/Mon Desir section of the highway. That highway is going to aid in the development of the south-west peninsula. In the south-west peninsula, there is the TGU Power Plant, which has now been fully commissioned—I think almost 18 months now—and the TGU Power Plant was originally built to supply electricity to the National Grid and to a smelter. Of course, we know what happened to the smelter.

What has happened is that T&TEC has been putting in place the equipment required to de-bottleneck TGU and to bring the electricity, the 720 megawatts of power that TGU could generate, under the National Grid, and to achieve that a substation had to be built at Gandhi Village on the M2 Ring Road and I want to tell the Senate and the Parliament that by December 2014 that substation will be completed. [*Desk thumping*]

We place on record our recognition of the work of the Minister of Public Utilities and T&TEC. I was down there two weeks ago and even though there is a lot of rain falling, the project is on schedule and the country will be able to utilize the full capacity of the TGU Power Plant.

Now, what does that mean? The TGU Power Plant is the most efficient power plant in the Caribbean. So it means that the amount of electricity that plant generates per unit of natural gas is a lot more efficient; it is a lot more than other power plants in Trinidad and Tobago. So, by utilizing the full capacity of TGU and by commensurately turning down other power plants in Trinidad and Tobago, we will be saving the country somewhere in the region of 15 million standard cubic feet of natural gas per day, which is enough natural gas to run an ammonia plant or a methanol plant in Point Lisas. [*Desk thumping*]

So energy efficiency is also very important to planning and one of the things that we need in Trinidad and Tobago is efficient and smart buildings because many of our buildings, again, were built at a time when that was not something people would adhere to. Again, buildings are being retrofitted throughout the developed world to save energy and the World Bank has said that Trinidad and Tobago, in terms of its unit of energy per unit of GDP, could be doing a lot better. It should be generating more units of GDP per unit of energy.

So building codes are very important when it comes to planning and the planning of smart buildings or buildings that conserve energy—lights switch off automatically when people are not in the rooms, so in the event that there is not a quorum here, the lights may go off and only when people walk in, the lights come on.

In looking, too, at the sort of intellectual literature on the whole issue of planning, the whole issue of planning, one of the most critical elements required for economic development—and it is an idea I have shared with Dr. Tewarie—it is an idea coming out of a gentleman in Peru called Hernando De Soto, Hernando De Soto Polar, that is his name. He is in his 70s now and he is one of Latin America's most famous economists and he has been the advisor to a number of

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the Presidents of Peru. In fact, he has been touted to be a possible candidate for the presidency of Peru and his simple idea is that there is a relationship between land management and economic development. What he is saying is that no successful market economy in the world has been able to exist without proper land management. So, again, that comes back to the whole concept of planning, proper planning, proper land management are critical.

One of the areas, I think, of success of this Government is the ability to digitize the land management system in Trinidad and Tobago and we have seen an example of that. Minister Jairam Seemungal has shown the Cabinet what his work in the last couple years has done. So land management and planning are very important to economic development and one of the benefits coming out of this Bill, too, will be aid and aid in the ease of doing business. This is something that the Government has made a central pillar of its policy with regard to business development and so on.

Again, the country has made significant strides in rising in the ranking of the ease of doing business and we put on the table our recognition of the work of the Minister of Trade, Industry and Communications. [*Desk thumping*] So, Mr. President, what you see here is really a team effort that, after four and a half years in government, we are beginning now to see a lot of the fruits of the hard work of the last four and a half years beginning to manifest. [*Desk thumping*]

Government is something that you do not go into government and wave a magic wand and things happen overnight. There are systems; there are protocols; there are procedures; there is a bureaucracy to deal with, but by and large, I think this Government has done very well in the last four and a half years. [*Desk thumping*]

On the issue of planning, economic development leads, of course, to consumption because GDP increases, Dr. Mahabir, and people consume more goods and services. So in the last couple years in Trinidad and Tobago, we have had a proliferation of vehicles on the roads and I am told that we have some 700,000 vehicles on the road in Trinidad and Tobago and we go through two or three series per year. I think we are now on PDE.

Sen. Lalla: PDF.

Sen. The Hon. K. Ramnarine: We are on PDF.

Sen. Lalla: Not yet, but soon.

Sen. The Hon. K. Ramnarine: PDF is a form of file, PDF file; but we are now moving through series after series and so on.

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I remember as a child growing up in Cumuto [*Laughter*] having to go to primary school in Guaico, there was absolutely no traffic on what we call the Valencia Stretch and there was actually nobody squatting on the Valencia Stretch in those days. It was green on both sides. No traffic. Now, if you try to go from Guaico, Sangre Grande to Valencia Junction, traffic. I go up there from time to time to visit family.

On Friday, this Friday, Mr. President, the Minister of Works and Infrastructure, the hon. Dr. Suruj Rambachan, will open the very historic Valencia Bye Pass. [*Desk thumping*] That will bring relief to thousands of people who are living in East Trinidad and save many thousands and thousands of man-hours that are lost [*Desk thumping*] and mention was made too of what has happened in Manzanilla.

What has happened in Manzanilla is, of course, out of the control of anybody. We have had unprecedented levels of rainfall in the last couple of weeks and the Government is committed to returning that road to a degree of functionality in the shortest possible time. [*Desk thumping*]

I want to just put on record that I have spoken to many of the energy companies because, as you know nearly all the oil and gas companies that operate on the east coast have some presence in Galeota and in the Guayaguayare area and they have informed me that they are all using the Naparima/Mayaro Road and some of them are using the Cunapo/Southern Main Road to access the Galeota area.

But coming back to planning, one of the achievements of the Ministry of Energy and Energy Affairs—and we are talking about the south eastern part of the country—I am not from that; that is the area from Mr. Gypsy, Winston Peters, our colleague. He is from Mayaro. I am from Cumuto.

6.00 p.m.

One of the achievements of the Ministry in the last three years has been the construction—the start and the finish of the Galeota Port phase 1—I say phase 1 because there is going to be a phase 2 of the Galeota Port—and that was opened on September 05, 2014. The Galeota Port, as we are talking about planning, in delivering my speech at the opening of the Galeota Port, I made the point that ports are often the seeds of cities, and most of the great cities in the world have their genesis as ports—and we are talking about New York, Singapore, Shanghai and so on. So it may be well within our future reach that one day we may look back at the city of Galeota as a city that is founded on energy services that supports an energy sector on the east coast of Trinidad and Tobago, and that supports the development of the deep-water blocks further out into the ocean.

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I just wanted to put on record, a few weeks ago, a gentleman by the name of Paul Tempest was in Trinidad and Tobago. He is an energy economist, and he spoke at the book launch of a book written by Trevor Michael Boopsingh which is called *Oil to Gas and Beyond*—Mr. Boopsingh taught me at the university, and he is no longer with us.

Sen. Robinson-Regis: He is a PNM man.

Sen. The Hon. K. Ramnarine: I was not aware he was a PNM. [*Crosstalk*] I was not aware he was a PNM. He never sold himself as that. [*Crosstalk*]

One of the things Mr. Tempest said in his speech at the book launch is that there will be discovery of hydrocarbons in commercial quantity in our deep water. We know that is going to happen because in the last three years, the last four years, we have licensed more acreage than any government in the history of Trinidad and Tobago. [*Desk thumping*] It has been a prolific period. In fact, when I signed the last three licences it dawned upon me, I should check this because, you know, I was very busy signing licences and protection-sharing contracts, and we now have that information that we have put more acreage under exploration and production than any government in history.

On October 31 we put 64,000 hectares of land under exploration and production licences, three land-based blocks, and that again speaks to planning because there is relationship. This is a small island, and the number here is approximately 5,000 square kilometres of land is Trinidad and Tobago. When you convert that to hectares, it is 513,000. So if we put 64,000 under exploration and production licence, we put 12 per cent of the country's land mass under exploration and production, and that is just three licences that we signed on October 31, 2014. So it has been a prolific period.

Mr. Tempest is telling us something very interesting which I want the Parliament to hear. Mr. Tempest is saying that there is going to be a discovery, a commercial discovery, of oil or natural gas in our deep water and that discovery will double our GDP in the first 10 years, and it will double our GDP again in the second 10 years. If that prediction comes to pass, the genesis of that would be the nine deep water production-sharing contracts that were signed under the tenure of this Government [*Desk thumping*] and that will change south-east Trinidad and Galeota for all time. So, there is a relationship between energy—the energy sector competes for land. We have to drill on land or we have to drill offshore.

A good friend of mine was making the point, we consider ourselves to be a small country—5,185 square kilometres of land—but that is terra firma. If you consider the exclusive economic zone of Trinidad and Tobago as delineated by the various maritime borders to our south, the border with Venezuela; to our north, we have a border with

Grenada; and we have a border with Barbados—if you consider the exclusive economic zone of Trinidad and Tobago as part of Trinidad and Tobago—because that is what it is; that is our property, Trinidad and Tobago would be larger than many landlocked European countries. So, we must not think of ourselves as a small country. We are larger than many landlocked European countries. We are larger than Austria, for example, if we consider our continental shelf, and if we consider our continental slope, and as we go deeper out, what the geologists call the abyssal plain, which is where our deep water is in the waters greater than 1,000 metres, which is where Mr. Tempest is confident that there will be—and as one company told me—the discovery of a giant oilfield.

A giant oilfield is 500 million barrels of recoverable oil. If we were to discover that—and giant oilfields do not come in the ones. When you discover one, you tend to discover satellites and so on as has happened in Africa. Geologists believe that there is what they call the Atlantic mirror image theory, that we are mirror to what is being discovered in West Africa in places like Nigeria, in Ghana and in Equatorial Guinea and so on, so that may well lead to the development of a city in Galeota. I will talk a bit about some other.

So we have a limited amount of terra firma in Trinidad and Tobago and, of course, we have the sea and the seabed and so on, and we have been endowed with natural resources that do not only include minerals, but include agricultural resources and so on. There is a natural competition in a small country like Trinidad and Tobago for land between different sectors, and that is manifesting itself in many of the debates that you see in society: the use of land for purposes of agriculture [*Crosstalk and desk thumping*] the use of land for purposes—I just want to share one little thing here for the *Hansard* record.

Many years ago when I was a very enthusiastic researcher, I was in a place called West Indiana. Dr. Mahabir would know West Indiana very well. Is it still on the second floor of the library?

Dr. Mahabir: I do not know.

Sen. The Hon. K. Ramnarine: You do not know? All right. In West Indiana, I found a speech delivered in the 1930s by Captain Cipriani at the Chamber of Industry and Commerce. In this speech, Captain Cipriani warned Trinidad and Tobago that the development of the oil industry in south Trinidad is going to eliminate the cocoa industry in Trinidad and Tobago because the oil industry was being built on land—the development of the oilfields was taking place on land that was formerly lands on which cocoa estates had existed. I mean, it has come to pass that the cocoa industry has given way to the oil industry, and the oil industry has given way to the natural gas sector, and we will see what is the next wave for Trinidad and Tobago.

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I have a theory about deep water, and we have a lot of faith in what our geologists are telling us about deep water. BHP Billiton is telling us that the footprint of one of the fields that they are seeing in one of the blocks is three times the size of what they call the Madoc Field in the Gulf of Mexico. So the potential is huge, and it is something which could transform the economy and, therefore, that panoramic period between 1974 and 2014, we may have another period of economic expansion starting in the early part—rapid economic expansion, once we have production coming on line from deep water and so on. [*Crosstalk*] So, we have to plan for that very exciting future. But there is another conversation—so that is an industrial conversation happening in Trinidad and Tobago.

Trinidad and Tobago will also have a component of the country, of the economy, that would be industrial. Mr. President, 45 per cent of GDP today is energy and that to me is a conservative estimate, because there is an indirect contribution to GDP coming from energy, from the transport sector, from the power sector and from the services sector and so on. It may well be close to 55 to 60 per cent, but while we are talking and we are planning for an economy that is currently an energy-driven economy, we have to start talking about the future. We have to start talking about post-industrial Trinidad and Tobago, and what would post-industrial Trinidad and Tobago look like.

So, currently, we generate all our electricity using natural gas. Before that we generated all our electricity using fuel oil, which is a derivative of crude oil or diesel, which is also a derivative of crude oil. What then is the next evolution for power generation? Well, it could not be going back to oil, it has to be moving in the direction of a lower carbon footprint. So, naturally, we—and from a planning—and this is where there is an integration between the Ministry of the Environment and Water Resources, the Ministry of Energy and Energy Affairs and the Ministry of Planning and Sustainable Development, and that integration takes place at the level of the Cabinet, which is chaired very effectively and very efficiently by the hon. Prime Minister of Trinidad and Tobago [*Desk thumping*] and through her leadership she has caused collaboration and synergy among her Ministers. [*Crosstalk*]

So, in talking about that evolution, Mr. President, what is the evolution beyond natural gas to electricity? And it has to be that we begin to focus on wind and solar. [*Crosstalk*] It has to be that we focus on wind and solar. [*Crosstalk*] Many of us in this Parliament would know that the area between Manzanilla and Mayaro is where you would probably have the strongest wind currents in Trinidad and Tobago. So it is conceivable that we could have wind farms on the east coast of Trinidad and Tobago, stretching from Toco all the way down to Mayaro where we have constant wind energy being generated.

Sen. Robinson-Regis: Is that a policy, Minister?

Sen. The Hon. K. Ramnarine: That is a policy; that is a policy of the Government. We are going to do something called a wind-resource assessment study that will allow us to know where we could put wind farms. So the next evolution has to be away from carbon because natural gas is still carbon, and into non-carbon sources of energy. If you think about it, that is the natural evolutionary pathway that the world has taken, where you start off in the industrial evolution being driven by coal, and then there was an evolution to oil, and then finally to natural gas and the next evolution would be non-carbon based sources of energy: wind, solar, hydro and so on. So that is also part of an effective planning policy that is integrated between Ministries. We at the Ministry of Energy and Energy Affairs work with the Ministry of Planning and Sustainable Development and the Ministry of the Environment and Water Resources to come up with these policies and these ideas for the country.

Again, in talking about a post-industrial society, a post-industrial society would like to see a recycling industry as a central part of any Government's ability to deal with waste. The Minister of the Environment and Water Resources has brought such a policy to the Cabinet to treat with the whole issue in a very holistic way, the issue of recycling because recycling is now an industry.

In the United States, for example—and this country, as I said, has 700,000 vehicles per day on the road, which means 700,000 multiplied by four because each vehicle has tyres, of course, and we are importing millions of tyres into Trinidad every year and, therefore, we have—there is an industry in the United States called the crumb rubber industry, and I was amazed to see how this works where tyres are converted into a powder, and that powder is blended with bitumen and asphalt and so on, and used in road construction. So, that is part of the post-industrial vision for Trinidad and Tobago.

I think it is a vision which many of the young people who would be listening to this Parliament Channel—and trust me when I say many of them do listen to the Parliament Channel and give me a lot of feedback on my facebook page—anybody listening out there who wants to come and send a friend request tonight, I will accept the friend request [*Laughter and desk thumping*] and since my personal facebook page is close to 5,000 friends—I allowed 5,000 friends—they could go to my fan page and click “like”, and I would be grateful to get the feedback from the young people of Trinidad and Tobago on what they see as the future for this country.

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6.15 p.m.

In the budget that Minister Howai read only a few months ago, we brought a policy into the budget to allow for incentives to be put in place for hybrid vehicles and for electric vehicles, and we have gotten a lot of good feedback from that. The Finance Bill is coming to the Parliament very shortly where we will codify some of that policy into law. The Ministry of Energy and Energy Affairs already owns two of the five or six hybrids in Trinidad and Tobago and they work fantastically well.

Norway is one of the world's largest markets for electric cars. The Tesla has its biggest European market in Norway. The Norwegian Government has put in place incentives that cut the price of the Tesla to half, and it is again because people living in Norway have reached to the point where they want to live in a clean, serene, natural post-industrial type society, so that is the other part of Trinidad and Tobago. So we must learn, therefore, through effective planning to marry the industrial, the post-industrial, and to marry that in a way that there is sustainable development in Trinidad and Tobago, and that citizens of Trinidad and Tobago could enjoy the natural beauty of this country.

There is no reason why industry, agriculture, commerce and urban development—there is no reason why they cannot coexist. The world is becoming more and more urban. [*Interruption*]

Sen. Lalla: LNG buses.

Sen. The Hon. K. Ramnarine: Oh, yes. Sen. Larry Lalla reminded me that very soon, in a few days' time, we would be making a historic leap in Trinidad and Tobago as we roll out 35 brand new CNG buses onto the roads of Trinidad and Tobago. [*Desk thumping*] As we speak, the National Gas Company is working day and night to complete the CNG station, the CNG refuelling station in City Gate, and the line was run some months ago into City Gate. So we would have introduced the first CNG buses, and, again, you travel to the major cities of the world where you get a sense that there is proper planning and the air is clean. You go to Sydney, Australia, you go to major US cities and you see CNG buses and you wonder why it is Trinidad and Tobago, with all this natural gas, could not have a few CNG buses. Well, I think it had a lot to do with will that was not there before, but the will is here now. [*Desk thumping*] The will is here now.

That is the start of things to come with CNG because as you drive east towards Trincity Mall—for those of you, like Sen. Small who will be making his way east

tonight. I do not want to reveal where he lives, [*Laughter*] right. As you drive east before the Golden Grove lights you would see—[*Interruption*]

Mr. President: Senator.

Sen. The Hon. K. Ramnarine: Sorry.

Mr. President: The Leader of Government Business.

PROCEDURAL MOTION

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you, Mr. President. I was so taken up and enamoured by the eloquence and knowledge of my colleague [*Desk thumping*] that I almost forgot the Procedural Motion. Mr. President, in accordance with Standing Order 9(8), I beg to move that the Senate continues to sit until the agreed completion this evening.

Question put and agreed to.

Mr. President: We will sit until you tell me. [*Laughter*] Sen. Ramnarine. [*Desk thumping*]

URBAN AND REGIONAL PLANNING PROFESSION BILL, 2014

Sen. The Hon. K. Ramnarine: Thank you. So we were talking about compressed natural gas. Compressed natural gas was introduced in this country in 1984 by the then Minister of Petroleum and Mines, a gentleman by the name of Patrick Augustus Mervyn Manning. [*Desk thumping*] I see our colleagues are thumping their desks in recognition of Mr. Manning. I understand Mr. Manning has signalled that he might be interested in [*Crosstalk*] contesting the San Fernando East seat again, so he will be—[*Interruption*] I am UNC; there is no UNCA and UNCB, and UNCC.

So, in 1984, Mr. Manning, as the then Minister of Petroleum and Mines introduced CNG and we are here 30 years later and CNG still has not taken off, but it will take off this time. We have made a major step with the buses because the first target should have really been the state sector. I also want to recognize WASA because WASA has also been converting some of their vehicles to CNG, and I understand they have no problems with the conversion.

So, you go to the cities of the world that are experiencing this post-industrial vision, you go to Tokyo and you see CNG buses, you see hybrid buses and you wonder why we cannot have these things here, and the answer is: we could and we will have it in a few days' time. The buses are here, they are being prepared,

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[*Desk thumping*] and the CNG station is almost ready. As I said, new stations are being constructed. If you drive on the eastbound lane of the Churchill Roosevelt Highway, in the vicinity of the Golden Grove traffic lights, right before the traffic lights there, a new multi-fuel station is being built, liquid fuels and CNG, together with a—[*Interruption*]—Yeah, I missed it too a couple of times—together with a new Massy Stores is being built there. [*Interruption*]

Sen. Robinson-Regis: It is finished.

Sen. The Hon. K. Ramnarine: There is also—it is finished?

Hon. Member: “No, it not finish.”

Sen. The Hon. K. Ramnarine: Work is also taking place on what used to be the St. Christopher’s gas station on Wrightson Road, because that gas station was closed down and it had become an eyesore, and the Government took the decision that we should not have an eyesore there, we should have a beautiful quick shop, gas station, and that is also going to have CNG because there is close proximity to a natural gas line there.

So, we are putting in place service stations that have aesthetic beauty, and that brings me to Roxborough. That brings me now to Roxborough because we had great pleasure in January, 2013, I think it was, of opening a brand new station in Roxborough, and Sen. Cudjoe will admit that that has made a huge difference to the people travelling into the rainforest, and so on, on a weekend. It has certainly lifted the area. Sen. Cudjoe is nodding in agreement. [*Interruption*]

Sen. Cudjoe: Really? [*Laughter*]

Sen. The Hon. K. Ramnarine: So, Mr. President, there is—[*Interruption*]

Sen. Cudjoe: One unfriend. [*Laughter*]

Sen. The Hon. K. Ramnarine: I think Sen. Avinash Singh sent me a friend request recently.

So, there is a need for the coordination of all these ideas, for the creation of that post-industrial society that gives the people of Trinidad and Tobago a standard of living that they deserve. The people of Trinidad and Tobago deserve the best that any Government could provide, and the country is headed in the right direction. A lot has been achieved in the last four and a half years, and very soon we will have the test of—the ultimate test, which is the test of a general election.

I want to tell the Opposition that we are prepared and we are sure that our value proposition to the population is one that the population will accept. [*Desk thumping*] We know that when we look back at the last four and a half years the people of Trinidad and Tobago will say that they are better off today than they were [*Desk*

thumping] four and a half years ago. The purpose of government is to make life better for the people, for the citizen—[*Interruption*] For all the citizens, I agree—for all the citizens, and that is exactly what we have been doing and we have been doing that at the level of strategy, at the level of policy, and at the level of operations, and we will continue to do that [*Desk thumping*] for the next five and a half years. Thank you very much. [*Desk thumping*]

Mr. President: Sen. Prescott. [*Desk thumping*]

Sen. Elton Prescott SC: Thank you very much, Mr. President, for an opportunity to contribute to the debate on this Bill, “An Act to establish a Council for Urban and Regional Planners and to provide for the regulation of the urban and regional planning profession and other matters incidental thereto”.

Mr. President, the line that I am about to take might suggest that I have come to bury the Minister and not to praise him, but it is quite to the contrary. The Bill really acknowledges that there is a substantial lacuna in the statutory provisions that is made for planners, the profession of urban and regional planning, and so it addresses some of those deficiencies in a very admirable fashion. I speak particularly of the efforts providing more strict regulations, if you like, for the membership of the society of planners and for the manner in which they conduct their business, it gives them greater power. One would have found it just as easy to support legislation to amend the existing legislation, An Act for the incorporation of the Trinidad and Tobago Society of Planners and matters incidental thereto, but I can see why we do not want to amend because that Act, the 1975 Act, Act 48 of 1975, did limit itself by its very title to the fact of the incorporation of the society. Today’s Bill does much more than that.

I did note in the headnote of the 1975 legislation that we have had a Trinidad and Tobago Society of Planners long before 1975. All that we succeeded in doing in 1975 was to incorporate it, and I think we ought to take note of that. I cannot say that I took the time to find out how long ago Trinidad has had an active body of planners, but I understand that, today, the entire population of planners is no more than 35. I hope that it is the intention of the Minister, by putting forward this piece of legislation, that that too can be altered so that we would be better supplied with planners in this country given, in particular, the upsurge of activity that has been going on around the country in matters of development. So, I look forward to that being [*Desk thumping*] one of the products of introducing this piece of legislation.

I did find that the Minister, in introducing the Bill, and Sen. Lalla similarly, appeared to have premised their contributions on an assumption that the Bill would conduce to improved planning in this country, and a careful reading of the Bill does not suggest that that is its purpose at all. Its purpose appears to be, really, to provide for the

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regulation of the profession. There is already legislation on board for the regulation of the profession so that one would be tempted to ask: Why have we spent so much time discussing how great we are at planning?—or how great we propose to be at planning, when this piece of legislation is not going to bring that about. It does not seek to do it and I am quite satisfied that it would not. [*Desk thumping*]

Sen. Balgobin did ask: What is its true purpose?—but as spiffy as he was, he did not quite bring us to the point. I do not know if he knows the answer. It would have been helpful to us had he sought to guide our thinking in those areas. But I too feel that I have a bit of information that might be helpful. I will bring it up in the course of time.

So, Mr. President, let me first enquire of the Minister, through you, has he noted that if this Bill was passed and become law there would now be two bodies corporate regulating the profession of planning in Trinidad and Tobago? That is to say, the Trinidad and Tobago Society of Planners and the Council for Urban and Regional Planners. And if it is correct to say that there are only 35 planners, let us say that it were to increase arithmetically by the end of this year, how do two bodies corporate not collide with each other in such a small population and really not act as a deterrent to progress, if you like? It is like putting an extra wheel on the vehicle and facing in the wrong direction, of course. The thing does not suggest that we are thinking forward if we have two societies.

It is clear that the Minister does not intend to repeal the Trinidad and Tobago Society of Planners Act—I think that is what it is called—the Trinidad and Tobago Society of Planners (Incorporation) Act of 1975. It is clear not only from what he has said, or did not say, but from the provisions of the Bill itself, because you would note that clauses 5, 38 and 44—there are substantial provisions touching and concerning the continued existence of the Trinidad and Tobago Society of Planners.

6.30 p.m.

One cannot change the course of the legislation now. It is not intended to repeal it, but I do ask the question: Are we not creating a greater hurdle, or creating an atmosphere of confusion, by incorporating yet another body within that very limited pool?

In passing may I ask you, Minister, to look at section 6 of the 1975 Act, and address the question whether the new body corporate should not, in fact, be required by law to have a registered address and, as had been the case in 1975, register it with the Registrar General. As the language stands now in the Bill, the

council can be ubiquitous, and a complainer would have to go looking—somebody who wishes to complain would have to go looking for them, without any formal place, as required by law. So I do recommend that you look again at section 6 of the 1975 Act, and address the question whether this new corporate body should not, indeed, have a registered address at a fixed place, or be required to register that location in the Registrar General's Office perhaps, as he does with companies.

Mr. President, I move to a consideration of the provisions in clause 15(3) of the Bill, which deals with the requirements for a licence to practise. Among those requirements are a certificate of good standing, clause 15(3)(c):

“a certificate of good standing from the TTPS;...”

The Constitution of the Trinidad and Tobago Society of Planners, to which I shall be referring from time to time, does make provision for several classes of membership. Perhaps I should just read from the 2013 version, that is; it was amended on July 04. It says:

The Society shall have the following classes of members:

- a) Honorary Member...
- b) Professional Member...
- c) Graduate Member...
- d) Student Member...
- e) Affiliate Member...
- f) Overseas Members; and
- g) Temporary Members.

It must be noted that by providing for graduate members and student members, the Trinidad and Tobago Society of Planners is forward-thinking. They are contemplating a day when, by nurturing and encouraging graduates and students to come into the professions, there will be an enlarged body of professionals available to the society in some near future date. But the provision in clause 15(3), that there should be a certificate of good standing for persons who wish to practise the profession in Trinidad and Tobago, is circumscribed by what is provided in clause 3.

Clause 3 says:

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“‘certificate of good standing’ means a statement issued by TTSP which certifies that a person has—

- (a) paid his fees for membership in TTSP;
- (b) completed within the past year, a course of continuing professional development;...”

If I may pause there, that too seems to point only to persons who are newly qualified and are entering into the profession. It does not seem to contemplate an existing professional, because one then asks: Well, why should such a person have to satisfy you that within the past year he or she has completed a course of continuing professional development? If, as we may well hear in the reply, it is intended that at each stage a practising professional should be able to satisfy anybody that he has been continually improving his academics or his professional development, then maybe this would make sense. But at the moment, to me, it does not make sense to be saying of a person who wishes to apply to enter into practise that he has to satisfy someone, the TTSP in this case, that in the year immediately preceding his application he has been pursuing a course of continuing professional development. The focus really must have been on his practising the profession or on his experience or, at the very least, a new provision needs to be inserted in this definition of certificate of good standing to deal with persons who are themselves already practising the profession.

If I may just move forward on that very point. You will note, Mr. President, that it is also provided in clause 15 that the Accreditation Council of Trinidad and Tobago should have some say in qualifications for persons who wish to practise the profession. It says at clause 15(4) that:

“Subject to subsection (3),...”—which sets out the basic requirements—“the applicant shall submit to the Council qualifications in urban and regional planning that have accredited status and are granted by institutions which are accredited under the Accreditation Council of Trinidad and Tobago Act.”

It prompted me to ask the question, which I do now, whether the Accreditation Council has itself pronounced its readiness to accept post-graduate diplomas, which is already the subject of some controversy here in this honourable House, and is a reference to the provision at clause 15(3)(a), that a post-graduate diploma or some other professional qualification in urban and regional planning would suffice to make someone eligible for membership of the profession.

So I raise the question: Has the Minister had the confirmation of the Accreditation Council that it is itself prepared to deal with post-graduate diplomas or, the even less identifiable, “other professional qualifications”, be they in planning or urban or regional planning?

The TTSP, the Trinidad and Tobago Society of Planners, does, however, have in its own Constitution at Article IV, a requirement that I want to put on the record—membership, the professional member. May I just read from the Constitution of the Trinidad and Tobago Society of Planners? Article IV(1)(b) reads as follows:

“Professional Member - membership in this class will be limited to persons resident in Trinidad and Tobago who are qualified by academic training and experience to practise as Professional Planners in Trinidad and Tobago.”

A professional member must have graduated from a recognized planning programme. If the qualification is a BSc, the applicant must have a minimum of three years’ relevant spatial planning experience or if the qualification is an MSC, the applicant must have a minimum of two years relevant spatial planning experience.

“These members shall be entitled to use the designation M.S.P.(T.T)”—after their names.

That seems to have had some thinking going into it, so that one could easily identify the professional member by referencing his academic qualifications and relevant experience. These are the kinds of requirements one would have expected to find, and one can still expect to find if the Bill is passed, coming out of the Accreditation Council or out of the office of the council, when and if the council is established.

I do hope that the Minister in replying would address that question for us, whether he does not find, whether it does not appear to him, that the existing requirements of the Trinidad and Tobago Society of Planners for membership, as a professional member of its body, are not superb. In my view they are, and they reflect some deep thinking on what would best enhance the profession in Trinidad and Tobago. I so recommend.

I move now to the functions of the council as provided for in the Bill; they are all required, they do not fail us at all. I do think that they would collide with section three of the Incorporation Act of 1975, and for that reason I wish to bring to the Minister’s attention that the objects of the Trinidad and Tobago Society of Planners, as set out in section 3 of the Act, does provide powers to the body which, if they seek to implement them, will make that body as strong as the council.

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Once again—and in case it appears that I am only providing for adverse criticism—the functions as set out in clause 6 are ideal for any body regulating the profession of planning. There is none that I would say should not be here, but you would note that there is a provision for the institution of disciplinary proceedings in the Act. There is a similar power exercised by the current body, the Society of Planners, and that ought to cause the Minister to pause and reflect on how best he can either marry the two or satisfy all of us that the duplication is necessary and it is good for the profession.

The profession, it seems to me, can only be hampered adversely by a provision that there are two methods of disciplining within its body. Once again, we are talking about 35 members. I say if you multiply arithmetically and we have 70 by the end of the year, it is a mere handful, and so one ought to be cautious about simply throwing these functions in. What exists now in the Society of Planners Incorporation Act can truly be supplemented by what is proposed for the council, but it will need a revisit of the Bill.

Although they are not set out in order of priority though, I am struck by the first provision of clause 6(a), that the function of the council is to advise the Minister in matters relating to the operations of the Act. What I would say later about the magisterial intervention of the Minister in all these, would make this affair a very strange provision and would cause people to ask: Well, why is the Minister seeking to have such power engrafted on what he already has to do? There is no reason to take on this burden, Minister, and one imagines that a Minister less prepared than yourself may well find great difficulty in managing this piece of legislation, when he or she comes to power.

Sen. G. Singh: If?

Sen. Al-Rawi: When.

Sen. E. Prescott SC: I am assuming that we all will die. [*Laughter*]

May I now move to the provisions for committees in the legislation. In the Bill at clauses 35 to 42, there is provision for an admissions board. It is fairly lengthy, and I will not endeavour to read all of it. The Recognition Committee—I will deal with that first and then the Disciplinary Committee. It scrutinizes, examines and investigates academic qualifications. It liaises and consults with the Accreditation Council. It assesses and keeps under review academic and other qualifications and evaluates post-qualification work and makes recommendations to the council.

One would note that barring what is provided in clause 36(2)(b), as to membership of the Recognition Committee, the Trinidad and Tobago Society of Planners is treated very scantily by its absence in this particular provision. The Recognition Committee is coming from out of nowhere—let us look at its membership, 36(2). The members:

“...shall be appointed in writing by the Council as follows:

(a) one member of the Council; and

(b) four persons, who—

i. hold membership in the TTSP; and

ii. are nominated by TTSP.”

They shall hold office for a period of three years; they shall elect their Chairman and a Deputy Chairman.

6.45 p.m.

So, granted the Recognition Committee shall have four members of the TTSP, none of them can say that they represent the TTSP. The TTSP, as you would have guessed by now, Mr. President, has provided for such a body in its constitution once again. It is at Article IV.

As I have pointed out earlier, they have categorised seven classification—they have classified their membership into seven groupings. They have set out in their constitution at Article IV what needs to be done to become a member. They have provided an admission of members will require an application form, same as being said here. There will be a member committee that will look at this and submit its recommendation to the executive, and at the general or business meeting of the body, there will be need for acceptance of these persons as members—if I am reading this correctly.

So that there already exists a body of rules and regulations which can be improved by legislation, but merely to establish parallel or supplementary legislation, does not seem to me to be the way to go. The purpose of this legislation does not become apparent, if this is all it sets out to be. And since he is here, I will say it again; Sen. Balgobin appears to have found something that we need to be told about—what truly is the purpose of this legislation.

If we look at Article VII of the constitution of the TTSP we will see the following committees: the disciplinary and adjudication committee; the membership committee headed by a senior professional member elected at an

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annual general meeting or an extraordinary general meeting, and shall have research personnel among the committee members. This committee is also in charge of overseeing the mentorship of the graduate planners, and bringing forward those who have completed this training for professional membership. I already alluded to the forethought, the fore thinking of the society that it was in their view necessary to continue to nurture and create and harvest, if I may say so, membership. Membership that has graduated at the highest levels, and has been trained and practised in the profession, so that the profession will continue to flourish. It will remove this apparent monopoly, or rather it will explode it.

I am continuing with the committee, if I may only briefly. There is a communication committee and a fund raising committee but, more importantly, professional development committee. This is to be chaired by the vice-president, should include at least three other members, one from the university community, if possible. This committee is in charge of the business meetings, workshops and hear this, any other training that is required including for the continuous professional development component. This committee will provide the CPD, continuous professional development certification for registration.

So, I am saying it ad nauseam, we already have a body of regulations that appear to have been based on people thinking through what the profession requires, if it is to maintain its prestigious position in the society, and continue to make its contributions to this society. [*Desk thumping*] What are we gaining by introducing this council? What are we gaining by introducing this council and tacking on to it these other things that the 1975 legislation had not? It does not seem to me to be a proper use of the time of the Minister and of those who sat to prepare this legislation, and of those in the Senate today who are asked to vote on it. [*Desk thumping*]

The next is the Disciplinary Committee. I had alluded to the Disciplinary Committee when I read a moment ago from the constitution of the Society of Planners at Article X, that there is a provision for a disciplinary, and an adjudication committee. It is comprised of members of the executive, chaired by the president or the immediate past president, and it should include an honorary member or a member from the university committee. So that there is this greater transparency and neutrality in its composition which one cannot, cannot walk away from.

In the body of the proposed legislation, the Bill—may I for the benefit of the Minister, thank you very much, and not only for the benefit, by way of some other work that he can do on seeking to improve this legislation, ask whether he has considered—in clause 52 it says, the Disciplinary Committee is to make findings on allegations of professional misconduct, and then it is to make recommendations to the

council. Make a recommendation to the council for penalties, if you like, one of four, dismissing the complaint—maybe I should have used the word penalties, make the following recommendations: Dismiss the complaint with reasons, revoke a licence and remove the person's name from the register, suspend the licence and, finally, reprimand the urban and regional planner to whom the complaint relates.

My own mind, framed as it is in the practice of the law, would suggest that in clause 53 you ought to make it clear that the Disciplinary Committee either shall make a finding itself of professional misconduct or that the responsibility to make a finding stops at the Disciplinary Committee. It seems to me that if the Disciplinary Committee is making the finding, then it should go on to impose the penalty. I suspect that it was meant that having made its findings, it would then present all these and its recommendations to the council for it to make the determination.

So, Minister if it is that you intend that it is the council who shall make the finding, clause 53 could do with a little tweaking to permit that to find its way in there. And while you are at it, under 53(1)(a), the dismissal of the complaint with reasons for so doing, as is the case in 52(2)(a), you may want to introduce those words with reasons for so doing. But if we get into the committee stage, you would have likely to repeat that recommendation there.

In that Article also, those two clauses, pardon me, 52 and 53, the revocation of a licence seems to be inextricably coupled with the removal of the person's name from the register. Then you will see in clause 53(3), you see where the council has decided to revoke or remove the name as though they were two separate activities that may happen. You may wish to look at that to determine if it is intended that the revocation of a licence should be accompanied by the removal from the register of the name, and if so, then clause 53(3)(b), you need to change "or" to "and" or vice versa when the time does come.

So, I move to what appears to be the penultimate point, and it is the question of the—what I had called the magisterial presence of the Minister in the business of professional bodies. I do not like it for myself. The legal profession does not seem to like it at all, and I suspect although I have not done the research, that you will not find it appearing in the medical profession and some of the other professional bodies that we have in this country. What is a Minister doing there? One cannot ask it less subtly. What is a Minister doing there? What is the business of a Minister? Why is it the business of a Minister who, firstly, arrogates onto himself or herself the power to determine the membership of the council? Very significantly. There are five members, and of those three are nominated by the

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Minister, none of whom is required to be either a member of the Trinidad and Tobago Society of Planners or a practising urban and regional planner. May I say it again? The Minister shall nominate three of the five members of the council, none of whom is required to be a member of the Trinidad and Tobago Society of Planners or to be engaged in the practice of urban and regional planning. Why do I say so? Hear the language of clause 5:

“The Council shall comprise of the following five members:

(a) three persons nominated by the Minister—

(i) one of whom is an Attorney-at-law with experience in urban and regional planning;”

So, he has ceased to practise there, if that is what he was doing—he or she of course.

“(ii) one of whom is a public officer and eligible to practise as an Urban and Regional Planner;”—but not engaged in the practice.

“(iii) the other representing the public interest;”

In other words, me or Senator—anybody else—drawn from civil society. That is the quorum in the council, you know. You do not need anybody else really.

“The members of the Council”—clause 5 goes on to say—“shall elect from among themselves—

(a) a Treasurer;

(b) a Registrar-Secretary; and

(c) such officer as they think fit.”

So, once again, the three members, none of whom are required to be a member of the TTSP or to practise, chose to elect a treasurer and a registrar-secretary, and the Minister now has all of the positions at his [*Crosstalk*] gift. Why do you need to control the profession, Sir? Why plant that power in the hands of your successor? I suspect that I do not need to ask the question again.

And yes, but I do make another point. Clause 5, beyond that, and let me read it because lawyers tend to read things and get different opinions about what it says. Clause 5(2)—[*Interruption*]

Sen. Lambert: You made a valid point. [*Laughter and crosstalk*]

Sen. E. Prescott SC: You have been a victim of that before. Clause 5(2) says:

“All members shall be appointed in writing by the Minister.”

So that is very clear. You are going to get a letter of appointment. Clause 5(3):

“The Minister shall appoint from among the members—

That is the five whom he has appointed in writing—“

“a Chairman, who shall hold professional membership in the TTSP...” et cetera, and—

“a Vice-Chairman.”

Now, is this entirely within his gift? Does he need to consult with anyone? Does he need a nomination from the respective body of planners? Does he need to consult with even his Prime Minister? He just appoints a chairman and a vice-chairman. And then (4):

“The Minister shall appoint”—in addition to those—“in respect of each member other than the Chairman and the Vice-Chairman...” the alternates.

Minister, this clearly was not intended to be placed among those things that you have in your portfolio. It will overwhelm you. [*Laughter*]

Well, I think I have made the point about, if three is a quorum and three is all that is required to make the election possible, then this is a sop to democracy that we do not want.

So, finally, the true purpose. I have had an approach on this matter of the proposed Bill much earlier this year, and the question at hand for my advice was this; if as is the case, the Trinidad and Tobago Society of Planners holds the view that the position of director of Town and Country Planning is the titular head of the planning profession, then what on earth are we doing allowing a person who holds a post graduate diploma from some other place, to sit in the position of director? It may be that the person is not substantively the director, and is an acting director, but you will demean the profession, certainly. I think we had a Senator who has a PhD in planning. What should he do? Submit to the director of Town and Country Planning who is a post graduate from Canberra University in Australia? Or worse, Canberra college of Town and Country Planning? Well, Canberra is probably too much. Get me another one. Perth; which one is worse?

Anyway, the point really is, Mr. President, that, if as is the case today, the Trinidad and Tobago Society of Planners, well over 40 years old, has made it its business to say that in order to practise professionally in this country, you require to have graduated from a recognized university at the level of the bachelors or the masters; and we know that some people have gone beyond that, it ought not to be the case that—and I am

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assuming that they are right. In any event, if the perception among planners today is that the director of Town and Country Planning should represent them as its titular head, then he or she cannot be seen in the public as holding a diploma from some place. It is simply not worth any further debate in this Parliament.

Mr. President, I never like to end on such a note, so I will try to find something else to say. I congratulate the Minister [*Laughter*] on having taken the time to observe the deficiencies in the current legislation, and to bring before us for our critical analysis and debate this piece of legislation. I recommend that he takes it away and looks at it again. [*Laughter*]

Thank you very much.

ADJOURNMENT

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you very much. Mr. President, by agreement with the minority and the Independent Bench, I wish to adjourn this Senate to Wednesday, December 03, 2014, at 11.00 a.m. for the continuation of this debate and, if time permits, the matter dealing with the legislation, Foster Care Regulations, the Children's Community Residences Regulations and the Children's Authority Regulations. [*Crosstalk*] Three pieces of legislation, if time permits.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.01 p.m.