

Leave of Absence

Friday, August 19, 1994

HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

The House met at 1.45 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have granted leave of absence from today's sitting to the Member for Nariva, (Mr. Krish Jurai).

PAPERS LAID

1. The Rent Restriction (Exclusion of Premises) Order, 1994. [*The Minister of Housing and Settlement [Hon. V. Lasse]*]
2. Twenty-eighth Report of the Salaries Review Commission—Terms and Conditions of Service of the Chairman, Registration, Recognition and Certification Board. [*The Minister of Trade and Industry and Minister in the Ministry of Finance [Hon. K. Valley]*]
3. Transfer of Prisoners (Declared Countries Scheme for the Transfer of Convicted Offenders) Order, 1994. [*The Minister in the Ministry of National Security (Sen. The Hon. R. Huggins)*]
4. Report of the Auditor General on the accounts of the Custodian of Enemy Property for the year ended December 31, 1993. [*The Minister of Finance (Hon. W. Mottley)*]

To be referred to the Public Accounts Committee.

5. The Maxi-Taxi (Amendment) Regulations, 1994. [*The Minister of Works and Transport and Minister of Local Government [Hon. C. Imbert]*]
6. Education Policy Paper, (1994—2003) National Task Force on Education—a Draft White Paper. [*The Minister of Education (Hon. A. Ramrekersingh)*]

CHILDREN (AMDT.) BILL

Select Committee Report

Presentation

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, I am happy to present the report of the Special Select Committee of this House appointed to consider and report on the Children (Amdt.) Bill 1994.

Children (Amdt.) Bill
[HON. A. RAMREKERSINGH]

Friday, August 19, 1994

I am pleased to say that your Select Committee achieved unanimity on the issue. The requisite Motion will be moved at a subsequent sitting.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Mr. Subhas Panday (Naparima):

**Sporting Facility
(Constituency of Naparima)**

- 142.** (a) Has any sporting facility been established in the constituency of Naparima since 1991?
- (b) Have sporting activities been planned for the youths in the constituency of Naparima?
- (c) If the answer to (b) is in the affirmative, could the hon. Minister state:-
- (i) which disciplines are targeted?
- (ii) which age groups are targeted?
- (iii) how soon will these activities be commenced?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, there are five questions on the Order Paper today. The Government intends to answer four of them. We request a deferral of question No. 142 for a period of one week.

Question, by leave, deferred.

Expenditure on Road Repairs

138. Mr. Trevor Sudama (Oropouche) asked the Minister of Works and Transport and Minister of Local Government:

Could the Minister provide the following information:

- (a) The total expenditure on road repairs and improvement on the Naparima/Mayaro Road between the 20.5 kilometre mark and the 25.5 kilometre mark (approximately 3 miles) from the beginning of 1994 to date?
- (b) The total expenditure on road repairs and improvement on the S.S. Erin Road between the 1 mile mark and the 4 mile mark from the beginning of 1994 to date?

- (c) The total expenditure on road repairs and improvement on the La Fortune-Pluck Road between the 0 mile mark and the 3 mile mark from the beginning of 1994 to date?
- (d) The total expenditure on road repairs and improvement on the San Francique Road between the 0 mile mark and the 3 mile mark from the beginning of 1994 to date?

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, the total expenditure on road repairs and improvement on the roads in question to date and the projected expenditure to December 1994 are as follows:

Road	Mile Mark	Expenditure to date	Remarks
Naparima/Mayaro	20.5 and 25.5	\$873,922	This is the status of road repairs for the year
S.S. Erin	1 and 4	\$344,804	Projected expenditure to the end of December 1994—\$436,804. Road repairs are ongoing.
La Fortune Pluck Road	0 and 3	\$391,667	Projected expenditure to the end December 1994—\$443,677.
San Francique Rd.	0 and 3	\$25,141	Projected expenditure to the end of December—\$308,332. Road repairs are ongoing.

Mr. Sudama: Is the Minister satisfied with the amount and quality of work done on the S.S. Erin Road between the 1 mile mark and the 4 mile mark, and on the La Fortune-Pluck Road between the 0 mile mark and the 3 mile mark?

Hon. C. Imbert: Madam Speaker, this work which has cost almost \$1 million is satisfactory.

Mr. Sudama: I just wanted to get that on the parliamentary record.

Net Foreign Exchange Reserves

139. Mr. Trevor Sudama (*Oropouche*) asked the Minister of Finance:

Could the Minister state:

- (a) What are the current net foreign exchange reserves of the country?
- (b) How many months of import cover does it currently provide?
- (c) In view of the continuing liberalization of trade, what are the Ministry's projections for net foreign exchange reserves and import cover by the end of 1994?

The Minister of Finance and Minister of Tourism (Hon. Wendell Mottley): Madam Speaker, as at the end of June, 1994 the net foreign exchange reserves of Trinidad and Tobago amounted to US \$113.3 million providing approximately 1½ months of import cover. One should note, however, that the net foreign exchange reserves do not represent the most appropriate measure of the availability of resources to the country for meeting its current foreign exchange liabilities. The more appropriate measure is the gross reserves which stood at US \$307 million at the end of June 1994, or approximately five months import cover at import levels prevailing in the first quarter of the year. Of these, the gross official reserves were US \$74.8 million.

The Central Bank has projected that the net foreign exchange reserves of the country by the end of 1994 will amount to approximately US \$275 million providing import cover for approximately four months.

I wish further to inform the Member for Oropouche and the House, that the Central Bank projects that by year end the gross official reserves will stand at approximately US \$221 million and the gross reserves, that is, including the gross reserves of the commercial banks, will be approximately US \$450 million. In addition, it should be noted that residents of Trinidad and Tobago have accumulated almost US \$200 million in foreign currency deposits at local commercial banks which would be available to them to meet their foreign obligations as they fall due.

Weekly Statement of Accounts (Central Bank)

140. Mr. Trevor Sudama (*Oropouche*) asked the Minister of Finance:

Could the Minister give the details of the item "Other Assets" in the Weekly Statement of Accounts of the Central Bank in light of the fact that this item

now accounts for approximately five billion dollars in total assets of approximately seven and a half billion dollars?

The Minister of Finance and Minister of Tourism (Hon. W. Mottley): Madam Speaker, the item "Other Assets" in the Weekly Statement of Accounts of the Central Bank comprises the following:

- (i) Bilateral accounts
- (ii) Loans and other receivables related to financial institutions
- (iii) Advances to Government not identified elsewhere
- (iv) Interest receivable
- (v) Deferred expenses
- (vi) Items in the process of collection.

1.55 p.m.

In the Central Bank's Weekly Statement of Accounts as at July 27, 1994, other assets amounted to \$4,499,835,000. The principal items within this account were as follows:

- (a) Bilateral accounts, which included debt owed by Guyana and the CMCFT to the Central Bank of Trinidad and Tobago amounting to \$2,480 million;
- (b) Loans and other receivables related to financial institutions amounting to \$650 million;
- (c) Advances to Government not identified elsewhere amounting to \$916 million.

These three main items constitute approximately 90 per cent of other assets. The remaining items include interest receivable, deferred expenses and items in the process of collection.

Mr. Sudama: Advances to Government not identified elsewhere amounted to \$950 million. Is the Minister in a position to give us details of those advances?

Hon. W. Mottley: I can get this information to the Member for Oropouche either by way of correspondence or if he wants to ask a formal question I can then transmit it to this House.

Cipero and Oropouche Rivers

141. Mr. Subhas Panday (*Naparima*) asked the Minister of Works and Transport:

- (a) When will the section of the Cipero River between the Manahambre Road and the Usine Ste. Madeleine M(11) Road be cleared, dredged and straightened?
- (b) When will the section of the Oropouche River between the New Colonial Road and the Moruga Road be dredged?

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, dredging and realigning works on the Cipero River between Manahambre Road and Usine Ste. Madeleine M(11) is dependent on the following:

- (1) reconstruction of the bridge B(11) on the Manahambre Road;
- (2) permission from landowners.

The work can be carried out on the section downstream of bridge B(11) once the relevant permission is obtained from the landowners. It would be unwise to execute works in the section upstream of the bridge B(11) prior to the reconstruction of the bridge, as such works could undermine—

Mr. Sudama: I cannot hear the Minister. I do not know if something is wrong with his voice. I cannot understand. Do you have a problem with me in this House?

Madam Speaker: Would the Minister proceed, please.

Hon. C. Imbert: It would be unwise to execute works in the section upstream of bridge B(11) prior to the reconstruction of the bridge, as such works can undermine the foundation of the bridge causing failure.

Bridge B(11) is scheduled to be reconstructed in the first half of 1995. Dredging and realignment works in the upstream section will be undertaken simultaneously with the reconstruction of the bridge.

Short-term works to alleviate localized flooding along the Oropouche River from the New Colonial Road to Moruga Road began in 1987 but were curtailed due to refusal of landowners to grant permission. Any long-term dredging and realignment works on the Oropouche River from New Colonial Road to Moruga Road upper catchment could result in severe problems to the middle catchment and lower catchment areas.

At present work is being executed to the lower catchment area and this will continue next year. This programme will progress through the middle catchment and upper catchment areas. Localized work can be undertaken once permission is granted by landowners.

Mr. Sudama: Could the Minister indicate to the House whether the Government intends to go for compulsory acquisition in order to do the drainage works if no permission is granted by landowners?

Hon. C. Imbert: The Government is actively seeking to obtain access from landowners and therefore the question is premature.

DRAFT WHITE PAPER ON EDUCATION

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, a few minutes ago, I had the honour to lay in this House the Education Policy Paper 1994 to 2003, the work of the National Task Force on Education, a draft White Paper. I think it is important for the benefit of hon. Members and the national community to make some comments on this draft White Paper.

Consistent with our 1991 manifesto commitment, the Government initiated a comprehensive review of the education system. The Education Task Force which was appointed in 1992 produced its first report after extensive dialogue and participation. That report was laid in this House as a Green Paper on March 12, 1993. For almost one year, the Education Task Force engaged in intensive discussions at several levels with the national community, including political parties.

As a result of inputs made during that exercise the Green Paper was revised and today it has been presented as a draft White Paper. The final stage of the dialogue will take the form of a two-day national consultation in September.

May I emphasize the participatory nature of our education reform exercise. It is based on the belief that national consensus is vital in the fundamental task of developing an education policy for Trinidad and Tobago.

Permit me to express sincere thanks of the Government to all members of the task force who willingly, under great sacrifice, undertook the arduous but critically important responsibility of preparing a draft policy on education reform.

In particular, I wish to pay special tribute to the Chairman, Mr. Carol Keller of the Faculty of Education, University of the West Indies, St. Augustine. His qualities of leadership and his commitment to hard work, were an inspiration to

Draft White Paper on Education
[HON. A. RAMREKERSINGH]

Friday, August 19, 1994

his team. I also wish to thank all those individuals, groups and organizations which participated in the exercise.

Permit me also to acknowledge publicly, the contribution to the exercise made by the hon. Prime Minister. Throughout the exercise, he demonstrated constant interest in and support for the work of the task force. The unswerving commitment of the hon. Prime Minister to the delivery of quality education is unquestionable.

Permit me now to highlight just some of the major recommendations in a very general way.

(1) Human resource management: A vital ingredient of successful education reform is effective management. Consequently, considerably more emphasis has been placed on human resource management in education in this policy paper than in any previous education plan.

2.05 p.m.

The report states:

"Since the education system is at the heart of the critical human resource development thrust, then effective and efficient management of the human resources within the educational service itself must be established and sustained."

At the level of the Central Administration, the Ministry of Education is perceived as a developmental agency rather than a conventional bureaucracy. Among the reforms proposed are:

- (i) A Human Resource Management Department with specific functions.
- (ii) A Research and Evaluation Unit.
- (iii) A phased process of decentralization.
- (iv) Fundamental restructuring of the various tasks and programmes in which the Ministry of Education is now involved.
- (v) A re-examination of the managerial instruments—the Education Act, Teaching Service Regulations, confidential reports, job descriptions and so forth, with a view to their modification, revision or replacement. These instruments must be appropriately developed to facilitate as well as to protect and regulate the operations of the new educational service.

Delivery System

In the final analysis, the effectiveness of the education system is judged by the quality of our young citizenry. The tree will be judged by its fruit. The major measures proposed are as follows:

(1) Values education:

The necessity to ensure that a programme of values education—multi-cultural sensitivities, aesthetic development, religious understandings—is a foundation element in the curriculum.

(2) Early Childhood Care and Education:

This level of education must serve as the cradle for the establishment of a genuinely collaborative model for the delivery of child care and education. The proposals outlined in the paper seek to stimulate this development, integrate child services and forge organic links between home and school, school feeding and agricultural production and the public and private sectors.

(3) Primary Education:

The proposals for the development of primary education focus on the necessity to build upon the foundation developed at the earlier level.

At the primary level it is how students are instructed that will determine how and whether the skills and competencies they develop will endure. For this reason, the following have been addressed in detail:

- (i) Access issues: The need to ensure that all children are provided with a primary education, that sound instructional management practices are pursued linking schools to their relevant communities and ensuring sound teaching and learning, and that under-performing schools are rendered more effective.
- (ii) The provision of physical facilities which are conducive to effective learning.
- (iii) The necessity to ensure smooth transition within the primary system and from it to the secondary level through adequate diagnostic, remedial and developmental practices and assessment measures that are formative. It is in this regard that there are proposals for the transformation of the Common Entrance Examination by 1998.

- (iv) The curriculum recommended pays attention to breadth, ensuring that a place is found for the aesthetics, pastoral provisions and general, personal and pro-social development. However, basic literacy and numeracy skills have been given pride of place in keeping with the recognition that the kernel of a sound general education ought to be fully developed at this level.

(4) Secondary Education:

This will eventually benefit from the improvements of early childhood and primary levels. However, within this level there is need for more efficient use of resources currently being allocated. The major measures suggested are:

- (i) Improvement of teacher competencies through pre-service and in-service programmes of training.
- (ii) The establishment of plans and programmes by all secondary schools to ensure a smooth transition for primary students.
- (iii) The re-organization of the secondary curriculum to give appropriate emphasis to a common core of academic subjects, while promoting personal and social development and introducing technology studies.
- (iv) The introduction of the National Certificate of Secondary Education (NCSE) with a credit system will enable a freer system within the system of education and facilitate the provision of more meaningful "second chances" in a more flexible and open secondary system.
- (v) The development of the post-primary education sector to provide an opportunity for vocational preparation and/or re-entry to the secondary mainstream.
- (vi) The provision of more school places through the construction of new schools, the expansion of selected existing schools and the purchase of places in approved private secondary schools.
- (vii) The development and implementation of a philosophy and a set of teaching and learning strategies based on that strategy for addressing the psychological and social challenges faced by adolescents in the secondary schools.

(5) Pupils with Special Needs:

A comprehensive set of proposals have been set out for the delivery of appropriate and professional services to our learners with special needs.

(6) Further Education:

The ad hoc developments in this subsector now require state intervention to promote articulation among programmes and courses, and accreditation and validation processes that would enhance efficiency and output in this sector.

(7) Teacher Education and Development:

In order to ensure the professional control is realized, the proposals set out in the human resources subsection have been reinforced by more detailed proposals designed to improve the effectiveness of the Teaching Service while managing to keep costs within affordable levels.

These proposals emphasize the necessity for pre-employment training, orientation and induction programmes, secondment, selection, promotions and incentive schemes which can change the nature and dynamics of teacher participation, commitment and productivity.

Conclusion

As a Government, we are fully committed to the view that all our citizens, regardless of their gender, class, ethnic origin or religion, have the ability to learn and should be provided with the opportunity to develop that potential fully. We also recognize this as the only true guarantee of the kind of personal and social efficacy needed to sustain and improve our democratic way of life in Trinidad and Tobago.

These philosophical commitments and understandings, and the socio-economic realities of our time, place a heightened responsibility on the state to ensure that an efficient and equitable system of basic education is established and maintained in Trinidad and Tobago. Indeed, this is the true implication of a commitment to sustainable human resources development.

The importance of human resources has long since been recognized and throughout our history, efforts have been made to promote their development through education. But the task remains urgent and unfinished. Indeed, it will always be urgent and unfinished, pressing and ongoing, involving and requiring the meaningful participation of all, if it is to be adequately and completely addressed.

2.15 p.m.

We all hope that our education system will establish and maintain the ethical and moral values necessary for civilized interpersonal and intergroup

Draft White Paper on Education
[HON. A. RAMREKERSINGH]

Friday, August 19, 1994

relationships in our multi-cultural, multi-ethnic and multi-religious society. Our educational arrangements must be marked by a technical and professional proficiency on the participatory style of operations, and ought to promote the personal and social efficacy necessary for successful nation-building.

Further, it is expected that the curricular offerings in the educational system will address adequately the goal of all-round development, but with the economy and effectiveness we are now seeking to establish in the national economy as a whole.

Finally, all these tasks must be accomplished through procedures which emphasize the need for accountability and constant improvement at all levels and at every stage of the educational enterprise. These are, therefore, recommendations for a vigilant and purposeful monitoring and evaluation and capability effort, buttressed by an educational management information system that would keep the national community informed, promote its much needed involvement, and secure its indispensable support for what is, after all, a national educational effort.

I thank you, Madam Speaker.

**RENT RESTRICTION
(EXCLUSION OF PREMISES) ORDER**

The Minister of Housing and Settlement (Dr. The Hon. Vincent Lasse):
Madam Speaker, I beg to move,

Whereas it is provided by section 4(1) of the Rent Restriction Act (hereinafter referred to as "the Act") that the President may, if he thinks fit, by order subject to affirmative resolution of Parliament, exclude from the operation of the Act any specified premises, or any specified classes or descriptions of premises in a specified area:

And whereas the President has on July 22, 1994 made the Rent Restriction (Exclusion of Premises) Order, 1994 whereby housing units, the erection of which is completed after July 31, 1994, are excluded from the operation of the Act:

And Whereas it is expedient that the said order now be affirmed:

Be it Resolved that the Rent Restriction (Exclusion of Premises) Order, 1994 be approved.

Madam Speaker, earlier, I was afforded the opportunity to lay in this honourable House the Rent Restriction (Exclusion of Premises) Order, 1994. The

order was made by His Excellency the President of the Republic of Trinidad and Tobago on July 22, 1994.

Permit me to deal in the first instance, with the origin of the Rent Restriction Act, Chap. 59:50. This Act, then an Ordinance, became law on October 9, 1941. It was passed at that time to restrict the rents of certain premises and the rights to recover possession of such premises. On December 24, 1981, the Rent Restriction (Dwelling Houses) Act, Chap. 59:55 was passed to make certain amendments to the operation of the principal Act with respect to the fixing of rentals.

In order that Members may appreciate why this amendment is being sought at this time, it is necessary for me to give an explanation of the background to this legislation. What were the circumstances that led to its genesis in 1941? Is such legislation, 54 years later, still applicable to prevailing social and economic conditions, or are amendments necessary to bring it in line with current economic realities? It is in this light that the legislation should be examined to fully appreciate why an amendment is now necessary. With that in mind, I turn to the genesis of the legislation.

As one can appreciate from the date of the legislation, which was passed during the Second World War, by and large, rent control legislation worldwide surfaced under war and emergency conditions. In Trinidad and Tobago, it was one of the many measures introduced to deal with escalating prices in an unstable market.

Prior to 1941, there were other pieces of legislation which were passed as temporary measures to deal with the housing shortage which emerged in the wake of the First World War, and subsequently the great depression of the late 1920s. The influx of immigrants into the country over that period prompted the continuation of the pre-1941 rent control legislation to deal with what was a crisis in the housing market, stemming from depressed economic conditions.

The Rent Restriction Ordinance of 1941, however, marked a watershed in rent control in Trinidad and Tobago. It sought to be more comprehensive and far-reaching than its predecessors. It sought to capture, practically, all categories of commercial and residential premises with a view to sanctioning all increases in rent. Because of emergency conditions induced by the Second World War, investment in private housing construction declined significantly. Citizens were encouraged to invest in war-loans or war-savings certificates for the benefit of the population as a whole, rather than make investments for personal gain. Naturally, such a policy, *inter alia*, led to an acute housing shortage, and an escalation in

Rent Restriction Order
[DR. THE HON. V. LASSE]

Friday, August 19, 1994

prices in the rental market. With the general increase in the prices of all commodities, rent control was introduced as one instrument in the general policy of price control.

This was basically the reason for the passage of the Rent Restriction Ordinance, 1941. Today, what is the situation? We talk of a depressed economy, but the conditions which operate are certainly not those which were engendered and fostered by war conditions. The 1990 population census revealed that the number of dwelling units in the private rental housing stock decreased from a total of 51,000 units in 1980 to 36,000 units in 1990. This represents a 30 per cent decrease over a ten-year period.

2.25 p.m.

The statistics also reveal that most of the rental units are rented for less than the \$1,000 rent control limit and, in fact, about 70 per cent of all rental units are rented for \$500 or less per month. This means that most rental units in the market are subject to the restrictions of the Rent Restriction Act and the Rent Restriction (Dwelling Houses) Act. It would appear, therefore, that there is some connection between the rent control legislation and the decline in the rental stock.

Empirical work done suggests that private developers have not been constructing new rental units nor have existing units been maintained to the standard required or replaced. Further, dwelling units are being taken off the rental market. Presumably, the rent control legislation has made it uneconomical to continue to rent at levels existing as at 31st December, 1978, by virtue of the Rent Restriction (Dwelling Houses) Act and which may be varied only through recourse to the Rent Assessment Boards.

If anecdotal reports are to be taken account of, there has been little incentive for the private developers to invest in low or middle income housing units. Apart from the low returns on investment, the Rent Restriction Act imposes an onerous procedure for landlords to regain possession of dwelling units.

Legislation has in effect negated the right of landlords and tenants to bargain freely in matters concerning the rental relationship. While there has been no study done to link the virtual stagnation in rental housing construction with the rent control legislation, one cannot dismiss the obvious fact that with the cost of living increasing worldwide, the cost of maintaining a dwelling may be more than the rental received for it. This is especially significant, given the previous figures indicating about 70 per cent of the rental stock being rented for less than \$500 per month.

The Government is acutely conscious of the state of affairs which exists today and is giving consideration to how this legislation could be updated to suit the needs of the present economic climate. We feel that there is a dire need for some measure in the interim to stimulate activity in the rental construction industry. We would not like to provoke the situation which would cause rental rates to double or triple overnight. One has to balance the respective needs of both parties in the rental relationship.

To prevent the grave consequences of a sudden shock in the rental market, this amendment is proposed. It is one step towards freeing landlords from a restrictive piece of legislation so as to encourage construction, and foster the concept of free bargaining between private individuals. However, one does not want to remove the security of long-standing tenants whose very lives are arranged around the present rental rates. It is for this reason that I move that the Rent Restriction (Exclusion of Premises) Order, 1994 as made by His Excellency the President of the Republic of Trinidad and Tobago under section 4(1) of the Rent Assessment Act, be approved.

Thank you Madam Speaker.

Question proposed.

Mr. John Humphrey (*St. Augustine*): Madam Speaker, the hon. Minister has somewhat misled this House. The Rent Restriction (Exclusion of Premises) Order, 1994 says:

"As from July 31, 1994 all housing units, the erection of which is completed after that date..."

In other words, everything that has already been completed after July 31, 1994 is now being removed from restriction. In other words, rental accommodation that is now being completed in this country will no longer be restricted. It is not an incentive for new construction of rental accommodation, it is a facility that is being extended to people who have completed rental accommodation premises.

I interpret the work of this Government in this way. The PNM Government of today is a Government of the rich, for the rich and by the rich, with little or no concern for the poor in the society and those who really have critical needs. I am sorry the hon. Minister did not refer to the real genesis of this amendment, which is the Budget Speech of 1993. Madam Speaker, allow me to quote the relevant section:

"Efforts to stimulate construction activity and employment: In an effort to kick-start the construction industry we propose to implement measures that

Rent Restriction Order
[MR. HUMPHREY]

Friday, August 19, 1994

will exempt from personal and corporation taxes all rental income that may accrue from residential, industrial and commercial properties, the construction of which begins after January 1, 1993 and is completed by December 31, 1994. In addition, gains or profits including capital gains derived from initial sale of such newly constructed properties will also be exempt from tax.

The construction cost of the residential units must be in excess of \$250,000 exclusive of the cost or value of the land in order to qualify for the exemption. This is so, as premium rents derived from the letting of newly constructed residential houses below \$250,000 are already exempt under the Income Tax Act in certain circumstances. This benefit will extend up to the year 2000 and will accrue to the owner of the property, whether such owner is the original builder or a purchaser."

Mr. B. Panday: You should say what you are reading from.

Mr. J. Humphrey: The Budget Speech 1993 presented by the hon. Wendell Mottley, Minister of Finance. That is the genesis of this order, Madam Speaker.

On the basis of these incentives that were given in the Budget of 1993, certain construction has commenced in the country. If you drive around the country you would see it, because some of them are so obvious, that you cannot miss them; it is ten-storey apartment blocks, and it is condominiums sprawling and spreading in the expensive areas of the country. I do not see any low-cost housing programmes; I have not seen a single new programme started by this Government. Every programme, in fact, is a mere continuation of what was started by the previous government.

2.35 p.m.

Madam Speaker, this is the People's National Movement manifesto for the 1991 general election.

Hon. Member: Do not show them the back of it; you would frighten people.

Mr. J. Humphrey: I am going to modify this.

Mr. Maharaj: "We care for you." A caring Government.

Mr. J. Humphrey: I am going to change the image of the Prime Minister to a carnivore, a beast. Let us see what the People's National Movement manifesto

says the PNM's policy will be. Mind you, they said this after criticizing the previous Government:

"Housing

Under the PNM, the nation's housing needs ..."

Mr. Sudama: I never told him anything like that. You know, he is not objecting. If I get up in this House here, he would start to mutter. The Member has called him a cannibal.

Mr. J. Humphrey: Madam Speaker, would you please protect me from the Member for Oropouche.

Mr. Sudama: Madam Speaker, I am not a carnivorous beast.

Mr. J. Humphrey: I know that.

Madam Speaker: Everybody seems to be seeking protection from the Member for Oropouche.

Mr. J. Humphrey: I proceed:

"Housing

Under the PNM, the nation's housing needs were well looked after to the extent that by the end of 1986, over 50,000 public housing units had been provided by the State throughout the country.

By contrast, the present Government has demonstrated total disregard for the housing needs of the population. This has aggravated the shortage of housing units particularly for those in the lower and middle income groups. The NAR Government has the unenviable record of not having built a single house during its term of office."

That record is now matched by this Government; not having built a single house during its term of office.

Miss Nicholson: Madam Speaker, on a point of order. That is an untrue statement that was made by the Member for St. Augustine.

Mr. J. Humphrey: Madam Speaker, I am not making a statement; I am quoting from the People's National Movement manifesto. We know what we initiated. We initiated many programmes; in fact, the only programmes they have.

Mr. B. Panday: Get up and tell him that he is not speaking the truth.

Mr. J. Humphrey: It was we then, and it is we now.

Mr. Mottley: Madam Speaker, I would like to know if the Member for Tobago West is included in that statement.

Hon. Member: The answer is yes.

Mr. J. Humphrey: I do not have to speak for the Member for Tobago West; she can speak for herself. *[Interruption]*

Miss Nicholson: —Tobagonians. You wish you could know.

Mr. J. Humphrey: Madam Speaker, I continue:

“Unless immediate steps are taken to deal with the shortage, a potentially explosive housing crisis will ensue.”

This is what they said! I continue:

"To correct this misguided approach, the PNM's policy will be:

- Reactivation of a comprehensive approach to housing, recognizing that land development on its own does not address the needs of most citizens.
- Implementation of a broad range of policy instruments, such as:
 - provision of fully serviced lots
 - construction of apartments
 - construction of starter houses and fully furnished units
 - provision of adequate community facilities in public housing developments
 - provision of low-interest housing mortgage loans
 - ensuring the availability of funding for private home construction and ownership
 - tax incentives for home maintenance
 - aided self-help housing programmes.

The PNM sees the need for rationalization of the public agencies involved in housing and will take steps leading to:

- Restructuring of the National Housing Authority to perform property management functions, including the upgrading of squatter settlements.

Mr. B. Panday: Nothing done!

Mr. J. Humphrey: It says:

"- Empowering of the Trinidad and Tobago Mortgage Finance Company to administer and manage housing mortgages funded by the State.

Mr. B. Panday: Nothing done!

Mr. J. Humphrey: I continue:

"- Designation of a specific agency to plan, finance and implement new housing developments."

Mr. B. Panday: Nothing done!

Mr. J. Humphrey: I proceed:

"Squatting and Squatter Regularization"

Mr. B. Panday: Nothing done!

Mr. Mottley: Untrue!

Mr. J. Humphrey: I go on:

"The PNM stands committed to

- The provisions of Act No. 20 of 1986 which provide for security of tenure for squatters, for transfer of title at 25 cents per square foot and an annual lease rental of \$1.00.
- Regularization of existing squatter settlements through proper demarcation of lot boundaries and upgrading of basic infrastructure. Specifically, water supply and electric power will be authorized for squatter settlements approved for regularization.
- The provision of technical and legal assistance to squatter communities wishing to negotiate the regularization of their settlement on private lands.
- Review of existing squatter legislation to update its application and to streamline procedures for provision of title to property."

Madam Speaker, the Leader of the Opposition said "nothing done"; I say, nothing, nothing done!

Mr. Mottley: Untrue!

Mr. J. Humphrey: When this Government came into office it immediately appointed some very technically competent committees. There was a committee that was described as a Task Force on Housing and Settlements. The chairman of that committee was Mr. Kenneth Snaggs—Town Planner who had been Head of the Town and Country Planning Division for many years—Mr. Elias Soogrim, Dr. Keith Bailey, Mr. Carlton Robinson, Horace Benn, Mrs. Hazel Manning, Mr. Calder Hart, Mr. Roland Baptiste, Mr. Clifford Murray, Mr. Hollick Rajkumar, Miss Lynda Besson and Miss Joyce Harewood, Secretary. A very comprehensive review of the housing situation and an analysis of the market was done. This is an extremely good report which was submitted to the Minister in August, 1992.

Hon. Member: Nothing done!

Mr. J. Humphrey: What is the date today? August 19, 1994. Nothing done!

Hon. Member: Two years!

Mr. J. Humphrey: There was another high-powered committee, and these are the names of the members of that committee: Mr. T. Mooleedhar—a specialist Town Planner—Miss S. Ali-Khan, Mr. W. Agard, Mr. A. Gellineau and Mr. Clive Alexander. A good representative group—Town Planner, Architect, Engineer. *Report of the Committee on Regularization of Tenure on State Lands*, dated April 1992.

Hon. Member: Two years!

Mr. J. Humphrey: Madam Speaker, since this Government took office, how many citizens of Trinidad and Tobago have had their tenancies regularized? Not a single one!

In spite of all the promises that were made and the inability of this Government to deliver on any of its promises—

Hon. Member: Including crime!

Mr. J. Humphrey: —what this Government did was to launch a campaign against the little people of the country. The little squatters in communities who have laboured for as many as 30 years in improving the land and building their little homes, this Government is breaking down those homes. It cannot build a single house for anyone but it is breaking down the houses which the little people have built for themselves, on the ground that those people do not have Town and Country Planning approval.

Madam Speaker, I would love you to come with me for a drive to see the posh areas.

Mr. Sudama: Alone?

Mr. Mottley: Do not take that chance, Madam Speaker!

Mr. J. Humphrey: I mean, we have to be careful about what *The Patriot* print on that; but we would go for a drive and I would show you the posh areas of Port of Spain where the millionaires live to see the expansion of those houses that is taking place—very few, if any at all, with Town and Country Planning approval. We do not see this Government breaking down any of those.

Mr. Maharaj: No. Do you know who owns them? Down the Islands party—their friends.

Mr. J. Humphrey: What I am saying cannot be denied; these are the facts. Under this regime their friends who were not rich before are getting rich now; those who were rich before are getting richer; and those who owe much money are being forgiven their debts, while the little people of this country are being pressured. Not a single incentive given to the little man.

If the Government was serious about regularizing squatter communities—and if the Prime Minister was really the personality that this picture portrays—

Mr. B. Panday: If he was really the Prime Minister! He is not the Prime Minister. Mr. Mouttet is the Prime Minister.

Mr. J. Humphrey: —all it had to do was to bring legislation to this House to give security of tenure to all squatters on state lands and to include a provision that those squatters in squatter communities who are in the way of regularization and improvement would be assisted in removal and relocation. Because that is the only problem. The only problem we would have in regularizing the tenancies of all squatter communities is just one or two who might be in the way of building an access road or putting in proper drainage.

2.45 p.m.

If that legislation requires a special majority, it will certainly get the support of this side, without question. [*Interruption*] Do you want to know if they have agreed to it? Similar legislation was passed for land tenants who had built their little chattel houses on rented land; and that legislation gave them security of tenure and enabled them, with that security, to improve their homes. There has been a tremendous boost in construction as a result of that.

Rent Restriction Order
[MR. HUMPHREY]

Friday, August 19, 1994

If this Government merely came to this Parliament with a piece of legislation—very simple to draft—that would give a statutory lease to all squatters on state lands and state corporation lands—because the Corporation Sole is the legal owner of state corporation lands—and also offered very soft mortgage terms on an incremental basis, starting with very low increments, for example, \$10,000 interest free, the next \$10,000 two per cent; the next \$10,000 four per cent, on a sliding scale, and put a break at ten per cent maximum interest on any increment, that would create a building boom that you could not imagine.

Mr. B. Panday: That's right!

Mr. J. Humphrey: So you give the squatters security and let them borrow \$10,000 without the burden of interest, and you will see a building boom that would be like an explosion; and they would, therefore, avoid what they describe, this "potentially explosive housing crisis." The explosion will not be critical in the negative sense, it will be critical in the positive sense—but we will not see that from this group!

The Member for Couva North, Mr. Basdeo Panday, describes certain interests in this society as a parasitic oligarchy, this Government is the puppet of this parasitic oligarchy. Some of its Members belong to the parasitic oligarchy. They are parasitic—they do little or nothing for the people of this country. In fact, their policies put more and more burdens on the little people and remove burdens from the big.

We operate under a Constitution which tells us how we should manage the resources of this country, and this Government is governed by it. This is the supreme law of our country; and when we took our oath accepting seats in this Parliament, we swore to uphold the Constitution and the law. But having done that, they soon forgot it. I think it was an instantaneous reversal. They had their fingers crossed behind their backs when they had the Bible raised.

What does it say about the material resources of the community and the way those resources should be distributed? Does it say to subserve the common good? Does it say there should be adequate means of livelihood for all? May I ask the Prime Minister, if that is what it says? That is what it says. But they are managing the resources in such a way that the privileged few get more and more—the lion's share, the banquet is for them; the crumbs that fall off the table are for the rest.

Mr. B. Panday: Where are your soup kitchens? I have not seen them.

Mr. J. Humphrey: Madam Speaker, the delivery system of housing, the method this Government has adopted to encourage it, puts a tremendous demand on the foreign exchange reserves of the country. In fact, there is a particular building going up in Cocorite that is being imported—the entire building is being imported—starting from the services of design and engineering. The only local resource is the piles that are going under the ground—pre-stressed concrete piles being driven into the ground.

Once the superstructure goes up, it is entirely imported, and the are going to be extremely expensive. None of the people presently living in Cocorite would ever dream of occupying one of those. They might occupy it just for a short moment—when they break in to steal—but that is the extent of it. That is what is being caused by these policies.

Crime is a very, very serious problem in the country and every citizen is concerned, but nobody seems to be taking the bull by the horns and dealing effectively with it. One has to get to the root cause—poverty, deprivation; the fact that there is no social justice; that the young people, who have been properly educated, to a large extent, coming out of the free schools provided by their predecessors, have their eyes open and see what is going on. They know they could never dream of having a home, but see these luxurious accommodations going up.

Do you know what is happening? I know about it because I come from that class of society. When they build these apartment blocks, townhouses and condominiums, one group of people rush to buy. They make a deposit of ten per cent of the cost, sell out all to themselves. In six months' time, having paid no more than the deposit, the price goes up and then they sell to the market and they make a profit of 100 per cent of their deposit.

So the price goes up. Then what do they do? All these highly paid executives—being brought in by this Government by selling out the patrimony and, in some cases, giving it away to their friends abroad—all the top management and executives, are looking for the best accommodation. So the rich vacate their posh homes, move into the apartments, rent their homes for US \$5,000 and US \$10,000 per month, and that is the situation!

The critical shortage of foreign exchange is what hamstring the Government in terms of mobilizing resources for development. We know how the system works. So do they manage that resource in the interest of the people of this country? No, they manage it in the interest of a few. Now that is the root cause,

Rent Restriction Order
[MR. HUMPHREY]

Friday, August 19, 1994

of the problems which this country faces today. But that is not what this manifesto was about. This manifesto was about a strategy of getting resources mobilized to create jobs.

Mr. B. Panday: Fraudulent and deceitful document!

Mr. J. Humphrey: Not a job has been created, not one. In fact, thousands of jobs have been lost.

2.55 p.m.

I have other manifestos here. I have a copy of the NAR manifesto for the 1986 General Election and I should like to argue that, in fact, what had been proposed in the NAR manifesto for 1986 is still current, valid and applicable. It is unfortunate that we were not able to deliver at that time, and it is unfortunate that we were not able to keep the forces together—very unfortunate for this country—

Mr. Maharaj: We are going to do it this time.

Mr. B. Panday: But we will do it this time!

Mr. J. Humphrey: —but having failed before, we do not intend to fail again.

Mr. B. Panday: We shall do it this time! We are going to beat you in Caroni East for a start.

Mr. J. Humphrey: That is not even a fight.

The UNC manifesto for the 1991 General Election in terms of mobilizing construction and delivering housing is absolutely no different from the NAR manifesto of 1986. In fact, it is identical. The relevant sections in the NAR manifesto and the UNC manifesto were authored by the same person, so there is no difference. It is exactly the same.

We advocated that we start at the beginning. If I said that there is no such thing as a national physical development plan for Trinidad and Tobago, would you believe me, Madam Speaker? I mean, we have seen beautifully illustrated documents, but there is no plan. Those documents contain four different strategies of land use and mobilization, but that cannot be a plan. They cannot decide if they are going up or across in one direction or another. That is not a plan.

The very first thing we advocated—the NAR in 1986, the UNC in 1991 and now the UNC, NAR and NDP together for 1996—

Mr. B. Panday: You are finished!

Mr. J. Humphrey: I quote from page 23 of the 1991 UNC manifesto:

"No physical development projects can commence without proper planning or proceed if obstructed by government bureaucracy. The Town and Country Planning Division will be reformed and decentralized to speed up the process of plan approval.

The UNC will appoint an independent National Physical Planning Commission which will be given the responsibility for:—

- (1) Developing a Comprehensive Physical Plan for Trinidad and Tobago.
- (2) Developing a code of Appropriate Standards.
- (3) Monitoring of the professionals who would be responsible for ensuring adherence to both the requirements of the National Plan and the Code of Standards. Appropriate penalties will be applied to ensure compliance."

In other words, have a proper land use plan; identify the areas of the country where land will be protected for agriculture, where land will be protected from erosion by the sea, where the ecology will be protected to ensure that over time, the goose that lays the golden egg is not destroyed. We have the competence amongst our people to do this. There is no question about this. The people who are trained and skilled in these disciplines are the ones who will monitor it.

Do you know that today if one is building a house and conduits are to be put in a concrete slab to run wires for lights, switches and plugs, before the concrete can be cast, an inspector from T&TEC has to come to view it? Everything is ready for concrete—the concrete has to be ordered in advance to have it delivered by a certain day—all that is held up because the inspector does not come on the site. Now, there is an electrical engineer supervisor, but that does not count for anything; one has to wait for the inspector. Usually, the inspector does not bother to come. He talks to the foreman, takes a little thing and that is perfectly all right. That is how it is done.

We say remove that bureaucratic obstacle. Remove the obstacles of a Town and Country Planning Division that comprises several fully qualified town planners who do not plan anything. They spend their time checking on what other people have planned and provide for their consideration, but these are capable people who can plan many things and they should be working in planning, seeing the execution of their plans, seeing these things materialize.

I have seen, for example, in that Town and Country Planning Division a series of designs for all the national parks of this country. Brilliant designs done by

Rent Restriction Order
[MR. HUMPHREY]

Friday, August 19, 1994

those planners. Not a single one executed. All the documents gathering dust. We have got to do something about that.

Mr. B. Panday: The Opposition is to be blamed obviously! We are obstructing! The Opposition is obstructing them from doing that—is it not?

Mr. J. Humphrey: Now to continue quoting from the UNC manifesto for the election of 1991:

"The two main priority areas in project formulation will be:

1. Infrastructure for agricultural production.
2. Adequate shelter with emphasis on housing."

I am not going to read the various development projects that were proposed to enable the construction industry to be genuinely mobilized in the long-term interest of this country; to enable this country to achieve food security within a reasonable time and, therefore, reduce the profits that are being made by food importers; to enable our little people to grow the food and sell it directly to this market first of all and whatever surplus could be generated to export, thereby saving a lot of foreign exchange.

This is what we said in the manifesto with respect to housing.

"The UNC recognizes that housing is critical to the development process in both social and economic terms. The following programmes will be implemented towards engendering this development process.

1. Full and rapid implementation of 'sites and services' projects in which occupants will contribute to the development of their own homes. These plots will be levelled and furnished with access roads, drainage, water, sewerage, electricity as well as community services and land for agriculture. One hundred sites have already been identified for such development."

Those one hundred sites were identified by the NAR Government of which I was once a very proud member.

Miss Nicholson: You are not proud any more?

Mr. J. Humphrey: Well, I am no longer a member, so I cannot be a proud member.

Madam Speaker: Will the Member address the Chair rather than the Member for Tobago West.

Mr. J. Humphrey: Very well, Madam Speaker.

- "2. The squatter regularization programme will be implemented and completed within eighteen months."

That would have already been implemented—

"Caroni (1975) Limited will be a prime mover in this regard.

3. A squatter housing, upgrading programme will be implemented through a mixture of collective, individual, private and public sector resources, in order to elevate the welfare standards of these unfortunate and neglected persons in our society."

That is how we describe squatters. They describe them as lawbreakers. These are citizens who are unfortunate and neglected.

"Security of tenure will be given to squatters on State and State Enterprises Lands by means of legislation"

which I have already described. They want to find out whether my colleagues will support legislation to give security of tenure by statutory means—just include it in the law and automatically they are secure.

All they need is a letter to go to the bank and raise funds. That is all they need.

- "4 Supervisory, technical, administrative and financial assistance will be provided to all communities in which self-help and mutual-help projects are to be undertaken.
5. Seed capital for appropriate housing financial institutions will be provided.
6. All housing policies and programmes will be carefully re-evaluated and reassessed in accordance with the householders' capacity to pay. Mortgages will be renegotiated and loans rescheduled with the assistance of the State."

So there would not have been any need to put any family on the street.

- "7. The UNC's innovative approach contemplates the establishment of strategic urban and rural development planning units on a decentralized basis in order to adequately service the housing requirements of the country. Within these strategic housing development planning units specific recommendations will evolve in the context of:-

1. Land zoning.

Rent Restriction Order
[MR. HUMPHREY]

Friday, August 19, 1994

2. Land reform/land tenure.
3. Housing cum rural agricultural development.
4. Development of productive communities on a co-operative basis."

Madam Speaker, for unfortunate reasons for the people of this country, we are not in government today. I can give the assurance that had we been in government today—we have always been committed to a government of national unity—

Mr. B. Panday: We would have dealt with the crime situation as well.

Mr. J. Humphrey: —we have always been committed to a government of national unity. The leader of this party has already gone on record as saying that as prime minister he would invite the PNM to appoint certain people to the Cabinet so as to have a government of national unity to start solving the critical problems. I think he would have to change his mind, however, on the basis of the performance of this group.

Mr. Sudama: One fellow he has to exclude is the Member for Diego Martin East.

Mr. B. Panday: The Member should be banned from Parliament: he should not be here.

Mr. J. Humphrey: Madam Speaker, this country now has another opportunity, and by the next general election I have no doubt that the Members who are sitting on this side will be sitting on that side. And very few of those on that side will be sitting on this side—if any at all.

Mr. Maharaj: Including the Member for Diego Martin West.

Mr. J. Humphrey: I doubt very much that the Member for San Fernando East will ever see the portals of Parliament again. I doubt that very much.

Mr. Sudama: He got away in 1986.

Mr. J. Humphrey: Madam Speaker, when this country has a government that operates in the interest of the majority of the people and not in the interest of the minority; when it has a government that manages the resources of the people—because the resources that are being managed are the people's resources, not ours. The rich do not need a government. They have enough resources at their command, and do not need to have a government supporting their interests too. In fact, they can survive without government. They do not need the incentives that one gets from a government. They can generate their own resources. They have

the historically derived ability and the entrepreneurial skills in management techniques and they understand capital and the market. They understand those things. They do not need a government to represent their interests.

Mr. B. Panday: They are the Government.

Mr. J. Humphrey: Right now they are the Government, because this group is a puppet of that group. In fact, one cannot see where the lines divide this group from that group.

This document, *World Bank Report—Recommendations for Structural Adjustment*—the true manifesto of the PNM—the Government is even importing wives; nothing local is good enough.

Mr. Sudama: That is for the hustings.

Mr. J. Humphrey: Madam Speaker, I just treat them with the same contempt with which they treat me! That is all. I get the contemptuous remarks from that side when I tell the country the facts. This structural adjustment programme that this Government was so critical of the NAR in implementing, it has rushed—

Miss Nicholson: Far more aggressively.

Mr. J. Humphrey: Yes, aggressively, to implement it and not to do it—as it can be done—in the interest of our people. The interest of the foreigners is paramount.

Mr. B. Panday: Thick-fingered clumsiness.

Mr. J. Humphrey: I do not know if it is right for me to describe the Government as traitors to the people of Trinidad and Tobago, but that is what they are, with one or two exceptions.

Miss Nicholson: None.

Mr. J. Humphrey: No, there are one or two exceptions.

Miss Nicholson: Only Mr. Allum.

Mr. Sudama: How is that Member voting on the Bail Bill?

Mr. J. Humphrey: Madam Speaker, I invite the hon. Minister of Housing and Settlement to respond to some of the issues I have raised. I want him to specifically indicate to us what has happened to the work of these committees. Why are we not seeing any of the concrete benefits that could be derived from accepting these very good recommendations? What is happening to all the

Rent Restriction Order
[MR. HUMPHREY]

Friday, August 19, 1994

promises that were made to regularize people on the terms of the 1986 legislation?

There is no doubt that the basic social problems of this country can, in fact, be solved. I have no doubt that this is so. However, one cannot solve them if one runs this country and directs its resources in the interest of just that historical minority, privileged group in the society. That group has its contribution to make and its role to play, but it operates in a very selfish way.

I am surprised to see members of that privileged group now coming into the streets and openly campaigning. Historically, they have never done that. They have stayed in the comfort, security and convenience of their own castles and have managed and manipulated things from there, but the crisis in the country is now beginning to impact on everyone. This is the only time we see this Government responding.

I want to hear the hon. Minister respond to that, because that is the crux of the problem facing Trinidad and Tobago today. We need a Government who will manage the resources of this country in the interest of the majority and not in the interest of the minority.

Thank you, Madam Speaker.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Madam Speaker, I rise to give support to the measure as described by my colleague the Minister of Housing and Settlement.

The Minister of Housing and Settlement was very clear as to what the purpose of the measure is. Therefore, I ought not to have to say too much to justify my support for his clear and concise presentation. However, I think, just for the record—if only to take the opportunity to ask a few questions of the other side—I should intervene in the debate to clarify a couple of points.

Firstly, the Member for St. Augustine—who happens to live in the constituency which I represent—raised a couple of matters to which I should respond. The Member made reference to two reports which were commissioned by this Government in 1992, and without making any reference to the summary recommendations of those reports, without indicating in any way what the report said or did not say, jumped to the conclusion, having waved the two reports [*Interruption*] I acknowledge the existence of those reports—without making any reference whatsoever to the contents of those reports, the Member made an emotional presentation, egged on by the Member from Couva North, that nothing

has been done. The question one has to ask is: How does one jump from showing two reports to saying nothing has been done?

3.15 p.m.

One of the things that amazed me is the kind of argument put forward by the Member for St. Augustine, of all persons. Those who lived in Trinidad and Tobago between December 1986 and 1991, know what the housing policy was, and the result of that policy. Whether the Member spoke loudly or quietly, whether he accused the PNM of being beast or whatever, the fact of the matter is that the housing policy of that era did not generate housing units. That is a fact! We do not have to argue over that.

Mr. Humphrey: It did generate housing units.

Dr. The Hon. K. Rowley: The Member spent a long time—I do not know for whose benefit, but certainly not for the benefit of those of us on this side, or even for your benefit, Madam Speaker—seeking to justify the political shenanigans of those on the other side. That is not relevant to the debate. Who is PDP, NDP? In fact, the Member has the singular distinction of having designed the symbols for more political parties than anybody in the Commonwealth. While I admire his artistic skills in designing the broken chain for the ULF, the steel beam for the NAR, the Sun for the UNC—and God knows what else he will design in the future, that is not relevant to the debate and to the matters raised by my colleague the Member for Point Fortin, the Minister of Housing.

When he spoke about committees, I can tell you it is incorrect to say that nothing has been done on those two reports. In fact, arising from the deliberations of those persons who submitted their findings, came a position as he read from the Budget Speech of 1993, how the Government should take certain governmental actions which would have the effect of stimulating construction, and we have argued—

Mr. Humphrey: On a point of order, Madam Speaker. The Member is misleading this House. I offered him the two reports, and I suggest that he find the section in those reports that proposes the strategy announced by the Minister of Finance—incentives for the rich.

Dr. The Hon. K. Rowley: I am not going to confine my interpretation of any document to that as described by the Member for St. Augustine. The Member is free to make his presentation. I am saying that the Government commissioned those reports to get the information which will guide governmental action, and the

Rent Restriction Order
[DR. THE HON. K. ROWLEY]

Friday, August 19, 1994

Government took action which had effect in certain construction projects. We made no secrets of the fact. It was here in this Parliament that policy prescriptions with certain tax benefits were going to be afforded to those who would carry out construction. The Government would take that initiative so as to bring about construction. That is not a secret.

We said if there were persons in the community who had the wherewithal to use their resources or to access the resources of the banking community to build, the Government wanted to stimulate the construction sector, and it did so by giving tax breaks. The result was that construction was, in fact, stimulated. I ask the Member for St. Augustine: What exactly is his position? In one breath you are being told not a single job has been created. In the next breath you are being told that construction running into millions of dollars is taking place in rich areas of Trinidad and Tobago. If in fact, millions of dollars are being spent on construction, it necessarily follows that jobs were created and jobs are being created. The Member has taken the position *[Interruption]*

Madam Speaker: Order! The Member is having difficulty in making his contribution.

Mr. Humphrey: He deserves that.

Madam Speaker: No Member deserves to be interrupted. Let the Member make his contribution.

Dr. The Hon. K. Rowley: Thank you, Madam Speaker. The Member took the opportunity *[Interruption]*

Madam Speaker: I do not think I have to tell hon. Members what is parliamentary language and what is not. I did not hear the Member say anything unparliamentary and the Member would know if he did, and withdraw it. If not proceed. There are many things the Chair does not hear.

Dr. The Hon. K. Rowley: Madam Speaker, I simply want to make it abundantly clear that that reference is not to me because I was not speaking.

The Member for St. Augustine obviously has a personal problem with rich people. I do not have that problem, I admit, and the Government do not have that problem either. As the Government of Trinidad and Tobago we recognize our duty to all citizens regardless of race, colour, creed or class.

Mr. B. Panday: Including those shacks which were broken down.

Dr. The Hon. K. Rowley: Madam Speaker, when the Member comes and talks about rich folk building apartments in Westmoorings, I cannot find the relevance of that to the matter before us. He started off by saying that the measure that we are proposing is to facilitate rental in these high-priced apartments in Westmoorings. What a ridiculous statement coming from a Member of Parliament! He is seeking to create division in the community for what reasons, only he and his leader know.

Madam Speaker, you would know that the Rent Restriction Act is specific to certain levels of rent. In one breath you are being told that the Government is encouraging high-priced construction in high priced neighbourhoods for high priced rentals, clearly outside the scope of rent restriction. But, in the next breath you are told that a measure to deal with rent restriction is to facilitate those kinds of construction.

Clearly, the Member for St. Augustine is totally confused. Driven by the intention to create mischief and division, he is making contradictory statements one after the other. I am saying, for the record, that nothing in the Rent Restriction Act or the amendment proposed can or will impact on the kinds of construction projects that he has inferred.

The Member goes on to interpret from that that the Government is somehow having the benefit from those who are involved in construction and, therefore, he uses the worst possible terms to describe the Government of Trinidad and Tobago. We are supposed to be traitors. Because we are moving rent restriction measures to facilitate high-priced construction when the two things are totally unrelated. I am sure my colleague the Minister of Housing and Settlement can give the details—and he said it in his presentation. May I quote what the Minister of Housing and Settlement said:

"The statistics also reveal that most of the rental units are rented for less than the \$1,000 rent control limit, and in fact, about 70 per cent of all rental units are rented for \$500 or less."

Where in this high priced construction in Westmoorings are you going to get \$500 rental units? The Member, bent on creating mischief, closed his ears to what the Minister of Housing and Settlement was saying; he closed his mind to what we were seeking to address and he got up and spouted something that was on his chest, that has nothing to do with the matter before the House. Madam Speaker, just for the record I am saying that the Minister of Housing and Settlement is seeking to treat with rentals of less than \$1,000 where 70 per cent are less than \$500.

Rent Restriction Order
[DR. THE HON. K. ROWLEY]

Friday, August 19, 1994

3.25 p.m.

He pointed out that the existence of the Rent Restriction Act, has acted as a disincentive to persons who normally would have constructed a room, or extended a house to make an apartment available for renting in this price bracket, because the Act stipulates the rental, which in many instances, persons find to be uneconomic.

What has been the effect of the Rent Restriction Act? The Minister of Housing pointed out that research has shown that in 1980, there were 51,000 units available for rental in this price bracket, but by 1990, that had fallen to 36,000. One of two things could have happened. Owners could have taken their units off the rental market, or somehow they could have discontinued maintaining them or demolished them.

The bottom line is that whereas in 1980 there were over 50,000 persons being able to access units in this bracket, 10 years later, there were 31,000 persons. Whereas the measure was meant to keep rentals down, it also had the effect of making units unavailable, aggravating the very problem that it was meant to address. That is what the Minister of Housing said. Where are we today? We are out there with 30,000 units. If we do not intervene to change that trend, there would be probably fewer and fewer units available as we go along.

We are saying that one needs to strike a balance which would permit persons to make rooms and apartments available. That is the first hurdle in dealing with the problem. Whereas before many persons, even for retirement purposes, would have constructed an extension to their homes to rent and that could have become an income, this Act has had the effect of removing that kind of enterprise.

We are saying that we need to reintroduce that enterprise. If persons know that there is a law in place, cast in concrete which stipulates a rent which they are not satisfied with, they are not going to make rooms available. Who would suffer? The same people that the Member professes to speak on behalf of; those persons who seek to access accommodation in the price bracket under \$1,000 and moreso, under \$500 per month. That is the issue.

I do not know how the Member could have jumped from there to rich people in Westmoorings. The Member has taken the position that if he is not personally involved in high priced construction, it ought not to be allowed. That is the position. The Member is personally involved—we have conversations all the time when he comes on site—as an architect or contractor—in building single family units in the million-dollar bracket. I should like to ask him whether the units in

which he is professionally involved would be built to incite lower income persons to commit crime, and to rise up and be whatsoever they want to be? That is what he is saying. He said that if they see the units of other persons—

Mr. Humphrey: Let me help the hon. Minister. I am doing that to feed my grandchildren.

Dr. The Hon. K. Rowley: The Member severely attacked the Government for permitting high priced construction. He spoke of the likelihood of poorer persons seeing high priced units and becoming incited to become criminals. I ask: Would that be the effect when they see the high priced units which he is encouraging? I make this point simply to demonstrate to you that the kind of argument that was being raised by the Member has absolutely no merit. What is the difference between a million-dollar house being constructed in Goodwood Park, and one being constructed in Bayshore? There is none whatsoever! If the person constructing it could find the wherewithal to construct it, more power to that person. The Member is saying that it is only when he is involved it is okay. If anybody else is involved in it, it is corruption or the worst possible thing.

Mr. Humphrey: Madam Speaker, I just want the hon. Minister to indicate what incentives have been given to encourage the construction of those high priced units, and what incentive has been given to the little people to build accommodation?

Dr. The Hon. K. Rowley: I made the point earlier on that. It was right here in this Parliament, in that very space occupied by the Member for St. Ann's East, the Minister of Finance made it very clear to all and sundry in a Budget Speech, what incentives would be given to encourage construction. That is the answer. The Member was a Minister of Housing. He, more than anybody else knows of the existing laws for encouraging low income housing.

In fact, the IADB programme to which he referred when he said that the present Government is following on the policy of the previous government, I cannot argue with that. One of the things this Government prides itself on is recognizing the need for continuity when a government changes. Maybe, if they had understood that they might have been in government three days longer than they were.

We did not take the position that because a previous government was doing something, when we come into office we must capsize the whole thing. When we came into office we met in place the IADB programme with incentives for low income housing which required that those persons seeking to access the IADB

Rent Restriction Order
[DR. THE HON. K. ROWLEY]

Friday, August 19, 1994

programme had to pay \$30,000 or thereabouts before they could get their lease document. We found that on the few lots that were made available under the previous government, no construction was taking place. The intention was to have a lot preparation programme to be followed by housing construction.

We went back to the IADB and renegotiated the arrangements to permit the Government to lower the requirement for persons seeking to access funding for those lots. Now instead of a poor person having to raise \$6,000 to begin to access that programme, the level has come down to \$5,000; a downpayment of \$1,200. We have even made the same programme to which he referred more affordable.

In the face of that, the Member comes to the House and trumpets that nothing has been done. He gives the impression that the Government is doing nothing for poor people and we are only pandering to the rich. That is a mischievous statement! Maybe the Member feels that he has to do that to justify his position in the party, but it is not logic. It is not required at all!

If you read the papers recently you would have seen the public advertisement from the Ministry of Housing inviting applications from persons for housing construction, at a variety of sites in Trinidad and Tobago, outlining the locations, the number of units to become available and inviting applications for those units when they are completed. Of course, the Member totally disregards that.

He comes here and reads quite correctly from the PNM manifesto about what the PNM said it would do. This was to pursue a comprehensive housing policy which ranges from the encouragement of expenditure on the high priced units in Westmoorings, which annoys him no end, to the other end of the extreme squatter regularization. The Member must have seen or heard about what we are doing in Maturita Triangle, Bamboo Settlement, Bagatelle. *[Interruption]* Yes, we met them, but they were in train. Whereas under the previous Government that was the sum total of the housing policy, under this Government it forms only one facet of the policy, and that is the difference.

3.35 p.m.

The Member said that we have done nothing. I was in a position, after five years had expired, to say to my Friend the Member for St. Augustine that he and his government did not build any houses during their tenure. We are now two and one half years in Government and we have already constructed more housing units than that government did during its entire tenure. I can tell you that there is construction taking place in San Fernando, Valencia, Laventille, and we are about

to announce another major initiative in housing and when we announce that he would get diarrhoea.

Mr. Humphrey: Madam Speaker, I know exactly what he is talking about. The Caroni Racing Complex site is being used to try to win the 1996 election, but they cannot win with that.

Dr. The Hon. K. Rowley: Madam Speaker, that kind of trivialization of the nation's business will not attract any attention from this side.

The housing policy of this Government is a very wide one. It takes into account the needs of citizens at all levels. There are those who from their own resources fund their own homes. What does the state do? It permits relief on interest for mortgage payments. That is a facility. That is an aspect of policy meant to encourage housing construction. It has been so for quite some time.

There are also persons who seek land through the state mechanism. That is another aspect of policy. There are persons who seek funding. All of this at the end of the day, paints a picture of a policy which takes care of the needs of all levels of society. What this Member is doing is seeking to siphon off one group of people, and I do not care what he calls them—parasitic oligarchy, parasites, French Creole—in whatever disparaging terms he wants to call them—this Government calls them citizens of Trinidad and Tobago. *[Interruption]*

I would not be distracted by that. I would ask Members representing St. Augustine, Couva North and Couva South, instead of casting the kind of aspersions they are casting, to tell us what their party would do if, God forbid, they find themselves in government. Is it that they would pass a law preventing certain persons in the community from building certain homes in certain areas? If the answer is no, how then would they prevent them from building? Because they seem to have difficulty with that.

Mr. Humphrey: A point of order. Either this Member does not understand what was said or he is deliberately misinterpreting what was said and misleading this House. I made it quite clear in my contribution that the rich do not need a government to establish policies to enable them to perform in their own interest. The poor need the Government to enable them to perform. *[Interruption]* He has a mindset.

Dr. The Hon. K. Rowley: I do not know what point he is making. I think I have demonstrated very comprehensively that the housing policies and the policies as enunciated to encourage construction are meant to provide shelter across the board and to create employment.

Rent Restriction Order
[DR. THE HON. K. ROWLEY]

Friday, August 19, 1994

The Member said that there is construction taking place in Westmoorings, where everything is imported. *[Interruption]* Cocorite!—wherever the construction is taking place! In the Western Peninsular. *[Interruption]* It must be on my mind! I am the Member of Parliament for Westmoorings! It bothers him? *[Interruption]* The Government's policy has nothing to do with where we got votes. It has to do with our responsibility to all the nationals of Trinidad and Tobago, in case they have not noticed. It is not a question of where we got votes.

I want to correct a statement made. When construction is taking place, some of the major inputs are steel, concrete, labour and electrical materials. Where does the steel come from? Point Lisas. Where do the thousands of cubic yards of concrete come from? It all comes, starting with the sand and gravel, from the quarries where persons are employed in producing such materials. As they produce the materials, they use equipment. Persons are needed to operate and maintain equipment; trucks to transport them, persons to drive and maintain them.

On the construction site itself, in case the Member closes his eyes when he passes down there, if he passes there at 4.00 p.m., he would see hundreds of persons walking off the construction site having made an honest day's work. That is what this Government is trying to do—encourage construction, which is the quickest way of dealing with the pressing unemployment problem, because it provides opportunities across a wide range of economic activity—on the construction site, on the roadway, in the quarries, in the stores, in the steel mill, in the cement factory and so forth. He says everything is imported, but where does the cement come from? All the cement that goes in there comes from Claxton Bay.

Mr. Humphrey: Madam Speaker, on a point of order. I told this House that there is a particular construction site at Cocorite where the local input is confined to the piles which are being driven into the ground. The rest of the building is being imported. Deny that! It is being designed abroad! It is being fabricated abroad, imported and then erected using the foreign exchange reserves that we are so short of!

Dr. The Hon. K. Rowley: The Member obviously has information which I do not have. I am talking about construction which has been facilitated by the measures as outlined by the Minister of Finance. In fact, the measures are still there. Any person who has the wherewithal to take advantage of that measure is free to do so. The Member specifically said that the measure the Minister of Housing is seeking to deal with had to do with apartments which are to be rented by the end of the year. That is a distortion, as he mixed up both things.

I am saying that the facility is available to all nationals. Any person who seeks to take advantage of it is free to do so. I cannot for the life of me see what difficulty the Member has with construction activity that is creating employment for our people. In one breath they accuse the Government of not creating employment. They ask, "Where are the jobs?" and we say, "There is construction being encouraged." And they ignore that. They disparage it: they use it to create division in the country and still ask, "Where are the jobs?"

The Member, in seeking to advance himself as a champion of the downtrodden, stated that the Government should pass a law saying that tenure is being given to all squatters across the country. The question of squatting has been addressed by legislation which requires updating. This Government is not going to be encouraged into any irresponsible behaviour on the advice of my Friend the Member for St. Augustine. I want to take him back to March 1987, I think it was, when there was—

3.45 p.m.

Mr. Manning: It was January.

Dr. The Hon. K. Rowley: It was January? It was very early in the life of the previous Government, and the said Member was on television one night asking land-grabbers to please behave themselves. Please, do not do what you are doing in Harmony Hall. There was a land-grab in Harmony Hall, which caused the Member—

Mr. Humphrey: Madam Speaker, on a point of order. That is not true at all. I went on television and appealed to people who were going to occupy houses that had been empty for a very long time and had been vandalized, because we wanted to make orderly arrangements for occupying those houses. But you cannot tell the truth!

Mr. B. Panday: He is a stranger to the truth.

Dr. The Hon. K. Rowley: Let the hon. Member tell me that; he cannot tell the rest of the country who saw the Government, through him, in tears, asking land-grabbers in Harmony Hall, who were planting their stakes and marking out their plots. *[Interruption]* Anyhow, I do not have to recreate that scene, Madam Speaker, I can only tell you, that in the five-year period that they were in Government, the squatting problem in this country multiplied manifoldly. To come now and ask the Government to make a blanket statement that all squatters are to be given tenure, is to ask for trouble that this country could do without.

Rent Restriction Order
[DR. THE HON. K. ROWLEY]

Friday, August 19, 1994

The position that the Government has taken is that we have recognized the presence of squatting communities and individuals on state lands. There was an Act passed in Parliament that gave a cut-off date which said, up to this point we will recognize their presence and will seek to regularize. Subsequent to that, the squatting problem exploded. Act No. 20 of 1986 was meant to deal with that. Between 1986 and 1991, the squatter population exploded, and I would not at this time tell you why.

What we are facing now is a situation where the facilities of Act No. 20 of 1986 do not properly address the status quo. It surely cannot be that every 10 years when there is a new increment of squatters that one seeks to regularize them; that cannot be a policy to be followed. The policy has to be that one decides on a cut-off point, treat with those who are there, and put in place policies to prevent a repeat of the problem.

We have a fundamental difference from the Member for St. Augustine, because there are many problems being created in this country by the unauthorized occupancy of state lands, be it on beaches, be it in water-sheds; be it in water-courses, and be it on highway reserves. In the light of that, it is most irresponsible for a Member of Parliament to take a position that all the Government needs to do to generate a housing boom is to allow a general free-for-all for squatters. We cannot do that. If that is what the Members think would appeal to the poorer classes, then so be it. We on this side do not believe so.

Mr. Humphrey: On a point of order, Madam Speaker, I never said anything about a general free-for-all. I said that there is a squatting population that has been recognized by the Government, they dealt with it in their manifesto, and I am saying that to give the squatters security of tenure would encourage a boom in the construction industry.

Mr. B. Panday: The hon. Member insists on deceiving people.

Mr. Humphrey: The Government had promised to regularize squatters; I want to know how many have been regularized. How many squatters in this country that the Government had promised to regularize have a deed? I say, not one.

Dr. The Hon. K. Rowley: Madam Speaker, the appropriate work on squatter regularization is proceeding apace. We have said that we are moving from individual regularization in the first instance, to regularization by communities. If the Member had read that document that he waved here this afternoon without saying what the document says, he would have seen that that was one of the

recommendations. We deal with squatter communities and the Government comes in and puts in infrastructure, makes necessary adjustments, and to the best of my knowledge, that is proceeding apace.

I do not know what the Member is carrying on about. The Member referred to the manifesto where we made comments about reorganizing the National Housing Authority and bringing in the TTMF and so forth. That is work that is underway. I do not know why the Member is saying that it is not being done. The Ministry of Housing and the involvement of TTMF—all these are Government policies being put in place at this time. It is completely erroneous at this time to come here and give the impression that nothing is being done on these specific matters.

The Government have taken the position that we are sticking by our manifesto commitment to regularize those squatters who occupy those areas where regularization would not work against the wider public good. We cannot take the position of *carte blanche* regularization, as the Member is advocating by issuing a statement saying persons on state lands would be given tenure. We are saying that if one is on a watercourse, on a watershed, on a beach, how can one expect to be regularized? This Government will not be party to that. There are people in the Queen's Park Savannah asking for regularization; how can we accept that? I hope by now the Member would see the fundamental difference in our approach in handling the problem of squatting as against those who seek to wave populist statements which they think will make them popular with those persons. The Government do not have to do that because we are proceeding on another front to make opportunities available to lower income persons within the confines of their affordability. While we are doing that, we have the moral position to say that we seek also to curtail the squatting explosion.

If the intention is to find a place to live; if the intention is to find a place to build a home, the Government is taking steps by other policies to make those opportunities available; therefore, there ought to be no need to go in the watercourses, to go on the watershed, to go on the beaches, to go on the road reserves and so forth. That is the Government's policy and we can espouse that anywhere in Trinidad and Tobago, and stand by that.

One thing I can tell this honourable House is that at the end of the term of office of this Government, no person would be able to truthfully say that we have not comprehensively addressed the housing problem; that we have not comprehensively provided opportunities for construction across the board. No person would be in a position to say that we have not done public sector

Rent Restriction Order
[DR. THE HON. K. ROWLEY]

Friday, August 19, 1994

apartment construction. No person would be in a position to say that we have not provided lots. No person would be in a position to say that we have not provided mortgage support; or that we have not provided fiscal incentives to allow construction to take place in whatever income bracket.

This Government's policy is very clear and I would ask you, Madam Speaker, to ignore the erroneous statements made by the previous speaker with respect to Government's policy and purported Government's inaction in the housing sector.

3.55 p.m.

We are moving apace in the housing sector where apartments on Ramdial Mahabir lands are 90 per cent complete; San Fernando construction, Valencia—*[Interruption]* If the Member was reading the newspapers he would have seen what was happening in Valencia—housing accommodation being made available to the public. This is the first time in seven years that that is happening. Housing construction is beginning to get underway in Trinidad and Tobago, and that is happening under a PNM Government.

Insofar as the measure before the House is seeking to provide opportunities for persons who are in a position to provide rental units in the lower income groupings, I commend the amendments to the House so that we could get more of those units in the market place. Insofar as the amendments also control the amount of rental increase that can take place for those persons who are currently occupying those lower income units, I commend the amendments to the House. Very straightforward, very clear, and all part of a comprehensive housing and accommodation policy.

I thank you, Madam Speaker.

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, I want to allow the Member for San Fernando East to take his leave, if he so wishes, at this point. If he is going to remain in this House, I want to tell him about the tiger and the elephant today, if he continues to groan, and why the elephant had to groan. If the Member stays in this House for my contribution, I ask him, please, do not groan.

I listened to the spirited defence of the misguided housing policy of the PNM from the Member for Diego Martin West. Of course, it is his duty to defend what cannot be defended. I want to quote some of the things he said before I get into the meat of my contribution. I want to be very objective, very rational in this debate because what we have coming from the other side is much emotive outpourings. I want to be a little rational and look at the problem as it really

exists. I want to bring the PNM members to an appreciation of the reality of Trinidad and Tobago in the year 1994.

Before I go into that, my Friend the Member for Diego Martin West said that he has no problem with rich people, no problem with having incentives given to them. I do not know if he understands what is happening in Trinidad and Tobago—that the rich are getting richer, and the poor are getting poorer. Madam Speaker, do you remember the words of the song "in the meantime in-between time the PNM is having fun, while the rich get richer and the poor get poorer." And I am going now to deal with the housing situation in that scenario.

Let me say on behalf of this side, we too, have no problem with rich people, but rich people must make their adequate contribution to the society. We have no problem with rich people, but we also need to get very clear in our minds that since there are rich people whose incomes are way above the average, why this particular need and rush to give them further incentives to get even richer? That is the question.

They stand as a caring Government, talking about the grassroots and telling them how caring they are, when it is time for votes; but when the time comes to govern, they govern in favour of the rich. This is one of the critical issues that have come up in this debate.

The other issue that I want to raise is the range of incomes, and the unaffordability of housing for a very large sector of our citizens. Madam Speaker, why do you think they have to put advertisement after advertisement in the newspapers to ask people to come and take up NHA sites which have been provided under the IADB loan? Why? It must have dawned on them that there must be a simple, basic reason, and that reason is the unaffordability of those sites, given the income levels of a vast sector of the population.

They really cannot afford it! This is why the Minister has to put his photograph, day after day—I do not know where they are getting the money to put his photograph in the newspapers, as if that would encourage people to come and take up the sites. Where is he getting his money from for that? I want to ask the IADB, whether part of the funding is for the purpose of advertising the Minister of Housing in the newspapers.

The simple fact of it is that these people in the PNM cannot understand that the level of poverty which is related to income levels is close to 30 per cent of households in Trinidad. Thirty per cent of households existing on the edge of poverty or below the edge of poverty, but they are stimulating a market, with

Rent Restriction Order
[MR. SUDAMA]

Friday, August 19, 1994

certain rental values, which excludes this large sector of the population. The market has to be restrained in a certain way to deal with the basic necessities. You cannot have food supply, which is a basic necessity, or housing, which is a basic necessity, subjected to unrestrained, unregulated and uncontrolled market forces. That market has in some way got to be dealt with and constrained so that these basic necessities are available to the vast majority of people 30 per cent of whom—I want to repeat—are under the poverty line; they do not know where their next meal is coming from, let alone meeting their rental requirements.

When you have a housing policy that seems to cater for a small sector of the population to the exclusion—I am telling him that his housing policy, comprehensive as he thinks it is, has excluded by its operation, a substantial sector of the population. This is the basic issue we are dealing with today. It shows who they are. “By their fruits you shall know them,” not by their words.

The Member for San Fernando East is a big talker, he is even a born-again Christian, Evangelist. He is good at talking and promising and quoting the Bible. When it comes to the deeds that he is supposed to do on the basis of that talk, what we have is a tree that is totally barren.

4.05 p.m.

Madam Speaker, hear what the Member for Diego Martin West says:

"These incentives which have been put in place were ..."

I think this incentive is for houses over \$250,000.

Mr. Humphrey: No, everybody. The Budget Speech singles out \$250,000 and upward; \$250,000 and below had already got incentive.

Mr. T. Sudama: Everybody gets this incentive. The Budget Speech singles out \$250,000 and above and anybody could avail himself/herself of the incentive. If a man is earning income of \$100 or \$500 per month, he could avail himself of the incentive that is provided for investment of \$250,000. It shows you how the Government is unrelated to reality in Trinidad and Tobago. It lives in a world of its own. Sure, incentives are available for million-dollar construction. Who can avail themselves of that incentive? A tiny portion of the investing population.

Mr. Mottley rose—

Madam Speaker: Is the Member giving way?

Mr. T. Sudama: Certainly!

Mr. Mottley: Madam Speaker, the hon. Member is not focussing on the fact that the same concessions for low income construction were already in place and we were merely expanding it to higher income for the purpose of job creation in that sector.

Mr. T. Sudama: Madam Speaker, I would relate to him how this same investment in another area of housing could have created many more jobs than he is trying to create through focussing on this narrow income.

There are incentives. What is the incentive for the lower income group? They get tax relief on the interest on their mortgage payments. That is a very limited incentive because it is available to only those who can access mortgages. If one's income is such that one cannot access mortgages, how does this policy incorporate that income group? The Government has not got a clue and it does not care.

He talked much about an increase in the number of squatters. I think the figures which the Government is quoting as to how there was a boom in the squatting population between 1986 and 1991 are totally false. I do not know where the Government got that information from; that between 1986 and 1996, the squatting population increased five-fold. Totally fraudulent figures!

Dr. Rowley: Where does the Member live? Does he live here?

Mr. T. Sudama: I want to come to the basic thing: Why do people squat?

Mr. S. Panday: They cannot afford rent.

Mr. T. Sudama: I take it that there may be five or ten percent of those squatting who can afford it but go and squat and try to use their premises to make additional funding. There may be five or ten per cent of the squatting population in that category; ninety per cent of the people who squat cannot afford land at the market prices of land—

Mr. Maharaj: True!

Mr. T. Sudama: —which Government policies have generated. Does Government's housing policy cater for this 90 per cent with respect to values, rentals, instalments and accessibility to land at incomes which these people receive? That is the question.

When rent restriction was introduced in 1941, it was to deal with certain problems. It was a period in which incomes were frozen but prices were escalating. As a result of this, it was felt that enormous hardships would have been created on a substantial sector of the population, had this measure not been introduced.

Rent Restriction Order
[MR. SUDAMA]

Friday, August 19, 1994

What exists today in 1994? What is happening to incomes generally? They are stagnating, and for some people, falling—those who have been retrenched; those who cannot get jobs—no incomes. What is happening to prices? Prices have been escalating. While we talk about the introduction of market forces to determine the stock, supply and demand of housing, we have to take into account the existing economic and social situation in the country, particularly with respect to income levels and what is happening to income levels for the vast majority of the population. That must be taken into account if the Government is going to devise and develop a proper housing policy to accommodate all with respect to that basic necessity.

On more than one occasion, we on this side have said that we have no problem with people investing and getting an adequate return on their investment. No problem with that at all! When we give incentives we have to understand that those incentives are not merely to enable people to put more money into their pockets, but directed towards the achievement of a wider national policy. That is where we stand.

Mr. B. Panday: That is the difference between them and us.

Mr. T. Sudama: There is need to review the question of rents, to look at why people are not investing in private housing stock. At the same time, there is need to look at the income levels of those people who are in a predicament where they cannot afford rents above a certain level.

The root cause of this problem is what we have to get to. Our policy here on this side is not so much to provide incentives for people to invest in housing so that they can rent—that is a secondary aspect of the policy. The primary aspect of the policy is how to create a house and property owning democracy in our country. That is, that the Government put policies in place that enable people to own property. If the majority of people could be in that happy position where policies are put in place so that they can own property, have a stake in the economy and be self-reliant citizens, we feel that such a housing policy would be in the best interest of Trinidad and Tobago.

Hon. Member: It would reduce crime.

Mr. T. Sudama: Reduction in crime! Reduction in anti-social behaviour! The same money that people spend on rental, if it could be applied to paying their instalment mortgage which, in the end, would enable them to own properties, it would be such a progressive step for this society. But it is something beyond the

scope and thinking of this PNM Government. Incapable! What it is trying to do now is to have market determination post-1994.

4.15 p.m.

Now this Motion has been introduced within a certain policy framework. We cannot ignore the fact that they have been accessing loans from the World Bank and the Inter-American Development Bank—I merely want to refer to a few of those things.

For example, the loan contract between the Republic of Trinidad and Tobago and the Inter-American Development Bank, the Investment Sector Reform Programme, talks about the macro economic policy framework of the borrower being consistent with the objectives of the programme. And of course, the objective of the programme is to have unregulated market oriented policies put in place.

Therefore, what this Motion is doing is extending open market into the housing sector which was, before now, in a position of control. That restraint is now being eliminated, because the Government has to fit its policy, in every sector of the economy, into the conditionalities of the World Bank, the IMF and the Inter American Development Bank. So that is the genesis of this Motion before us.

Madam Speaker, my concern is that, while we have to acknowledge that on the one hand, their options in trying to solve the housing situation are being reduced. There are no options to deal with the sector of the population which will be completely excluded from the market. So while they are introducing market measures on the one hand, what measures are there to deal with those who cannot be accommodated by market prices, market forces, or market values? The policy of the PNM Government lacks balance.

So, to portray this side as being opposed to business investment is so much hot air coming from the other side. They do not understand our policy and, therefore, their duty is to distort. Let me quote the housing task force which went into this matter in some detail.

The Report of the Task Force on Housing and Settlements, dated August 1992 states on page 34:

"Broadly speaking, policies will be required, on the one hand, for households who cannot enter into any kind of conventional purchase transaction;"

that is the sector of the population I am telling you is excluded—

Rent Restriction Order
[MR. SUDAMA]

Friday, August 19, 1994

"any kind of conventional purchase transaction; and on the other, for those who can participate in the housing market."

So they have two sectors to deal with—two targets for their policy initiatives: those who can be accommodated and participate in the housing market; and those who cannot make any kind of conventional purchase transaction.

"In the first group are the low-income households who earn less than \$1500 per month and whose affordable limit is \$60,000, the price at which, within existing parameters, the market cannot deliver an acceptable housing product."

There is this large group of people whose affordable limit is only \$60,000, so the market cannot accommodate them. What do they do with them?

"Appropriate support would have to be provided to this group, but they would also have to invest "sweat equity" in building their own homes."

Now we on this side are not against "sweat equity", because we believe that it is productive effort which is going to salvage this economy. Productive effort on the part of everyone in the country is going to retrieve the economy of this country.

We had a policy in the Sou Sou Land approach where people would get involved in developing their own lands and, in fact, building their own houses—through community effort, through the efforts of relatives, and their own efforts—and therefore reduce the cost of a home. They would approach it on an incremental basis. Therefore this method will bring affordability to a large sector of the population, by so doing. It cannot be done in any other way.

Mr. Humphrey: The task force recommended the adoption of that approach.

Mr. T. Sudama: As you know, the Member for St. Augustine and I were directors of Sou Sou Land, we initiated that novel approach to the provision of land for the landless. One of the problems we encountered was that the conventional provision of infrastructure was being provided at a cost which was really not necessary. It is only when that cost is reduced that a large sector of the public would have affordability.

Let me quote further from this report, Madam Speaker, at page 33. It says very clearly—

"For lots of similar sizes, the introduction of waste-water treatment increased the development cost substantially. For instance, in the NHA's sites and services projects, where on-lot disposal was accepted, development cost ranged between \$1.00 per sq. ft. and \$3.00 per sq. ft...."

Mr. B. Panday: That is what they are doing for this project.

Mr. T. Sudama: I continue:

"In the IDB-assisted projects, where sewer treatment plants were installed, the costs were between \$5.00 and \$8.00 per sq. ft."

Mr. B. Panday: And that is what they are doing to this country—and more have started.

Mr. T. Sudama: For this target group that requires housing, why can they not adopt an approach to deal with measures to reduce the infrastructural cost without damaging the viability of the project? But you see, that is creative and progressive thinking, and the last thing you want to associate with this PNM lot is any creativity and progressiveness.

Not only that, after they insist on these high infrastructural lots, like the sewer system in Palmiste, Madam Speaker, of which you probably have some intimate knowledge, the sewer system breaks down. Right now in Palmiste there is a health hazard which has been existing for many years—

Mr. B. Panday: A monumental stink!

Mr. T. Sudama: —because they are putting in all this infrastructure which is really not functional, but raises the cost of the project. So, you understand the critical difference between their approach and ours with respect to the provision of housing and the access to land and housing. And they talk about “populace” and “emotional” and so forth.

Well, if “populace” means people, I want to tell them that we are on the side of the people of Trinidad and Tobago. Everybody! All the people, but we also are against exploitation, and we shall have to institute mechanisms to reduce or eliminate exploitative attitudes and transactions. But their policy is to promote that, because they benefit from it.

I was on the issue of affordability, and a government which is concerned about the housing shortage and the lack of affordability of houses for the lower income groups, would have looked into the question of housing costs.

4.25 p.m.

The Member for Diego Martin West told this House that all the costs involved in construction are local. I do not know where he lives. Apart from things like aggregate and cement—I want to come to cement—what other costs are local? If

Rent Restriction Order
[MR. SUDAMA]

Friday, August 19, 1994

one goes to a hardware store and looks at the products on sale for house construction, if 10 per cent of those products are locally generated, that is very high. Most of the things used for housing in Trinidad and Tobago are imported, and with the liberalization of trade, to which my Friend the Member for St. Ann's East is so committed, this percentage are going to increase. There is no policy to encourage local manufacture of housing products from local resources.

Cement was mentioned. That is a private monopoly. Do you know what is the cost of cement today? Over the last few years, every six months there is an increase in the price of cement, but the market does not come into play because that is a monopoly. Cement is a basic cost in construction. Today, cement is \$23 a bag, when just a few years ago it was nine and ten dollars a bag. Today, it is \$23 or \$24 a bag depending on the part of the country where it is sold. It is private monopoly which jacks up the price of a basic element in house construction and there is no policy to deal with that. None whatsoever!

I am told that no structural steel is being manufactured here. All the local steel is reinforcing wire rods. That is all. Nothing else, but he talks about local. Do you know what is the cost of imported lumber in Trinidad? It is \$6.95—almost \$7 per foot—for imported lumber which is a basic element in house construction. The reason for that is a totally inadequate, incompetent Government and a totally non-existent policy with respect to the development of the local lumber industry to satisfy some of the needs and to meet some of the demands. None whatsoever!

Today, all these costs are increasing. There is no policy with respect to the supply of these basic house materials, therefore, there is a situation where houses become less and less affordable, which creates the crisis that we have in the housing industry. I want to tell them that the policy of this party is to focus specifically on inputs into housing construction in order to reduce costs and to make houses more affordable for the population.

The other thing is the way they encouraged imported lifestyles into this country. I see the Member for St. Ann's East looking at me. I am not going to mention anything other than that. I am not going further into the import liberalization policy. Importing tastes and lifestyles, the end product of which is that houses are being built at enormously inflated costs which is really not necessary for the provision of that basic accommodation that people need.

What is needed is a reorientation in basic designs and styles and indigenous creativity which can be applied for the purposes of increasing the local inputs to be used for the construction of homes, thereby increasing the jobs. As one goes

back in the chain and local inputs are utilized, the multiplier effect would be that job creation would be enhanced.

4.30 p.m.: *Sitting suspended.*

5.17 p.m.: *Sitting resumed.*

Mr. T. Sudama: Madam Speaker, when we took the tea break, I was on the new policy for housing that the United National Congress government would initiate, and which would be a departure from the present focus.

I was looking at how to encourage people to move away from this foreign taste and foreign life-style approach which is, to some extent, a display of ostentation. It is quite expensive, it encourages competitiveness at that level where more and more resources are consumed by a certain sector of the population within higher income levels.

More and more resources are consumed in providing housing, when if we had a different approach and we were more locally oriented with respect to design and use of materials, we could substantially reduce costs. The argument is that those who can afford it, let them spend as much money as they can, and use foreign designs and materials—you are interfering with their rights if you try to encourage them to do otherwise.

We have been told time and time again that no right is absolute. When people do that, first of all, they use up scarce foreign exchange reserves as pointed out by the Member for St. Augustine. What is worse is the impact it has on other levels of income, in that even those who can least afford that kind of house construction are given this example, which they try to emulate, and get involved in very expensive house construction.

We are saying that the matter has to be addressed, and a housing policy that is really serious will then give the incentives and create the conditions for housing construction of a type which uses indigenous resources and is locally focussed. Lack of this is a constraint in expanding the stock of housing for all income groups.

Another constraint is the operation of the Town and Country Planning Division. I have had personal experience of that as perhaps many others in their capacity as representatives. There is an undue obstructionism on the part of the Town and Country Planning Division particularly relating to the change of use.

One may apply for a piece of land to be used for housing, and gets the immediate response, without any kind of investigation as to the suitability, that

Rent Restriction Order
[MR. SUDAMA]

Friday, August 19, 1994

the land is earmarked for agricultural purposes, and, therefore, Town and Country Planning Division approval will not be given—that is the initial response. I am telling the House that all lands originally would have been for agricultural purposes. But, as there is development, land use changes and, therefore, the Town and Country Planning Division ought to be sensitive to the need to be adaptive.

Because that is a constraint in bringing more and more land for the purposes of housing construction. The availability and the approval of that land for the purpose of construction are a constraint. We have had all kinds of promises in this House that the operation of the Town and Country Planning Division would be streamlined and people would not have to go through all these hassles in order to get planning approval to construct modest homes.

The problem really is at the level of the lower and middle income groups, who do not have the contacts; who cannot get around the system and who do not have access to Ministers to go over the heads of the Town and Country Planning officials to get their business fixed, so to speak. It is the low income householders who suffer the most from the bureaucratic bungling and obstructionism of the Town and Country Planning Division. We are not advocating that there ought not to be rules for planning, but within those rules there should be room for flexibility in their applications in the light of prevailing conditions in particular areas.

I am afraid that the Town and Country Planning Division is really not in tune with a policy which may be designed to have more and more land come onto the housing market. That is another area of concern to us. As I said, UNC policy would address these matters in due course.

I come now to the regularization of squatters. Part of the difficulty we face is that people who go to squat—by and large we are talking, maybe, about 90 per cent or more of the people—just cannot afford land at prevailing market prices. Therefore, what they do is go onto state lands and other lands and occupy them without the official permission of the owners. This is as a result of a basic, urgent and crying need on the part of these people who must house themselves and who must live somewhere. The policy of the Government is such that they are denied lands at the prices they can afford from their income levels, they have very little choice.

5.25 p.m.

How do we address this problem? How do we constrain the level of squatting and at the same time regularize it? That is a major objective of the policy of the United National Congress. As I said, to do that, we must have a new housing

policy that would bring more lands at affordable prices for housing on the market, and then reduce the cost of building so that there would be more building activity, and there would be less pressure on people who have to rent lands. The regularization of squatting has to be addressed urgently. There is very little indication that this Government is inclined to address it effectively.

The task force made some clear recommendations. Page 35 of the Report states:

"The task force was of the view, therefore, that a positive approach to providing persons in this group with housing was possible along the following lines:

- (i) persons in rural and peripheral urban locations should be provided with heavily subsidized leasehold lots of minimum permissible size and development standards and they should be permitted to build their own homes with whatever financial assistance they can afford (this is essentially a sweat equity housing programme)."

We endorse this. We believe that this is a major plan of UNC housing policy with respect to addressing that low income group. That philosophy can also be expanded to deal with the squatting population.

The other report also says that a comprehensive approach to regularization should be adopted which focuses on settlement rather than individuals. We endorse that. Regularization of tenure and upgrading of sites with infrastructure, water, electricity and other amenities and facilities should take place incrementally, depending on resource availability and the level of self-help.

We want to incorporate the self-help approach with respect to the regularization of squatter settlement, getting the communities involved and putting down the minimum level of infrastructure. We could do this on an incremental basis, so that while we are adopting this approach we would also be dealing with the total sum of people who are squatting at this particular time. Hopefully, with an effective approach, we would bring the squatting problem in hand.

Then it said further that the technical process of regularization described in section 3 be adopted as a framework in which to pursue comprehensive regularization of tenure and upgrading of settlements. We have the framework and the proposals. What is left for this side to do is to implement them.

Rent Restriction Order
[MR. SUDAMA]

Friday, August 19, 1994

I refer to the income question again. Page 34 states:

"In addition, surveys carried out for squatter regularization revealed that 65% of squatter households earn less than \$1500 per month."

With that kind of income level, surely, the approach has to be to minimize the cost of land, infrastructure and housing. That is the approach we have decided upon.

The Member for Diego Martin West mentioned that this side was encouraging squatting. The Member for St. Augustine went on the television to plead that people should not go and grab land and squat at Harmony Hall and other places. He has denied that he ever gave encouragement to anybody to squat on state lands or any other lands. We hope that this issue rests there. We on this side are not advocating breaking the law. Where people have gone on lands without permission, you have to deal with that problem and regularize it.

There is the Regularization of Squatters Act, 1986. It was passed by a PNM government just before an election in order to get votes; to fool the population into believing that there was a programme for squatter regularization on state lands. That time has come and gone and to show you how it had no impact on the general population, the then Government was defeated 33 to three in the general election. As the saying goes, you can fool all the people some of the time, but you cannot fool all the people all the time. I am sure the Regularization of Squatters Act passed before the 1986 general election should have brought home that fact clearly to them.

Madam Speaker: The speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. R. Palackdharrysingh*]

Question put and agreed to.

Mr. T. Sudama: Regardless of what the other side may say, he made it clear that is our policy. We are not encouraging additional squatting on lands, whether state or private. We are saying there is an existing problem and we have to deal with it. Legislation was passed in 1986 to deal with it but they have not acted on it. That was an empty promise in order to get votes. That is very clear.

We are not going to take the position of the Member for La Brea. He is the legal officer for Trintopec. He has to deal with those problems as well from people who go without permission and squat on lands which belong to the oil

company. My information is that when they go to him in his office, he would say that it is a wrong thing and they should not squat on the land of the company; then privately, he would tell them to go ahead and squat; it is all right.

Mr. Breaux: Madam Speaker, the Member is imputing improper motives. In addition to that he is not speaking the truth. I would like him to withdraw that.

Mr. T. Sudama: He says that is not true. I am telling you what has been told to me.

Madam Speaker: Withdraw the statement.

Mr. T. Sudama: I am coming to that. I just want to explain. It has come to me from reliable sources.

Madam Speaker: Hon. Member, I think it is a very terrible thing you said about the Member for La Brea.

Mr. Sudama: I would tell you why it is plausible. If he says that he did not say so, I would take his word for it. The Member is also concerned.

Madam Speaker: If you have taken his word, then you are withdrawing what you said about him.

Mr. T. Sudama: I am saying that the Member is also concerned about the inability of people to access lands at market rates. This is why they go on company lands to squat. In his official position, of course, he has to take a certain view of the matter. I know his concerns. He is a man who is going up for election so then that situation makes it even more urgent for him.

5.35 p.m.

Mr. Breaux: Madam Speaker, let him go ahead. There is no point in *[Interruption]*.

Madam Speaker: Well, if the Member wishes.

Mr. Breaux: Yes.

Mr. T. Sudama: I am saying if the Member did say so, I can understand the reason for his doing so. It is a genuine concern for the plight of poor people who cannot afford land at market rates. If he tells me he did not do so, I would take his word and leave the matter there. What I am saying is that he cannot blow hot and cold on this issue.

Madam Speaker: See the difficulty in accepting hearsay evidence? It is terrible.

Mr. T. Sudama: If we did not have hearsay evidence, we probably would not have had courts of law. Therefore, one deals with the circumstantial evidence, and I just want to bring in the circumstantial evidence basis of this. When one hears something, it is hearsay; but if it is circumstantially proved that this is so, then when confronted with the realities, different people take different positions. The reality of squatting is here with us. Instead of trying to blame the Opposition for encouraging squatting, they should look at the beams in their own eyes. *[Interruption]*

You are taking your leave? You are not going to encourage further squatting, are you?

I was trying to emphasize that squatting is a real problem that everybody confronts. All representatives in this House, have, at some time or other, to deal with it. We must, therefore, develop a national policy. One should even take the views of the PNM into consideration in the development of a national policy, and, of course, the Member for St. Augustine has offered that they will be invited in due course to be members, junior partners, naturally, in a government of national unity, so that we would be able to control their lust for power.

The squatting policy of Trinidad and Tobago has to be above partisan politics; it ought to be taken out of the partisan conflicts. It is a serious problem where many of the social ills of Trinidad and Tobago can be located because of the need for the squatters to live the way they do. We are not going to do as the Member for Diego Martin East has done. Peremptorily he demolished the shacks of persons squatting as vendors at roadsides, some of whom were living there because they had no other place to live. That attitude is not the policy of the United National Congress. We will not tread with heavy boots on poor defenceless people without providing some alternative.

He talked about building lay-bys, but only after he demolished their stalls. If they were a caring Government what they would have done was build the lay-bys first and say, "Look, we have constructed these lay-bys. You will have access to them, but if you continue to squat along the highways, for whatever reason, then we have every right to deal with you in a very high-handed fashion." But not this Government.

Madam Speaker: We are dealing with the Rent Restriction Order.

Mr. T. Sudama: Yes. I am talking about squatting. It has to do with the regularization of squatters, which the Member for Point Fortin raised and which was a subject of debate.

These people who were squatting on state lands were also using those structures for homes, and the manner in which the Government dealt with them was totally atrocious and inhumane. It is a point which we have to emphasize to indicate to the public the philosophy which motivates us on this side. When it comes to the regularization of squatters, it is totally contrary to the philosophy which motivates them.

The hon. Member for Diego Martin East said that they give relief to taxpayers in the lower income groups in the form of a claim, for income tax purposes, on the interest on mortgage payments. When one realizes that mortgage payments for the lower income groups will be correspondingly lower, that relief can turn out to be very minimal. It is not subsidizing the amount of the mortgage or forgiving the amount of the mortgage debt, you know. It is just the interest aspect of that which is being given as a tax relief.

We have emphasized time and again that when it comes to poor people they are willing, if at all, to give them minimal relief. When it comes to high income groups—people of influence and wealth—they are willing to go the whole hog in terms of relief of their indebtedness.

I have a memorandum here dated June 21, 1994, from the First Citizens Bank, which reads as follows:

"Further to my memo to you dated 10th June 1994, I am to advise, based on my discussions with Mr. Leslie Mohammed, Snr. Corporate Manager - First Citizens Bank Mortgage & Trust Co. Limited, we have agreed to accept 22.5 cents on the dollar towards satisfaction of the subject's indebtedness."

That means the debt forgiveness was to the tune of 77.5 cents in the dollar and the loan was to the tune of \$12 million, without interest. The subject was Rema Property Development Limited. Here we have the urge to give debt forgiveness to people who can afford to borrow \$12 million and when we ask for increased subsidy for the low-income groups we are told that it will be very minimal.

Rema Property Development Limited, as you know, is an investment company in which the Southland Mall was the subject of the investment and a senior Minister of Government was the one to whom debt relief was given. This is debt relief to the tune of 77.5 cents in the dollars. I ask, where is the justice in all this? Where is the face of this caring Government when it comes to doing that on the one hand, but brutally breaking down venders' shacks and stalls on the other?

Rent Restriction Order
[MR. SUDAMA]

Friday, August 19, 1994

So, today as we come to this very critical issue of the Rent Restriction Order and the removal of restriction with respect to properties which have come on the market after July 1994, we see both the true face of the PNM Government and the gross contradictions in its policies. When the time comes we shall have to introduce to this country a new housing policy that would be to the benefit of all the groups in Trinidad and Tobago, but particularly, for those income groups which are the most hard-pressed and cannot get relief elsewhere. This Government of the United National Congress will bring relief and a new dawn.

Thank you very much, Madam Speaker.

5.45 p.m.

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, the debate on the Rent Restriction (Exclusion of Premises) Order 1994 before us today has been sidetracked. Essentially, as the Member for Point Fortin and Minister of Housing and Settlement pointed out, the purpose of this Order is to exclude all housing units which were erected after July 31, 1994, together with land from the Rent Restriction Act Chap. 59:50.

This Order has been brought before this House because, based on available evidence there has been a decline—as the Minister pointed out—in the number of rental units on the market from 51,000 in 1980 to 36,000 in 1990, a decline of some 15,000, or over 25 per cent. Available evidence also indicates that the reason that there has been a decline in the number of housing units available is that it is no longer economically feasible to construct new units within the confines of the Rent Restriction Act. It is also not economically feasible to maintain existing rental units within this Act.

As a matter of fact, I have personal knowledge of persons who got caught with the Rent Restriction Act, where they are now renting properties in Woodbrook, for example, for \$15 per month. This happened because they had not adjusted the rental rates of these properties—for one reason or another—and when the Rent Restriction Act came into force, the rents were frozen at the \$15.00 level. These are three-bedroom two-storey houses in Woodbrook.

One can see, therefore, that if a landlord is collecting \$50 or even \$100 for a three-bedroom property in Woodbrook or in any other part of the country, the cost

of maintenance of that property, depending on its age, might well exceed the rent received from the tenants. This is one of the primary reasons why the stock of rental units has declined since the introduction of the Act. It is not economically feasible to maintain these properties as it would cost far more than \$50 or \$100 per month to maintain them. The landlord is therefore receiving no return on his or her investment, and is being forced to put out large sums of money, because the tenants demand a certain standard of housing.

In addition, the cost of construction at 1994 rates, and the variables in the market at this time are not conducive to the construction of new housing stock within the Rent Restriction Act. Someone may wish to peg his initial rental in 1994, at \$950 for example, but under the Rent Restriction Act, rent will be frozen, once the initial rental for the property comes below \$1,000. As a result, the Rent Restriction Act is a disincentive to the construction of new rental units and the maintenance of existing rental units.

However, the Government must balance assisting the population. So although the Act may not be economically defensible at this time, the Government has not repealed it, and has sought to continue with it in order to provide relief to a large number of persons in the country. One must always balance the common good—as the Member for St. Augustine has said—against the interest of individuals. This is the genesis of this Order before this House. I do not think anyone can disagree with this particular amendment that we are seeking.

There are some other points raised by the Member for St. Augustine and also the Member for Oropouche which I should like to address. The Member for Diego Martin West has addressed several of them at length, but there are some that I would particularly like to focus on. The Member for St. Augustine was at pains to make a number of categorical statements about the performance of this Government. He read out a number of statements from the People's National Movement's manifesto of 1991—a fine document, if I may say so myself—and the PNM's policy.

I shall return to the manifesto because one of the things the PNM is very proud of is that having put together a fine document such as this, we have sought to implement the policy provisions contained therein. The PNM's policy on housing started with the reactivation of a comprehensive approach to housing. There was a reason for that. The former administration had a land developing policy, not a housing development policy. For that reason, the often repeated, and correct statement has been made, that under the former administration, not one unit was constructed.

Miss Nicholson: Madam Speaker, on a point of order, I have been repeating this all the time in the House that that is a wrong statement. Under the previous Government several hundreds of buildings were constructed. Under the mortgage programme where people could have gotten loans up to \$250,000 at nine per cent, hundreds of buildings were constructed, Edinburgh 500, Malabar and those areas. It is an improper and wrong statement that the Members on the other side are making. It was just a different approach we took, and they must not continue to do that. It is improper and dishonest.

Hon. C. Imbert: Madam Speaker, the Member has illustrated the point. Under the former administration, not one single house was constructed by the Government. The introduction of incentives where other persons would build houses could never equate to state construction of houses. That is why the PNM in its manifesto spoke about a comprehensive approach to housing, recognizing that land development on its own does not address the needs of most citizens. That is the mistake that the former administration made. It got involved in a land development policy, and it left out a housing development policy.

5.55 p.m.

The PNM also in its manifesto of 1991 spoke about a broad range of policy instruments, such as the provision of fully-serviced lots. The Member for St. Augustine was reading out some of the aspects of our housing policy, and as he did so, the Member for Couva North said, "And they did nothing." As the Member for St. Augustine said, our policy was the provision of fully-serviced lots, the Member for Couva North said, "And they have done nothing."

My information is that the Ministry of Housing under the astute leadership of the Member for Point Fortin has delivered so far, in the last two and a half years, 2,000 fully-serviced lots. That could never equate to none, because none is zero. Construction of apartments—The Member for St. Augustine knows well that the Government has constructed apartments already in its two and a half year tenure, and we have two and a half more years to go, where we would construct many more.

With respect to construction of starter houses and fully-furnished units, I am advised by the Member for Point Fortin that at present several hundred starter houses are under construction and should be completed within the next six months, long before the expiry of the first term of office of this PNM Government. In our successive terms we shall construct many more thousands.

The Minister of Housing recently reported to the Cabinet on policy initiatives—and he will elaborate later—for the construction of several thousand more houses within the next two years. At the end of our term, when we report to the nation, we shall be able to say this is what we have done. We have constructed so many thousand houses, unlike the former administration which built none.

Provision of adequate community facilities in public housing developments—The Member for Couva North said, “And they did nothing,” but, Madam Speaker, as we speak, in the constituency of Arouca South, where there are large public housing developments, a number of community facilities are either under construction or have already been constructed: post offices, police stations, schools, health centres and so forth. This is so throughout the country—construction of community facilities has either already been completed or is in progress. Madam Speaker, I cannot enumerate the community buildings that are either under construction or already completed in the various housing areas in Trinidad and Tobago under this administration.

Provision of low interest housing mortgage loans; that is, already in place. The low income person can access housing mortgage loans at 8 to 9 per cent, ensuring the availability of funding for private home construction and ownership, as well as interest rates and tax incentives, as the Member for St. Ann's East outlined in a recent Budget Speech.

In addition, we spoke about restructuring of the National Housing Authority, the upgrading of squatter settlements, empowering the TTMF—the Trinidad and Tobago Mortgage Finance Company—to manage housing mortgages funded by the state. We also spoke about squatting and squatter regularization and indicated that we would review the existing legislation, Act No. 20 of 1986, update it, and streamline the procedures for provision of title to property.

One of the points that are always missed—and the Member for Oropouche missed it, deliberately or otherwise—is that Act 20 of 1986 was passed in Parliament prior to the election of 1986. The Member for Oropouche and the Member for St. Augustine were members of a government for a five-year period, the Member for Couva North as well, in which they did nothing to implement the provisions of the same Act 20 of 1986, which they constantly criticize this administration for not implementing. Look at the date, Madam Speaker, passed in 1986.

The former administration, from 1986 to 1991, did nothing about Act 20 of 1986, implemented nothing; made no legal provision for squatters whatsoever, in

Rent Restriction Order
[HON. C. IMBERT]

Friday, August 19, 1994

that five-year period. The Member for Oropouche, the Member for St. Augustine, the Member for Couva North were Members of that government, and they did nothing. But they come here to talk about the PNM Government not implementing Act 20 of 1986 and so forth. They had five years to do it, and they did nothing.

What conclusion can one draw from that? They had no intention of doing anything to assist the squatters under Act 20 of 1986; that is the conclusion that one must draw. The only thing—and it has been alluded to by the Member for Diego Martin West; the Member for St. Augustine can deny it all he wants, I saw him on television—that the Member for St. Augustine did, was to encourage people to take over empty apartments in east Trinidad. When the land-grabbing rush began—

Mr. Humphrey: On a point of order, Madam Speaker. The Member is deliberately misleading the House. The tape is at TTT; he can go and view it. Madam Speaker, I demand that he withdraw that statement. It is not true.

Madam Speaker: The Member is insinuating that what is being said is not the truth.

Hon. C. Imbert: I thank you for that clarification, Madam Speaker, but I heard the Member for St. Augustine at a public meeting in Maraval at which I was present, on the eve of the 1986 election, encouraging people to take over state properties as soon as they won the election, I heard him myself. And after the election, when people broke into apartments, started to squat, took them over, the Member for St. Augustine went on television—and I remember his words clearly, and said: "My Brothers and Sisters do not do it, have some respect."

6.05 p.m.

Mr. Humphrey: Madam Speaker, I went on television and appealed to people who were occupying houses which PNM had built, yes, but those houses had been abandoned and left in disrepair and all kinds of criminal activities were taking place there that the Permanent Secretary never advised me about. They organized the people to go and occupy them.

Mr. B. Panday: John, the issue is you asked for it to be withdrawn because it is not true. Let the Speaker rule on that.

Hon. C. Imbert: Madam Speaker, I am saying that I heard the Member for St. Augustine encourage people to enter onto state property.

Mr. Humphrey: The Member is lying.

Hon. C. Imbert: I heard the Member for St. Augustine on television tell these people—when they broke into the houses—to please come out of the houses.

Mr. B. Panday: The Speaker has brought this House into disrepute. It is shameful. One rule for that side and another for this side.

Hon. C. Imbert: I deny any involvement by this administration in encouraging anybody to squat on any property.

Mr. Humphrey: The Member is a liar.

Hon. C. Imbert: Madam Speaker, let me move on.

Mr. Maharaj: Madam Speaker, if that is correct, then we could get up on this side of the House and say, "I heard somebody say that he is dishonest; I heard somebody say he is a crook; I heard somebody say she is a crook."

Madam Speaker: He said that he heard the Member. I cannot dispute one's integrity. I am not asking the Member to withdraw. He said that he heard the Member say that. Continue, please! [*Interruption*].

Hon. Member: We will read her own too.

Hon. C. Imbert: Madam Speaker, do not be deterred by these threats.

Mr. Humphrey: I am not going to sit here for him to continue lying on me, I am going home. Liar!

Madam Speaker: Continue, please.

Hon. C. Imbert: Thank you, Madam Speaker. The Member for St. Augustine launched a tirade against a certain segment of the community which is involved in residential housing construction.

I wish to state for the record that whenever there is construction of houses the persons who benefit immediately in terms of employment, are those at the lower end of the income scale—masons, carpenters, welders, painters, electricians, plumbers, labourers. I, therefore, think it is incorrect for the Member to criticize residential housing construction that is taking place in the north-western peninsula of Trinidad, or any part of Trinidad and Tobago for that matter. It is clear that hundreds of persons are benefiting from these projects.

May I state publicly that the more houses that are built in Trinidad and Tobago, regardless of their size, the more people would be getting jobs. That is the point. It is not the size of the house. The Member for St. Augustine is involved

Rent Restriction Order
[HON. C. IMBERT]

Friday, August 19, 1994

in constructing three massive structures in Goodwood Park. He is receiving employment and workers are receiving employment on that project. If we were to follow the policy provision enunciated by the Member for St. Augustine, then he might not be in a position to construct these buildings.

A number of inaccurate statements—which need clarification—were made in the debate today. The Member for St. Augustine spoke about a building in Cocorite where the only local input was the pre-stressed concrete piles that are being driven there at present. That cannot be correct. The Member for St. Augustine has some knowledge of construction, therefore, I believe that he is either mistaken or is aware that what he is saying is not correct. When one drives pre-stressed concrete piles, the piles in the foundation of the building are encased in concrete pile casts, which are then encased in a concrete foundation beam, which are then encased in a concrete floor slab, and then the other elements of the building—the columns, beams, walls and the floor go on.

If pre-stressed concrete piles are being used to construct a building in Cocorite, I am willing to bet here today that a reinforced concrete floor slab and beam system will be cast on top of those piles and that a building encompassing columns, beams, walls, floors and other aspects of construction will be constructed on it.

I am also willing to bet that the local content in that building in terms of cement, blocks, sand, gravel, steel, pvc, galvanized sheeting, ceramic tiles, labour, nails and all the other ingredients that go into construction would be substantial.

The persons who are constructing this building, as most persons who get involved in commercial development, are doing it in order to make a return on their investment. Why should they import a pre-stressed concrete floor, for example? Why should they import other materials that they can get locally at a far cheaper price? The local inputs in construction are far cheaper than much of what is available from overseas. That is a fact. I am sure that the Member for St. Augustine is aware of that. Therefore, it is incorrect for him to say that the entire building will be imported. That is not possible.

The Member complained about persons putting up residential properties in the constituency of Diego Martin East where foreigners would come and pay US \$5,000 or US \$10,000 for high-priced apartments and, somehow, he linked that to the haemorrhaging of foreign exchange. If a foreigner pays a local in US dollars, that is foreign exchange inflow; not outflow. If foreigners come here and pay our locals US \$5,000, then this country would be earning foreign exchange, and that is

something we should encourage; not discourage. That is simply one of the contradictions in the Member for St. Augustine's contribution.

The Member for St. Augustine also spoke about squatting. The Member for Oropouche, having listened to the Member for St. Augustine, obviously, became a bit worried that a sort of leftist radical—almost communist—philosophy was being espoused by the Members on the other side and a sort of hate campaign against a certain sector of the community. Clearly, the Member for Oropouche became uncomfortable and, towards the end of his contribution, he said, "We are not against anybody; we are not saying people must not invest and so forth. That was in total contrast to the pure vitriol that was coming out of the Member for St. Augustine against a certain section of the community—to which he belongs.

6.15 p.m.

The Member for Diego Martin West may have hit the nail on the head. It is okay for the Member for St. Augustine to build a million-dollar house in Goodwood Park, if he is involved, and if he profits from the contract; but if he is not getting work in that area, then nothing must be done in the Westmoorings area. Maybe that is what is going on; maybe it is professional jealousy; maybe he tendered and did not get the job, I do not know. Maybe he does not like the people doing the project. I do not know, but these are the conclusions I am coming to, based on the vitriol that he spewed against a certain section of the community—to which he belongs.

Mr. Maharaj: What about Gypsy's son and the Yacht Club?

Hon. C. Imbert: Madam Speaker, the Member for St. Augustine also spoke about bottlenecks in the approval process. I am happy to report that the Member for Diego Martin Central was responsible for the establishment of a team in the Ministry of Local Government in 1993 to review, and make recommendations in respect of improvements to the approvals procedure for construction plans. The committee comprised members of all the professional organizations with which, I understand, the Member for St. Augustine also has a problem. At some point in the past he had some problem getting membership in one of the associations and I think that is why he is vexed with them too!

Miss Nicholson: Do not get personal!

Hon. C. Imbert: Anyway, the committee he referred to involved the Joint Consultative Council for the construction industry, which comprises all the

Rent Restriction Order
[HON. C. IMBERT]

Friday, August 19, 1994

professional groupings—engineers, architects, contractors, quantity surveyors, planners, and so forth. They came together with other members of the public sector to look at plan preparation, submissions for approval and implementation. It also involved substantial representation from the regional corporations.

A report emanated from the deliberations of this committee, and several recommendations were made for improvement of the approval process—streamlining and expediting it through the regional corporations. It is my understanding that many of the regional corporations are already using the findings of this team to streamline the approval process.

At a recent function one of the representatives of the Joint Construction Council spoke, on his own initiative, from the platform, saying that he understood that many of the recommendations of this broad-based committee were already being implemented by the regional corporations and that the process for streamlining approvals had already speeded up. So that is just one example of the work that this Government is doing in bringing improvements to the system. I just thought I would illustrate that, because the Members on the other side repeated the words "Nothing is being done" over and over again.

Something struck me during the Member for St. Augustine's contribution. He spoke about bottlenecks with regard to the Electrical Inspectorate, and the inspection of electrical conduit in floor slabs prior to casting of concrete. He said these people allegedly do not turn up and the foreman just talks on the telephone and "pass something" and the floor slabs are cast.

I really do not know whether the Member has knowledge of these matters. I know he is building houses and that floor slabs are being cast. If he has knowledge of these sorts of practices—whether he has seen someone engaging in them on sites adjacent to the site where he is working, or if he had a problem with a floor slab he was trying to get cast—I really do not know.

The fact of the matter is that I got the impression from the Member that he is familiar with this sort of under-the-table behaviour, and I am not sure where he was coming from, but I would ask the Member for St. Augustine in another forum whether he has received Town and Country Planning approval and whether he has followed the procedures for all those million-dollar properties he is building. Because he spoke at length about people who break the law and those who do not get plans approved and that kind of thing.

Miss Nicholson: Go on nuh, man!

Mr. Maharaj: I agree with you, he is wasting time.

Miss Nicholson: Deal with the issues. Personalities—that is what he is dealing with.

Hon. C. Imbert: Madam Speaker, the problem I have with this whole debate is that the Members on the other side often engage in the same undesirable practices that they criticize. That is my problem, and that is hypocrisy as far as I am concerned.

Mr. Haniff: You are the main contributor!

Hon. C. Imbert: The Member for Oropouche spoke about restraining the housing market so that market forces would not be permitted to work. He complained about the Budget Speech, singling out properties over \$250,000.

My own ministry has done some investigation and found that the greatest gap in housing construction at present is in the area where the cost of land and housing exceeds \$250,000. And do you know why, Madam Speaker? Because the concessionary interest rates available to persons constructing houses with a value below \$250,000 are not available to persons constructing properties over \$250,000. Therefore, you find that the middle-income family cannot access mortgages at 8 and 9 per cent.

One of the recommendations of a team recently set up to look at incentives for housing construction was that we raise the ceiling for preferential interest rates. It was estimated that if we remove some of the constraints to housing construction, over 1,000 homes would be constructed over a period of several years—if the preferential interest rates and the ceilings on incomes were adjusted. It is also estimated that this would lead to the creation of a large number of jobs. Once we bring the affordability of housing into the pockets of people in the middle-income area, as we have already done for people in the lower-income area, it is estimated that over 1,000 homes and several thousand jobs would be created.

Mr. Maharaj: The Member for Tobago West wants to talk.

Hon. C. Imbert: Madam Speaker, in addition, the Member for St. Augustine was at pains to criticize this Government for not acting on the recommendations of the Task Force on Housing and Settlements. I wish to inform Members on the other side that the recommendations of the task force were sent to a ministerial committee in 1992, and in August of that year the committee started work and looked at the recommendations of the task force. Let me go through them, because the Member for St. Augustine was not willing to indicate the measures

Rent Restriction Order
[HON. C. IMBERT]

Friday, August 19, 1994

which this Government was recommending to assist the disadvantaged in this country, and it is necessary to put it all on the record. Let me deal with the differentials in the housing market.

6.25 p.m.

One of the recommendations of the task force was to recognize the differentiations in the housing market and devise appropriate policies to meet the needs and capabilities of each segment of the housing sector, specifically focussing on low income households. Arising out of that, were recommendations to maintain, strengthen and extend the sites and services programme, where, as I have pointed out, we have already delivered 2,000 serviced lots. This recommendation was found to be acceptable, and we noted that it was already in train.

Mr. Sudama: Which train? That is the last train to San Fernando!

Hon. C. Imbert: We also saw a recommendation that the Government should develop appropriate means of facilitating householders who are not capable of meeting the economic cost, to develop lots specifically targeted at low income earners.

The Member for Point Fortin was at pains to point out that the programme agreed to under the IDB by the former administration put the cost of these properties way outside the means of people and we brought it down to \$5,000. This Government, as the Member for Diego Martin West indicated, renegotiated with the IDB and brought it down to \$5,000. They had it at \$30,000 or something like that and they expected poor people in this country to buy land for \$30,000. This Government has brought it down to \$5,000. Again, the Ministry of Housing had already taken action in this regard.

In addition, another recommendation was that Government should provide funds for construction financing for use by qualified beneficiaries. Already, a number of initiatives along a wide cross-section of the housing sector—a number of initiatives already in train. Joint ventures with the private sector, special concessionary rates and so forth.

In addition, the task force recommended that we look at cross-subsidization as a feasible means of including the lower priced units within projects, which means that units in different parts of a project would be at different prices to cater for people with different income levels. That is already being put in train by the Ministry of Housing and Settlement. That is for low income people.

Increased supply of housing by the private sector: numerous initiatives are already in train, not just for the private sector per se, but we are working with the National Union of Government and Federated Workers to develop hundreds of houses. We are working with the trade union to increase the number of houses—already ongoing. But you see, Madam Speaker, we are doing nothing.

Reduce the cost of delivery of housing—I have just read out one recommendation, looking at reducing interest payments.

Provide incentives for both supply and demand of housing by adjusting taxation—The Member for St. Ann's East has already done this and the Member for Diego Martin West pointed out, that flowing directly out of recommendations of the task force, incentives were put into the budget to allow persons who constructed residential or commercial properties for rental in a specified period, certain tax concessions. We have already seen the stimulation of residential construction by the private sector.

Let us go on to squatter regularization. The committee recommended that a comprehensive approach to the regularization of squatters be adopted. Focus on settlements rather than individuals. One of the deficiencies of the former administration's policy, is that they were thinking of regularizing people on an individual basis.

Miss Nicholson: On a point of order, Madam Speaker. That statement is atrociously wrong and dishonest. The last government was functioning from a settlements perspective and not from an individualistic perspective. The Bill that came before this House before we went out of government stated that very clearly. He is very dishonest. He knows that. Madam Speaker, have him withdraw it.

Mr. B. Panday: Demand that he withdraw it!

Madam Speaker: Did the Minister listen to the Member's complaint?

Hon. C. Imbert: Yes, Madam Speaker. If that is what she says, I am willing to accept it.

Mr. B. Panday: Yes! Withdraw it!

Mr. Sudama: Your Government was dealing on an individual basis!

Miss Nicholson: Withdraw it!

Hon. C. Imbert: I accepted what was said. What is there to withdraw, Madam Speaker?

Madam Speaker: Has the Member withdrawn the statement?

Hon. C. Imbert: Yes, Madam Speaker. Whatever it is, I withdraw it.

Miss Nicholson: No! He has not. Let him do it properly?

Hon. C. Imbert: Yes, Madam Speaker.

Miss Nicholson: No.

Madam Speaker: Will the Minister continue.

Hon. C. Imbert: Thank you, Madam Speaker. I withdraw the statement.

Madam Speaker, as I said, one of the recommendations of the task force was to focus on settlements rather than individuals. Again, regularization of tenure for squatters and upgrading of sites with infrastructure, water, electricity and other amenities.

The Member for Oropouche complained that this administration was putting in place sophisticated sewer disposal systems that were not required, and, if I heard him correctly, the Member for Oropouche made the point that we should not be putting in package sewerage plants, sewer lines and so forth, but we should go towards septic tanks and soakaways and so forth.

One of the problems with septic tanks and soakaways is that there is percolation into the water table; there is pollution of the rivers and contamination of the drinking water supply. That is the problem with the proliferation of septic tanks and soakaways. In areas where there is a high water table, it is not advisable to go with a septic tank and soakaway system, because those systems encourage pollution of the water table and the drinking water supply. It is scientifically proved—even when I did my first engineering degree in the 1970s, 20 years ago—the textbook I used at that time indicated that one should not seek to use a septic tank and soakaway system where there was a high—

Madam Speaker: The speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. K. Valley*]

Question put and agreed to.

Hon. C. Imbert: Thank you, Madam Speaker.

As I said, it is scientifically accepted. It is a good engineering practice that one does not put in a septic tank and soakaway system in mass housing developments

where there could be pollution of the water table and the drinking water supply. That is the reason that one goes for package sewer treatment plants or one goes for sewerage systems that go into the sewer mains and into the main sewer treatment system.

Mr. Sudama: Madam Speaker, would the Member give way to a question? Could he tell me what happens when the sewerage treatment plant is not functioning?

Hon. C. Imbert: Madam Speaker, what I would say is that once a system of soakaway and septic tank is put in and it starts to pollute the water table and drinking water supply, there is absolutely nothing one can do. If a package sewer treatment plant is put in and it is not functioning, at least it can be repaired, but one cannot repair the damage to the eco-system, to the water table and to the environment, from a proliferation of soakaways, septic tanks, cesspits, latrines and so forth.

Madam Speaker, God forbid that the people of this country put God out of their thoughts and return the other Members to some other side because we may very well see, not only an explosion of squatting, but also a total degradation of engineering and environmental standards in this country; no longer see the proper engineering systems in place, but we might see sub-standard systems contaminating the environment. Lawlessness, Madam Speaker.

6.35 p.m.

The Member for Oropouche also spoke about local materials, only 10 per cent of the products in the hardware are locally produced, said he. I do not think he did a survey. No structural steel is manufactured in Trinidad and Tobago—that is correct. Lumber is imported. We have no policy to develop the local lumber industry, according to him. The Member is obviously unaware that we harvest local pine for our construction industry. He is obviously unaware that we harvest teak, mahogany, cypre, mora, balata, crapaud, and all the other forms of local hard woods; cedar—soft wood—in Trinidad and Tobago. The Member for St. Augustine is clearly unaware that the vast majority of cedar doors in Trinidad and Tobago are constructed from local cedar. He just does not know. About 99 per cent of teak work in Trinidad and Tobago is from local teak. Look at this Parliament—the very bench the Member sits on was constructed from local teak, by local craftsmen with no foreign exchange input.

In addition, we make tiles and electrical fittings, we manufacture PVC fittings; we develop galvanize sheetings; we manufacture electrical wiring, cement,

Rent Restriction Order
[HON. C. IMBERT]

Friday, August 19, 1994

concrete, paint, nails, reinforced wire rods, which are a substantial input in reinforced concrete construction. If the Member knew anything about construction he would have realized that the percentage of steel used in the construction industry from reinforced wire rods produced in the steel mill is 75 to 80 per cent as compared to structural steel. He does not know anything about the construction industry. Most of the steel used in the construction industry is reinforcing bars from our steel mill. Not structural steel. Structural steel is a minority product in the construction industry.

As it becomes more and more cost effective to use concrete, we shall begin to see a phasing out of structural steel in the local construction industry. More and more local contractors and engineers are moving towards reinforced concrete as an alternative to structural steel. Totally locally made, with the use of Trinidad and Tobago natural gas, produced in Trinidad and Tobago factory, used in Trinidad and Tobago—local steel.

There is a large number of other construction products manufactured locally, and, indeed, one of our fastest growing exports to Caricom is locally produced construction materials. I continually receive information on PVC piping made in Trinidad and Tobago that is shipped overseas. Recently I had the pleasure to launch a shipment of pre-cast concrete flooring to Venezuela, made in Trinidad and Tobago, and there are many other locally manufactured products that we are now exporting to Caricom. Construction has now become an export industry earning foreign exchange for this country.

I recommend the Member to do some more investigation and determine whether what I am saying is correct. I believe it to be correct because I keep in touch with these issues, and the research I have done has indicated that a vast amount of locally produced construction materials are finding their way into buildings in Trinidad and Tobago.

The Member also spoke about bugbears in the approval process and about persons wishing to produce houses being told that land was earmarked for agricultural purposes. He complained that a natural consequence of the developmental process is the conversion of agricultural land into housing lots. One of the biggest problems we have in this country today is the conversion of prime agricultural land into housing lots. I wonder if the Member is supporting the conversion of prime agricultural land to housing lots.

There is a problem in Aranguez at present where persons are grabbing land and constructing houses, and Members from the Opposition party come to me.

Councillors from the Opposition Party came to me and told me, do not let them convert the agricultural land into housing lots. Stop them! The Member for Oropouche says that the system is outdated *[Interruption]* and we should allow the conversion of agricultural land into housing lots.

It would be a total free-for-all. It brings me back to the explosion in squatting from 10,000 squatting families in 1986 to 50,000 squatting families in 1991, all because of encouragement by Members on the other side. The Member for Oropouche, from my interpretation, is encouraging the rampant free-for-all conversion of prime land into housing lots, and soon the only land available for agriculture to people of this country, if that policy were to be followed, would be barren land in some inaccessible area where one cannot produce anything on a viable basis. That is the consequence of that kind of policy; the consequence of uncontrolled squatting is the total destruction of prime land in this country.

I always say that all those proponents of uncontrolled squatting in watersheds, on beaches, on road reserves, wherever, if they are so in favour of uncontrolled squatting, let somebody go and squat in their backyard and see how they would like it. They would be the first to call the police and say, "Demolish that squatter".

I have received information, but I will not divulge it at this time, that some persons on the other side may have been involved in the demolition of squatters' property at some time in the past. I notice the Member for Couva South is laughing. I wonder whether he knows anything about that. I was told that somebody on the other side may have had some involvement in the demolition of squatters. *[Interruption]* I said I will not divulge the information at this time *[Interruption]* I understand, Madam Speaker, I withdraw it for a reason. I do not want to embarrass anybody. It brings me back to my point. The Member for St. Augustine, railing and quarrelling about people constructing million-dollar buildings and he is the most ardent—

I have just been passed a note, and I cannot show this to the Member for Couva North. The Member for St. Augustine, one of the most ardent proponents of construction of houses for rich people—he earns his living by it—comes into this House and carries on, and you would never know he is building two big houses in Goodwood Park for rich people, if you would listen to him *[Interruption]* Nothing wrong with it, but if you are doing it, it is do as I say and not as I do. That is the definition of hypocrisy. The Member for Couva North seems to want me to withdraw things all the time. I do not know if he has *[Interruption]* Not me. I am not interfering in his private business; I do not want to know about that.

Rent Restriction Order
[HON. C. IMBERT]

Friday, August 19, 1994

I hope I do not discover that a Member on the other side ever demolished some squatter's shack somewhere in a past life. I hope not. I see the Member for Couva South laughing.

6.45 p.m.

Let me bring my contribution to a close. The Members on the other side are at pains to paint this Government as uncaring; as having swayed from original moorings; as having abandoned its manifesto; about putting incentives for the rich and being tools of the parasitic oligarchy. Those are nice words.

The fact is, one of the reasons this Government would be re-elected in 1996 is that when we go to the population to report, we would be able to report on every aspect of our manifesto, as in the provision of 5,000 fully serviced lots; construction of apartments; construction of starter houses and in all the other areas. We would have fulfilled the policy initiatives that we set forth in our manifesto. We shall report to the population and it would decide whether it would listen to some of the rantings on the other side or the People's National Movement that would have delivered on its manifesto policies.

We would be able to indicate that we provided houses; we have dealt comprehensively with the squatting situation in this country; we would be able to indicate the number of persons we have assisted in obtaining security of tenure; the incentives that we have put in place in the financial sector to stimulate the construction industry and housing construction; to indicate all the matters outlined in the manifesto and what we have done with regard to the recommendations of the Task Force on Housing. When we do that I am confident that the population would choose wisely and choose our fact versus their fiction.

Thank you.

Miss Pamela Nicholson (*Tobago West*): Madam Speaker, it is very clear to me that we have a new Minister of Housing and Settlement in Trinidad and Tobago. It seems as if that portfolio has been passed to the Member for Diego Martin East. It seems to me that he believes that the Member for Point Fortin, who holds that portfolio, would not be able to play his role here this evening. He was on the floor for probably 75 minutes wasting half of our time.

I received this document on Wednesday morning. I did not believe that we would be discussing it today. For this reason I did not come properly prepared to debate this Order. I also felt that when I looked at the Motion it would have been a simple debate this evening. However, I have decided that I would say a few

words based on some of the dishonest and hypocritical statements made by Members on the other side.

One of the reasons there is the settlements problem in this country is the waste of our funds during the boom period which was under the administration of the People's National Movement. If one looks at what took place in the development of housing in certain areas, for example in La Horquetta and Maloney, one would be surprised to know that there was a cost overrun of over \$700 million in that area. That should have been available in the last five years to address settlements in this country. That is one of the reasons there was the problem of getting new ideas and a new vision, as to how to deal with settlements in the country, during the five years when the NAR Government was in charge.

And one would also be surprised to know that at La Horquetta, Maloney, Malabar and Edinburgh 500 not one social facility was constructed by the People's National Movement. There was only an area to sleep. There was a transfer of the people from the urban environment into these areas and when they thought that they were going into an improved situation, it was not so. That was part of the production of what is happening today, as far as the crime situation is concerned. Young people were going into those areas where no social facilities were created by the People's National Movement.

When the Member for Diego Martin East talks in this House about the social facilities of the People's National Movement established in those areas, he is totally dishonest. And knows that he is dishonest. If they are dealing with any social facilities at present, it is a continuation of the programme that was put down by the government of the National Alliance for Reconstruction.

In Maloney and La Horquetta—

Mr. Manning rose—

I have only a few minutes. I sit only if it is a point of order. I want to go home this evening. I am afraid to sleep in Trinidad.

Mr. Manning: The hon. Member for Tobago West is a very experienced Member of Parliament. I do not know that the word "dishonest" is proper parliamentary language.

Mr. B. Panday: Not on that side. It is only this side.

Mr. Manning: That is not the point. I am saying that I do not think that it is.

Miss P. Nicholson: I am responding in the way that I see things are going on in this House. We even constructed a small tech-voc centre at Maloney. The only

Rent Restriction Order
[MISS NICHOLSON]

Friday, August 19, 1994

things that were left to be put in were the facilities, such as schools, recreational grounds, hard courts, libraries and health facilities. We started an indoor sports hall. I do not think that they did anything after we left. There were no facilities, not even primary schools for thousands of children in those areas. They were constructed under the NAR Government.

6.55 p.m.

The Member knows that, so he should not say that it is only now that those things are being constructed. The Member for Point Fortin would not adopt that approach because he knows the structure he met when he went into that ministry. He knows that the background work which the PNM is benefitting from today was all put down by the Government of the National Alliance for Reconstruction. I would not call the name of the Minister at the time.

Even though, in the term before, hundreds of houses were constructed, what of the quality? After wasting the country's money, what about the quality and the cost? Malabar: Gypsum board—the people protested about that material from which the walls of the buildings were constructed.

The cost of the houses was cut by over 50 per cent in that area so that the people could afford to pay for them. The people decided they would throw in the keys and leave the houses. That was one of the flaws there. Maloney and Malabar had endless flaws. Many of the flaws are still there because to correct many of them one had to spend the same amount of money that perhaps was used to construct some of them.

Lack of funds was one of the problems and that was created by the previous government. I think that point should be made here this evening.

Squatter regularization: The People's National Movement only used the words “squatter regularization” after they heard the case, which was articulated regarding squatter regularization in 1986, on the political platforms in Trinidad and Tobago. They knew nothing about squatter regularization. They did not understand what it was all about. When the Member for Point Fortin went in, I am sure he understood what was meant by “squatter regularization.”

There were thousands of people, as we all know, who went on state lands and built their homes. I do not subscribe to the presence of over 50 per cent of those people on state lands. I do not subscribe to illegal acquisition of state lands, but they were there, several thousands of them, for several years. What does one do? Push down those houses? We could not do that because that was a part of

resolving the housing problem. The only way in which one could have resolved that problem was to regularize squatting.

We did all the background work. There was much hard work—setting up a section in the Ministry of Settlements, having the right staff to address the situation and then going into all the areas in Trinidad—not Tobago—to deal with the problem. There were meetings for months and months to articulate the case of what was meant by squatter regularization, because we had to convince the people to be a part of the programme. That took months. Some of the people understood very quickly what we were talking about and we had to use them to convince the others of what the programme was all about.

In some areas there was not much difficulty, for example, Bamboo Settlement. We did not have difficulty with the majority of persons there. At the time I was there we had problems with only about four out of 330 households. I saw certain things in the newspapers recently; I do not know what was responsible for that.

There were no problems at Maturita Triangle; there were 301 persons in that area. There was Blitz Village, Blitz Village Extension, Pleasantville. I am sure the Member for San Fernando East was very happy that we went there. There were 151 villagers. In the same Valencia for which they were talking about starter houses, there were 94 households: Eastern Quarry—121 households: Malick—250 households. There were several other areas.

Bamboo Settlement, Maturita Triangle and a third area were the first three areas we were using in the IDB programme as pilot projects regarding the squatter regularization programme. After the meetings we got the people to agree to the programme and to sign their applications for lots. The work went as far as preliminary engineering designs, completion of socio-economic surveys and so forth.

At Bamboo Settlement, I believe we were close to the start of the infrastructural work. That was the first one. Even before that, we were able to implement the programme in an area called Rock City in Laventille. These people were squatting on private lands owned by Furness. There were over 350 persons. We organized them into a co-operative and funding was found for them from the Trinidad and Tobago Co-operative Bank, with which they were able to purchase the lands. When I left there, the infrastructural designs and so forth were already organized so that the National Housing Authority could continue. That was the first area in which the people actually bought the lands and were addressing the situation so that they would get the deeds for their lots.

Rent Restriction Order
[MISS NICHOLSON]

Friday, August 19, 1994

I am sure, if the Member is an honest individual, he would state that most of the areas were organized from a community level. Community action groups were organized. In many of the areas the people had already signed their forms giving approval for the programme, and preliminary works were underway. So, it was just a continuation of the preliminary works. To say that the last government did nothing about squatter regularization is totally dishonest and I feel that that was a parliamentary job here this evening for the Member for Diego Martin East.

We also did a lot of research on how we would change the Act to regularize the squatters. We were almost ready with that amendment Bill. There was another one—the Rent Restriction Bill. Again, that had a bearing on the international programme. It was laid on the Table and ready for debate when elections were called and the Government left. But the research and most of the work had been done and I am very surprised that after nearly three years, I have not seen anything with regard to that programme.

7.05 p.m.

If you regularize the situation of people who are living on rented lands, it is another area in which you can give the construction industry a kick. To back that up we had a financial structure where people could have borrowed funds to help them build their homes.

There were mortgage programmes where almost all the banks in the country were brought together and a programme was worked out where people could have got loans up to \$250,000 with an interest rate between 8 to 9 per cent. Through that funding and through the land development programme that we did, over 15,000 persons were able to build their homes.

When a statement is made that the last government did not build any houses, I should like to say that it was just a different design, a different approach, a different vision, a different idea. One does not have to actually construct the houses. The last Government also left programmes organized for starter houses, some of it was linked with the same IDB programme. It is just a continuation of what the National Alliance for Reconstruction left in the country.

But the Government has been making these dishonest statements to fool those whom it could fool. I think that the people of Trinidad and Tobago are coming along and they are reading the play.

There are certain Members here this evening who have been taking on the Member for St. Augustine, making suggestions that he is against the rich and he

works for them and so forth, and that they are not concerned about who is rich and so forth. I am not against anybody who is rich, and I believe that our country is for everyone.

Some people call the better off sector, the parasitic oligarchy, I would say the business oligarchy. in the country was bombarded, left, right and centre by the People's National Movement, led by the Member for San Fernando East. I can bring several documents to justify what I am saying this evening. There is no doubt in my mind that they have been bought, and they are not in control of what is going on in this country. That is one thing I feel proud—I am sorry he is not here—about the former Prime Minister, ANR Robinson. A strong man. He knew what he was about, and nobody could have twisted his arm. Today Trinidad and Tobago is crying!

The point I am making is that when the Member for St. Augustine spoke about the amount of foreign stuff coming in to build houses, I think that the case he was really trying to make was that much more could have come from the local economy in the construction of the homes. I also think that he was trying to say that we must monitor what is happening in the country as far as our construction industry is concerned, so that we could benefit to the highest level. I think that was the case the Member was trying to make and the attacks were overdone by the Members for Diego Martin East and Diego Martin West.

To a certain extent, the point made by the Member for St. Augustine and also the Member for Oropouche, about changing this clause, is that we could run into many problems, that is very clear. Any thinking person would recognize that if we do not have certain restrictions, we would see that after we open up, even the middle class would not be able to rent many of those homes that they are talking about. There has to be some level of control.

The problem of land tenants was another area that was looked at very seriously, because there are thousands of people living on lands rented from the state like those people in the constituency of Tunapuna, Arouca North and those areas. The people there have many problems; we did research on that and I am appealing to the Member for Point Fortin to hurry up and bring that document to the House so that the whole rent situation could be addressed and that one would see the actions that would take place when that is done. There is the financial structure there and the people are very concerned. They want to have their deeds before they do anything on those homes.

The Member for Oropouche raised a very important point, that of the Town and Country Planning Division. We do have some problems in that Division.

Rent Restriction Order
[MISS NICHOLSON]

Friday, August 19, 1994

When we were dealing with the land development structure for the IDB programme, we had to do exactly what the Member for Diego Martin East stated that the Member for Diego Martin Central did—we had to bring everybody together. We did that in the Ministry of Settlement.

We brought together Town and Country Planning Division, Local Government, WASA, Lands and Surveys Department; we brought everybody together and held monthly meetings in the Ministry in order to address the problems that we were having with respect to land development for the IDB programmes. The records are there, and I am sure if the Member for Point Fortin does his work, he would see them.

What I have observed in Tobago, now that I am functioning again as the Parliamentary Representative for Tobago West, is that there is a problem with that institution. From the Tobago perspective, we do not have squatting as a problem. The Tobagonian does not take Government land. We do not have that. Our culture is totally different, that is why we talk differently in this House, that is why we could speak honestly in this House. It is a different kind of people over there.

7.15 p.m.

Many people are coming to me now about not getting their plans approved by the Town and Country Planning Division. What is the Tobago problem? There is a situation where several land developers received approval from that Division for infrastructural development of their lands to sell the lands.

After they got their approvals, they got the surveyors, surveyed the lands, cut up the lands and they sold the lands, but they did not sell them at a raw agricultural price, they sold them as if they were developed. Purchasers paid \$10 and \$12 per square foot for the lands and when unaware individuals did their plans, sent them in for approval to build their homes, they were confronted with the whole infrastructural problem.

Today in Tobago, that is a crisis. Some people are throwing up their hands in the air, selling the lands, because they cannot take the pressure, two and three years battling with Town and Country Planning to have approval for their plans, so that they could go to the banks to get loans to build their homes. On Wednesday or Thursday I spoke to the Head of Town and Country Planning on the issue.

Tobago now has a crisis with that. You even have the lands coming down the line, and then you have to use RPO and all these kinds of processes. One of the

suggestions I made to the Head of Town and Country Planning and also the Planner who comes to Tobago is that if you are giving Trinidad a certain number of millions to deal with squatter regularization, you can give the Tobago House of Assembly a certain percentage to put roads and drains into some of these areas so that the people could build their homes. Or else, it would be a total collapse of many of the local people in the island.

Madam Speaker, we will not sit down and allow every single Tobagonian to sell out to Trinidad and to the United States of America and Germany and so on, we will have to rise up. But it is a problem with respect to the Town and Country Planning Division, and it is a problem of crisis proportions. Many young people in the public service, teaching and so forth, want to build their homes and that is what they are confronted with.

I feel that the Government must sit down and look at the problems that the people are confronted with in dealing with the Town and Country Planning Division and see how it can resolve them.

Madam Speaker, I believe that the Member for Point Fortin recognizes the great amount of work that was put down by the National Alliance for Reconstruction, or else he would not have been able to sit there—he is too soft for that. All the bull work was done by this person. He could not cope with that, they might have had to shift Diego Martin East into Point Fortin and put Point Fortin across to Diego Martin East or put Diego Martin West, who is another Tobagonian, in that area.

I feel very hurt when Members get up and say the NAR government did not build any houses—it is wrong. That government used a different programme to cope with the problems it was confronted with—no money in Trinidad and Tobago, when there was over \$700 million in cost overruns.

When there was that level of cost overrun, very little was left to deal with the settlement programme, therefore, we had to come up with ideas, you had to have vision to be able to cope with the problem. One of the ideas was to organize, like the mortgage company, so that the people could borrow money. Because the interest rate at that time was 15 to 16 per cent. TTMF was a part of the programme.

Madam Speaker, we had that situation, but we recognized that people who wanted like between \$40,000 and \$90,000 had a problem, therefore we brought the Trinidad and Tobago Co-operative Bank and negotiated another funding programme to cope with the needs of those people. I do not know if the Minister

Rent Restriction Order
[MISS NICHOLSON]

Friday, August 19, 1994

is making use of that because the Trinidad and Tobago Co-operative Bank does not exist today—it is First Citizens Bank, I do not know if that area is in existence. We negotiated a programme specially with that institution to help those people who needed \$30,000, \$40,000, to \$90,000.

It did not remain there; we completed all the buildings that they left incomplete, Embcadere, Powder Magazine—those were completed. Some were built in the Laventille area by the NAR government and then we left under construction those at Mahabir Lands and there was another area in the Laventille section for which the contract was already given out. We understood what was taking place, but as the situation improved, we were able to take the kind of action that we took.

I think that it is unfair for politicians to function like this. Politicians should be honest; should be transparent, if we are to keep this Parliament at a certain level. Politicians must tell the people the truth. What is great is that the records are here, and the next time anything comes up in this House on settlement, I will make sure that proper home lessons are done by me, and I will bring my documents to quote how we have helped thousands of people in Trinidad and Tobago to have mortgages today which they can pay. Even though many of the houses are substandard [*Interruption*] Well, houses built by the PNM.

The sewer systems are poor. La Horquetta had to be almost redone by a contractor hired by the National Housing Authority in collaboration with the Water and Sewerage Authority. Endless problems, Madam Speaker—

Mr. Imbert rose—

If it is not a point of order I can—I have only five minutes.

Mr. Imbert: Madam Speaker, could the Member for Tobago West say how many houses the former administration built?

7.25 p.m.

Miss P. Nicholson: Madam Speaker, I am surprised he was a lecturer at the University of the West Indies, because he seems unable to understand. He is real backward. He boasted here this afternoon about his engineering skills and training. I am alarmed that he gets up here after I made the point very clearly and the approach that was used, how many houses were—[*Interruption*]

Hon. Member: She does not answer boys.

Miss P. Nicholson: I would not do him that. The most I would say is that when he becomes mature I would answer his questions.

Mr. Palackdharrysingh: When he becomes a man.

Miss P. Nicholson: This man from NUGFW, an institution that has sucked out all the Government's money dishonestly—hundreds more houses could have been built by the union from which he came—NUGFW.

Mr. Narine: You all stopped us—no approval for five years.

Miss P. Nicholson: Let us have an investigation right now to answer where the Government's funds are. He may have to answer for some.

Madam Speaker, I hope that the Member would be able to address the rental problem. I believe, very strongly, that that is an area that must be monitored, or else rents would get out of control in Trinidad and Tobago.

Thank you very much, Madam Speaker.

Mr. Subhas Panday (*Naparima*): Madam Speaker, had this regulation been properly drafted there would have been one of the most brutal attacks on tenants in this country. Having heard what the mover of this Motion said, it is clear that the intention of the Government is to attack the poor people in this country. What the Government is really trying to do is to allow the free market to interplay in terms of tenancy, especially dwelling house tenancies.

Dr. Rowley: That is rent restriction.

Mr. S. Panday: I am coming to it. There is no country in the world in which rents—especially dwelling house rents—are not controlled by governments. In the United Kingdom, that is so; in the United States, the Mother of the Free Market, that is also so. What this Government is trying to do is to allow the free market to interplay without setting up the right infrastructure or a safety net to protect those who cannot afford rents. And many are unable to build their own houses.

When the Members on the other side diverted the debate to building houses, they were speaking about a certain category of persons and they were not taking into consideration the poor tenants.

The Member for Point Fortin indicated, and as this restriction states:

"This Order may be cited as the Rent Restriction (Exclusion of Premises) Order 1994.

Rent Restriction Order
[MR. S. PANDAY]

Friday, August 19, 1994

As from 31st July, 1994 all housing units, the erection of which is completed after that date, together with any land appurtenant thereto and to be occupied therewith, are excluded from the operation of the Act."

Which Act is the Government speaking about? Is it the Rent Restriction Act, Chap. 59:50?

The Member for Point Fortin also went on to indicate or to put the case for the Rent Restriction Act, Chap. 59:50. He said that this Act had its genesis in a 1941 Ordinance to prevent unscrupulous landlords from taking unfair advantage of tenants. What he says today, however, is that that situation no longer exists.

Mr. Manning: He did not say that.

Mr. S. Panday: Just give me a little chance. If the Prime Minister wants to speak, he would be given an opportunity.

Mr. Manning: Withdraw that!

Mr. S. Panday: He is saying that the situation has now changed and there is need for a new dimension. What he forgot was that the Rent Restriction Act had two purposes. One purpose was to restrict the rents of certain premises. That is half of the Act, up to section 14. The other part of the Act deals with the right to recover possession of those premises. *[Interruption]*. He is trying to throw me off, but I would not take him on. From section 14 it regulates the conditions under which a landlord could obtain possession of the premises. As time went along—which the Member for Point Fortin did not indicate—pieces of legislation that ate into the Rent Restriction Act were introduced. I refer to the Rent Restriction (Exclusion of Premises) Order.

If one looks at the Act one would see that Part 1 of the Schedule to Chap. 59:50 says that if premises were erected after February 12, 1954 and that land was vacant on the date before that, those were excluded. What the law did was reduce the rent as time went along. Part 4 paragraph 7 of the Schedule states:

"As from 1st August 1965, every dwelling house the standard rent of which on 7th February 1964 was or exceeded seven hundred and twenty dollars a year."

both for dwelling houses and commercial property.

Part VIII says:

"As from 12th June, 1970—

- (a) all dwelling houses, the standard rent of which on 11th February, 1969, was or exceeded three hundred and sixty dollars a year."

That is \$30 per month for those houses. The people who could have afforded higher rents and who had the wherewithal were excluded from the Act. Therefore, they got no protection from the Act.

Things went bad and the housing situation was really never addressed. That is why in the decade 1970 to 1980 the housing situation became so bad. There was so much need for housing that tenants were being exploited by unscrupulous landlords. It was so bad that at that time the then Government thought it necessary to introduce the Land Tenants (Security of Tenure) Act, which was assented to on June 1, 1981.

Mr. Palackdharrysingh: Which Government was that?

Mr. S. Panday: Madam Speaker, when the Member for Point Fortin quoted Chap. 59:50 and spoke about October 9, 1941—that outdated legislation—he had forgotten to speak about the situation as it existed in 1981.

Mr. Breaux: Madam Speaker, would the Member please give way to a question? Would the Member say that the Land Tenants (Security of Tenure) Act refers to tenants who had houses and land, it does not refer to land?

Mr. S. Panday: Madam Speaker, it seems as though the Member really needs to go to court. It applied both to house and land. It did!

The point I was making is that the situation as it existed in 1981 was no better than it is today.

7.35 p.m.

They said that in the decade of 1980—1990 one saw the number of units in the tenant population being reduced from 50,000 to 36,000; they also said that during that same period the squatter population rose to 50,000. So one sees why the number of houses tenanted reduced; it was because people in that era could not have afforded the rents, so they moved from tenants to being squatters.

I am sorry. The Act I spoke about was not the Land Tenants (Security of Tenure) Act, it was the Rent Restriction (Dwelling Houses) Act. Madam Speaker, I thank my Friend the Member for La Brea, and I withdraw the acid comment. But in any event that was six months later. The Act I am speaking about—and I thank my Friend for guiding me—is the Rent Restriction (Dwelling Houses) Act. Sorry. The Act to restrict the rents of certain dwelling houses.

Rent Restriction Order
[MR. S. PANDAY]

Friday, August 19, 1994

That Act commenced on December 24, 1981 and the reason was not to roll back rents to 1978. It merely said, in section 3, that this Act applies to all dwelling houses which were let for a rent whether payable monthly, or not, not exceeding \$1,000 per month in the case of an unfurnished letting or \$1,500 per month in the case of a furnished letting as to December 31, 1978. So what it really did was to use December 31, 1978 as a base and the rent really did not roll back to that time. It allowed the landlord to go to the Rent Assessment Board if he wanted to have his rent increased.

With regard to what the Member for Diego Martin East said about the rents in Woodbrook being so low that they could not cover the cost of repairs, the Rent Restriction (Dwelling Houses) Act made provision for that, and it says that when the landlord goes before the Rent Assessment Board—

- (2) the Landlord shall in his application specify the current rent; include the description of the premises prior to the repairs; detail the nature and the cost of repairs,
- (3) the Board may, having regard to the nature and cost of repairs, current interest rates, property taxes, and the general state of the housing market, authorize an increase in the rent or refuse the application of the Landlord.

Because of the inequality of the housing as far as it pertained to rent, the Government, up to December 24, 1981, thought it had to come in and protect tenants.

This Government says it is a caring one. We ask: Why is it now trying to move away from this position where tenants are protected? Just recently the Minister of Housing and Settlement brought to this House regulations pertaining to security of tenure, that is, application for rent for building lands.

What we have observed is that although the Government has appointed a board, it has put regulations in place. Government is expressing a vote of no confidence in the Rent Assessment Board in that it is taking away their powers. There are people in this country who still need the social safety net. The Rent Restriction Ordinance and the Rent Restriction (Dwelling Houses) Act are social pieces of legislation to prevent one sector of the society from taking unfair advantage of a helpless sector. It says that if your rent is below \$1,000 per month unfurnished and \$1,500 per month furnished, the Rent Restriction (Dwelling Houses) Act protects you.

We are saying that there is still need to maintain protection of tenants. Free market forces cannot be allowed to determine rents, unless the Government has a safety net whereby when a tenant is being taken unfair advantage of by the landlord, the Government would come into play and save that tenant. They say they are facilitators, but what they are doing by this piece of legislation is taking a step backward and telling those who have the strength, to take advantage of those who cannot help themselves.

Mr. Manning: I thank the hon. Member for agreeing to give way. He is making a fundamental point. Whatever the intent of the legislation was, it had an unintended side effect which was to reduce the number of houses available, over time, from 50,000 to 36,000. The measure that we have brought to Parliament here this afternoon protects those who already are in that situation, but it also now opens the market so that new housing would become available and, among other things, deal with the squatting problem in the country.

Mr. Palackdharrysingh: Squatting with unregulated prices. What is wrong with you?

Mr. S. Panday: Madam Speaker, what we are saying is that whether houses were built in 1954, 1978, or 1994, the situation remains the same—there will be people who will be unable to take advantage of that provision and, as such, the squatting problem will continue to increase and people will be further pauperized.

Mr. Palackdharrysingh: Exactly!

Mr. S. Panday: In their haste to take advantage of the poor, what the Government has done—

Dr. Baboolal: Come on!

Mr. S. Panday: Yes, of course! This is only half. They tried to hit two upper cuts at the poor but, by this piece of legislation, they have dealt only with a portion of it. This was not well thought out at all; it deals only with Chap. 59:50, the Rent Restriction Ordinance, but as I said before, the Rent Restriction Ordinance has two aspects to it. One is rent control and the other is obtaining possession of one's property. In the Rent Restriction (Dwelling Houses) Act, Chap. 59:53, we would see that the issue of determining rents will still be controlled by that Act.

As the Member for Point Fortin said, the Rent Restriction (Dwelling Houses) Act restricts the rents of certain dwelling houses, but he mistook that to mean the Rent Restriction Ordinance Chap. 59:50. But, in truth and in fact, they are two

Rent Restriction Order
[MR. S. PANDAY]

Friday, August 19, 1994

separate and distinct pieces of legislations. Chap. 59:50 is different from Chap. 59:53.

7.45 p.m.

The Rent Restriction Act, Chap. 59:50 says that this Act will have no effect upon buildings after July 31, 1994. We have a position in which this Act deals only with the issue of possession. This amendment does not deal with the issue of rent restriction. It will deal only with the latter part of the Act and, that is, from section 14 which deals with possession. The point they were making: to open up the market, to have more houses come on the market and to bring the free market into play. One would see that would not take place because of Chap. 59:53, the Rent Restriction Ordinance.

It is a situation where half of the Rent Restriction Ordinance pertaining to rent is being controlled by Chap. 59:53 and the part which deals with possession, the same tenant is in two positions. He has protection in terms of rent, but he has no protection in terms of security of tenure. I believe we should look at the implications of this. This is shortsighted, this attempts to deal with the issue which has not been addressed, and it would merely now give the landlords the opportunity to throw tenants onto the streets whenever they want.

What is the relationship of landlord and tenant as far it relates to a dwelling house? When somebody rents a house, usually that person tries to settle down; he rents a house near to his place of work, he sends his children to school. When the landlord wants to have his rent increased he goes to the Rent Assessment Board. When he wants the tenants out he has to fulfil certain requirements and obligations before he can do that. For example, there are certain conditions under the present law under which a landlord could take possession of his premises from a tenant.

SITTING OF THE HOUSE

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I beg to move in accordance with Standing Order 10(11) that this House continue to sit until the matters to be debated today are completed. They are, this matter, and the two Bills on the Order Paper.

Question put and agreed to.

RENT RESTRICTION (EXCLUSION OF PREMISES) ORDER

Mr. S. Panday: Madam Speaker, when, say, a man and his wife become tenants of a dwelling house, it is not for a week or a month; they remain there for

a certain period especially if they have children, so that they could send their children to school, probably a school near to their place of work, and their social and family life tends to be anchored in that area. That is the philosophy and that was the reason for the protection of tenants. That is why the law says that if a landlord wants his property, only under certain conditions and for only certain purposes could he have it.

Let us look at some of these conditions: if the tenant is owing rent; or if the tenant commits a nuisance; or if the tenant gives notice that he is leaving and the landlord acts upon that notice; or if the landlord wants the premises for his own use; or if he wants them for repairs. The ambit of that section 14 is really very wide. It gives the landlord sufficient area in which he could act.

The law says, this man has been living in your house and has been paying rent. You could go to the Rent Assessment Board and obtain a rent increase. If you are going to throw him out, you must, at least, have alternative accommodation available for him. The Rent Restriction Act at section 14(1)(r)(i) in respect of premises required by the landlord for himself or someone else says:

“(i) when the application is on a ground specified in paragraphs (e) or (f) aforesaid, the question of whether other accommodation is available for the landlord or the tenant:

(ii) when the application is on a ground specified in paragraph (i)”

— which is premises being a dwelling house required for the purpose of being repaired or improved facilities that merely...”

“...the question of accommodation being available for the tenant.”

The court tries to balance the equation by saying who is in a better position. Is there accommodation available for the landlord? Is there accommodation for the tenant? What the court takes into consideration is the locality. For example, if there are children attending school—not just approaching a family and giving the landlord one month's notice and putting him on the road. He has to find other schools for his children—dislocation of the family. Under 14(1)(r) it says:

“...but an order or a judgment shall not be made or given on any ground specified in subsection (1)(e), (f), or (i) unless the court is also satisfied that having regard to all the circumstances of the case, less hardship would be caused by granting the order or judgment than by refusing to grant it;”

Madam Speaker, the court looks at hardship on landlord and hardship on tenant. This piece of legislation if passed, would be removing all that protection for the

Rent Restriction Order
[MR. S. PANDAY]

Friday, August 19, 1994

tenant. Are those principles which govern the Rent Restriction Act, Chap 59:50 not relevant up to today? The principles enunciated in 14(1)(r)? I am certain Members opposite are a caring Government.

7.55 p.m.

If you are caring, would you permit a landlord to give notice to a tenant with a child who is about to write the Common Entrance Examination and they have been living there—whether the building was erected in 1978 or 1994—for about two years? All the landlord has to do is give one month's notice if the tenancy is for one month, and in the middle of the month, the family has to uproot itself and move out from the area. Do you know why? Because the market is opened up so much that someone could come and offer the landlord a slight increase in rent, and he could decide that he does not care about the tenant and the tenant's family. Someone could offer him \$25 more per month, and if the tenant cannot match that offer, out on the road he would go.

I humbly submit that these considerations are still relevant today. With a notice of one month, for no reason whatsoever, or maybe a slight increase in rent a tenant can be thrown out, thereby dislocating families.

I ask the Government to rethink this piece of legislation and do not allow the force of the free market to come into play, when we are dealing with tenants, as far as it relates to dwelling houses, not any other building. The Government is not speaking about a parlour where someone is conducting commercial activity, but it is attacking dwelling houses. I humbly submit that this would put much hardship on the tenant, by unscrupulous landlords.

Thank you.

The Minister of Housing and Settlements (Dr. The Hon. Vincent Lasse): Madam Speaker, in seeking the support of Members of this honourable House to have the Rent Restriction (Exclusion of Premises) Order affirmed, I used statistics which reveal that most rental units are rented for less than \$1,000—the rent control limit. The fact is that 70 per cent of all rental units are rented for \$500 or less per month.

The second point is that between 1980 and 1990 the number of dwelling units in the private sector decreased from 51,000 to 36,000. This is the main reason why the amendment is being sought.

Apart from the Member for Naparima who tried to address the Order, we heard a debate concerning squatter regularization. Certain persons were trying to

justify their existence as to what they did when they had an opportunity as Minister of Housing. I am one of those persons who ascribe to the saying that, empty vessels make the most noise; and still waters run deep.

Having said this, I would try to address some of the points raised by certain Members. The Member for St. Augustine dwelt at length on squatter regularization, and also touched on the question of the IDB-assisted programme. He made a certain analogy which I thought was bordering on madness. He mentioned that under the manifesto of the UNC they would have regularized about 50,000 squatting families in 18 months.

The Government recognized the squatting population when Act 20 of 1986 was introduced. There were then about 8,000 to 10,000 squatting families, but by 1991, when this Government came into office, there were about 50,000 squatting families—25,000 on state lands and 25,000 on private lands. In order to address this problem it was decided that the most appropriate approach would be to amend Act 20 of 1986, whereby you would deal with squatting communities to be regularized, instead of regularizing persons on a one by one basis. Therefore, I trust that when an amended Act 20 of 1986 comes to this House, it would receive the support of those who are so willing or anxious to have squatters regularized.

I should also deal with the price of the land because this Government would not be moving away from the 25 cents per sq. foot, and \$1 lease for 30 years renewable. There has been some discussion by the Member for St. Augustine on joint ventures. I wish to state that the Government has been engaged in joint ventures with the NUGFW to provide about 812 units. The Government paid for the infrastructure which has been completed at the cost of about \$21 million.

8.05 p.m.

A joint venture is also being undertaken between NHA and Colonial Homes to construct 100 units at Valencia. The last report I had, yesterday, was that they have already sold 60 units out of the 100 to be constructed. The cost of the houses will be in the vicinity of \$89,000.

In response to the question about what this Government has been doing vis-a-vis the construction of houses, I wish to state that we have been embarking upon a \$30 million low-income housing construction programme under the NHA, providing some 271 units. To date, construction has already commenced at Point Fortin—52 units, River Estate and Bonair.

I think it would be also important for me to address the question of affordability, which was touched upon by the Member for St. Augustine and the

Rent Restriction Order
[DR. THE HON. V. LASSE]

Friday, August 19, 1994

Member for Tobago West. When the present Government came into office, we realized that there was an agreement between the IDB and the previous administration. That administration requested that persons who were beneficiaries of this programme should pay up-front the entire cost of the land before receiving their deeds.

The PNM Government, however, requires persons to pay for the raw value of the land, therefore, in certain cases, persons will pay as little as \$5,000. There is a case, for example, in Strikers Village, Point Fortin where under the last administration persons had to pay \$7,500 before they could select a lot of land. This has now been changed and persons by paying for the raw value of the land, \$3,000, can access a deed.

When we assumed office, under the IDB-assisted programme there were some 700 beneficiaries who had paid their \$1,000 deposit and by December 1993, when we introduced the affordability concept, the number of applicants rose from 700 to 3,000. This, again, is testimony to the fact that we are working in a concerted way and we are seeing the results of our labours.

I very honestly believe that he the Member for Oropouche did not grasp the policy of this Government. I think he has been a little misguided and sometimes one can even ask whether he lives in Trinidad and Tobago. I remember the Member saying he is very angry whenever he sees my picture in an advertisement. Had he read what it concerned—the joint venture which NHA is now undertaking with Colonial Homes—he would have been much more aware of what we are doing, instead of simply attacking the appearance of someone's picture in the newspapers.

I believe that the Member is also out of touch on the question of affordability, although we visited the area in his constituency where 177 lots had been developed under the IDB-assisted programme on two occasions. He should be fully aware of affordability because I mentioned to him then that persons would have to pay only for the raw value of the land before they can access it.

I mentioned before, that on coming into office we met a situation where there were some 50,000 squatting families, but we are treating with the squatting regularization on two fronts. Under the national programme—NHA—we are regularizing some 2,500 families on an incremental basis and we are doing the same in a different way under the IDB-assisted programme. To date, we have practically completed two areas: Bamboo Settlement—some 300 families—and Maturita Triangle, with the same number of families.

Infrastructure works have commenced at New City, Valencia, Zone 8, Arima, Blitz Village, Pleasantville, Malick, Phase I. Some 1,400 squatter households on these sites are earmarked for regularization. Work commenced at New City, Valencia, in June 1993 and the completion schedule then was December 1993. So, it is erroneous for Members who are fully aware—but mischievous I believe—of the tremendous amount of work being done in the Ministry of Housing and Settlement to come here and pretend that nothing is happening.

8.15 p.m.

Let me go back to the joint venture. I mentioned that Government in conjunction with NUGFW had provided \$21 million for infrastructural development of 387 lots at Lopinot, and 425 lots at Pleasantville. It is now in the hands of the union to begin the construction of 812 units.

One of the Members on the other side mentioned that the policy of the Government should be to encourage persons to own their homes. This again, I say, is exactly what this administration is doing. By way of affordability and joint ventures, units are being made accessible to persons. I believe, again, that some persons on the other side have been totally misunderstanding the genesis of the Order before this House. To counteract this, Madam Speaker, I would repeat what I said in my opening remarks:

"It is one step towards freeing landlords from a restrictive piece of legislation so as to encourage and foster the concept of free bargaining between private individuals."

I went on to say:

"However, one does not want to remove the security of long-standing tenants whose very lives are arranged around the present rental rates."

Therein lies the protection. Therein lies an opportunity for there to be many more rental units on the market.

Here I take issue with what the Member for Naparima said, that this Order would lead to more squatting. I see no nexus whatsoever between the Order and squatting. What I do see, based on the statistics that we had before us, is that there is a decline in rental units in the private sector. There may be several reasons for this: one is certain persons may believe that it is not economical to continue to take care of their units, and whenever they get to a dilapidated state, these units would go off the market.

Rent Restriction Order
[DR. THE HON. V. LASSE]

Friday, August 19, 1994

The Rent Assessment Board stays in place for houses constructed prior to July 31, 1994. Therefore, again, we see that there is protection for all, and for persons to have some type of opportunity to bargain.

Sometimes it is a bit disgusting when certain Members make statements, then slip away from the House, and are not around for the responses. I do not like speaking behind anyone's back, but I think I should make the record very clear based on some comments made by the Member for Tobago West. The Member seemed to be indicating that the successes of this Government are based on the groundwork which the NAR administration did. That is far from the truth. There was, to a certain extent, total confusion in the ministry when I went there.

It may have been based on a cultural approach whereby the Member for Tobago West believed that everyone had money hidden some place and therefore one must pay all the money up-front before receiving the deed. This was the downfall of that programme. The programme was actually salvaged by this Government, and I want to make it very clear that the Member for Tobago West had the opportunity to do the job and really did fail. I do not think that impression should be created. Every time that Member gets up to speak she dwells on the word honesty, I think something is wrong.

I regret very much that the Member for Tobago West is not here for me to address her, as I should like to. One of the first things I said when I came to this House was that if there was one person I would not want to have a quarrel with, it was the Member for Tobago West, and I still maintain that.

The IDB programme was amended—I do not want to say radically—but it departed very much from what the Member for Tobago West was trying to insinuate. The Member also tried to insinuate that the community facilities had been her idea. That is also very far from the truth. The community facilities are a part of an agreement with the IDB based on the programme that we are undertaking. Therefore, it has been very clearly stated, for every 400 units there should be some community facility. That idea never originated from the Member for Tobago West.

When the present Government came into office, it clearly stated how it intended to implement its programmes. We said then, in the task force report, that it would be looking at a comprehensive approach to housing. It would go back into the construction of starter units, the construction of apartments and this is exactly the route that this administration is following. I do not think that the community should be misled by the statement that at the end of the day when this

Rent Restriction Order

Friday, August 19, 1994

administration would constructed thousands of houses, we would not wish the Member for Tobago West to say that she had prepared the track for agouti to run, as she mentioned.

8.25 p.m.

Going back to Act 20 of 1986. The Act, as we all are aware, was in existence during the previous administration, and not a single squatter has been regularized; I am not talking about houses. What was done instead, made it even more difficult for this administration to deal with the situation. Having gone out of office with some 8,000 squatting families, we are now faced with 50,000 but we intend to address it.

With all that has been said, I cannot recall where any Member on the other side had advanced any argument to suggest that he or she is not in favour of this amendment. I once more appeal to Members on the other side to support this measure.

I thank you.

Question put and agreed to.

Resolved

That the Rent Restriction (Exclusion of Premises) Order, 1994, be approved.

TRADE MARKS (AMDT.) BILL

Order for second reading read.

The Minister in the Ministry of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, I beg to move,

That the Trade Marks (Amdt.) Bill, 1994, be now read a second time.

The Bill before the House today is one more example of Government's commitment to keeping Trinidad and Tobago abreast of world standards in the area of trade and commerce. The primary amendment relates to the protection of service marks from infringement, a provision which has become necessary in light of the rapid growth of service industries worldwide in the last three decades.

The main objectives of this Bill which seeks to amend the Trade Marks Act, Chap. 82:81 are one, to introduce a system of registration of service marks, and to enable the Registrar General to employ an alternative method of advertising applications for the registration of trade marks for goods and services in periodicals and daily newspapers in Trinidad and Tobago, rather than restricting such advertisement to the *Trinidad and Tobago Gazette*.

Trade Marks (Amdt.) Bill
[SEN. THE HON. R. HUGGINS]

Friday, August 19, 1994

I shall deal first with the service marks, but before I do so, it is necessary to inform you that an ad hoc committee was established to review intellectual property laws in Trinidad and Tobago with the assistance of the World Intellectual Property Organization. In carrying out its review, the committee realized the need to advance our legislation to meet international standards, especially in the light of this country's move in the direction of trade liberalization and the opening up of our markets to private investors, resulting in increased international commercial activity.

The Trade Marks Act already provides for a system of registration of trade marks for goods, and is based largely on the United Kingdom 1905, legislation. The United Kingdom, however, has gone ahead, and amended its legislation to provide for registration of service marks and we have used this amendment as a guide in the preparation of this Bill before us today.

In seeking to explain the rationale underlying the tabling of this amendment, it will be necessary to consider first whether the provider of a service uses an identifying mark. The answer no doubt is yes. Clauses 3 to 7 of the Bill deal with registration of these service marks. A question is then asked: What is a service mark? It is essentially a mark used to identify and differentiate one service from another. For example, the logo used by a bank to identify the banking services it supplies. In other words, it is a trade mark used in respect of services rather than in respect of goods.

This then brings us to the question whether persons providing services have any method of protecting their identifying marks. There is a limited form of protection for such persons under the common law, by virtue of the common law action of passing off, which the owner of an unregistered mark uses in respect of goods. However, a properly administered system of registration provides certainty as to ownership and gives the owner the right to protect his mark against unauthorized use by others, as well as giving some measure of protection to the public.

The services contemplated by this amendment are based on the international classification of goods and services which originated in Nice in 1957, and was ultimately revised in Geneva in 1977. This classification has been accepted as a worldwide standard and has been adopted in most Caribbean countries. We have accordingly revised our trade mark rules to adopt this classification. The major service industries reflected by the international classification are:

- (1) advertising and business;

- (2) insurance and financial;
- (3) construction;
- (4) communication;
- (5) transport and storage;
- (6) education and entertainment;
- (7) miscellaneous services which include hotels and travel agencies.

Trinidad and Tobago is making rapid strides in establishing itself as the financial centre of the Caribbean, and is seeking to develop its tourist industry in addition to the other industries just listed. Hence, I would put forward the view that one would be ill-advised to disregard the economic benefits that do accrue from a well-established system of registration of trade marks. Any country wishing to maintain or develop its service industries would need to bear this in mind.

It should also be pointed out that figures from the Trade Marks Registry reveal that registration of such applications in respect of goods amounts to approximately 1,500 per year. At present, there are about 30,000 trade marks registered and upheld by the owners. This is a clear indication of a well-established system of registration of trade marks in respect of goods, which can only serve to bolster the view, which I would reiterate, that with the growth of service industries worldwide in the past three decades, a system of registration of service marks has become a necessity. And this has been brought about largely as a result of lobbying by these industries for similar protection for their marks.

It is also my view that a system of registration would be desirable for use, not only by applicants from Trinidad and Tobago, but also overseas applicants as well, involved in the international service industries. The system would also appeal to the owners of smaller local industries such as laundries and dry cleaning, hair dressing, and repairs, once they become aware of its existence.

8.35 p.m.

I should therefore like to conclude this point by saying that the system of registration of marks for services would be desirable, particularly where there is an established and well used system of registration of trade marks for goods, coupled with a thriving service industry or potential for such which would make use of such a system.

Trade Marks (Amdt.) Bill
[SEN. THE HON. R. HUGGINS]

Friday, August 19, 1994

With respect to the second objective of this Bill, dealt with in clause 8 as an amendment to section 20 of the Trade Marks Act, the need for this amendment to provide for an alternative method of advertising applications for registration of trade marks has resulted from the inability of the existing system to permit speedy publication of advertisement of these applications.

Section 20 of the Act requires advertisement as soon as possible after acceptance of the trade mark by the Registrar. This usually occurs within a month of application. Thereafter, it may take a period of up to four years for an application to be published. The effect of this is to create an accumulation of unpublished trade marks that have been accepted by the Trade Marks Registry and which, to date, may be in the vicinity of 4,000. I think it is important to understand that when a trade mark is accepted there is no benefit accruing to the applicant at that point because protection of the Act is given to the applicant only upon registration. Although an application may be accepted, registration actually takes place four years down the road. In the intervening period all sorts of things can happen.

In addition, section 21 of the Trade Marks Act allows persons desiring to oppose the registration of a trade mark to notify the Registrar of such opposition in writing within three months of the date of advertisement. Often times the *Gazette* is not available to the public under two months after the date of publication, thus giving the public merely one month within which to file a notice of opposition should anyone desire to do so. This is exacerbated by the fact that the Registrar has no authority under the Act to grant an extension of time for this purpose.

Therefore, this move to allow for the advertising of applications for registration of trade marks in official periodicals or daily newspapers circulated in Trinidad and Tobago can only be viewed as a positive and essential one. Naturally this would entail the charging of a fee for publication to accommodate the expense of the service to be provided.

Madam Speaker, this, simply put, is the intent and purpose of this amendment Bill. I accordingly beg to move.

Question proposed.

Mr. Raymond Palackdharrysingh (*Caroni Central*): Madam Speaker, it is all well and good to come to the Parliament and indicate, as the Government would have us believe, that some matters like those addressed in this Bill are

simple. What is very interesting is the fact that the matters are presented in such a way to give the impression that we could dish them up in five or ten minutes.

This Bill, in my view, has many implications for the economy of Trinidad and Tobago. To state that its purpose is to provide for protection of trade marks for services because the existing Act relates only to goods, and to indicate that the purpose is to also enable the Registrar to advertise applications for registration of trade marks for goods and services in periodicals or daily newspapers circulated in Trinidad and Tobago, and to charge a publication fee to cover the cost of such advertisement, and say, well, you know, these purposes are straightforward, I think is an attempt to hoodwink this Parliament and the population.

Of course, the Minister—I wonder if I am right in saying “Minister”—did indicate that the thinking behind these changes was to bring trade practices in line with the demands of trade liberalization. If that is the case, it is clear that the economy of Trinidad and Tobago is now putting in place the mechanisms for the linkage of Trinidad and Tobago to the world economy. And that process would result in serious dislocation of the economy as it is now. It is very good to paint a picture of modernizing the economy and whatnot.

I see the Member for Diego Martin Central yawning and groaning. I see they were making a good attempt today to wake me up on this side and I have responded to the call, I am going to be awake.

Mr. Valley: You get life because Hulsie gone.

Mr. R. Palackdharrysingh: There are only a few Members in this House whom I can credit with the stamina for staying here very long; one of them being the Member for Oropouche. We stayed here for six days without even food, without getting tired.

Hon. Member: Do not ask for that again, please.

Mr. R. Palackdharrysingh: I want some of those Members on the other side to understand that there are a few Members on this side who are not in a hurry to leave this Chamber. This way of life has become a hobby for some of us.

The Minister has failed to really locate this measure in the context of liberalization of world trade globally. We recognize that some of the countries, especially the developing ones, were having problems with their intellectual property rights in terms of pirating, not maximizing their profits for their goods and services.

Trade Marks (Amdt.) Bill
[MR. PALACKDHARRYSINGH]

Friday, August 19, 1994

At the same time, one must understand that when measures like these are being adopted, there must be a costing, particularly the economic and social costing, in the community in which they are going to be adopted.

8.45 p.m.

I am not saying that our economy must not be modernized. But it is important that in terms of the dislocations that are going to be caused by such measures, that the social implications be noted and, of course, mechanisms put in place to deal with those. Simply put, while this is a measure to modernize the economy of Trinidad and Tobago, if it is going to be effected without any planning for dislocation, we are going to have more unfavourable social and economic fallout, particularly, among certain classes in the society. That has to be noted.

Industrialized countries, like the United States, have claimed that they have been hit by this IPR violation to the tune of \$43 billion, which they lose through IPR rights annually. That has to be seen in the context of the sort of lobbying they have carried out in some of the international organizations, like GATT, and what they were seeking to accomplish by trying to standardize world measures that would give their countries the type of protection they felt they required.

But they are also aware that the rationale for that proposal was that inadequate and ineffective protection for Intellectual Property Rights distorted trade, and so they sought the approval of a set of international standards and norms to provide adequate and effective protection for the IPRs.

It is clear that while we put forward the view that we are modernizing this economy, the first beneficiaries would be the developed countries. On the question of international mechanisms for dispute settlement and enforcement procedures, no mention has been made by the Minister—

Sen. Huggins: Because it is irrelevant.

Mr. R. Palackdharrysingh: It is irrelevant? In what sense?

Sen. Huggins: This has nothing to do with it.

Mr. R. Palackdharrysingh: Why not?

Sen. Huggins: We have not got there yet.

Mr. R. Palackdharrysingh: Oh, you have not reached there yet.

Sen. Huggins: You are speaking about a different Bill, which has nothing to do with this.

Mr. R. Palackdharrysingh: You will get the chance to reply. As usual you never have anything to do; that is why you will keep on being demoted.

I am saying that this Bill has come about because there are certain things that have been demanded by the international community and Trinidad and Tobago must follow. If we look clearly we would see that on August 5, 1993 the Government entered into a loan agreement, No. 758/OC/Trinidad and Tobago with the IADB for a total of US \$65 million to be paid in three tranches. The first tranche was to be paid within 60 days of signing. That agreement set out the conditions concerning the disbursements and the special conditions precedent to disbursements of the second tranche.

One can see clearly that this reform to strengthen the protection and enforcement of Intellectual Property Rights in the areas of patents, designs, trademarks, and service marks, has been dictated to us. When one looks at the loan contract between the Republic of Trinidad and Tobago and the Inter American Development Bank Investment Sector Reform Programme, August 5, 1993, one sees in Chapter IV:

"Conditions Concerning Disbursements, Section 4.01. General Provision. The Bank shall disburse the resources of the Financing in accordance with the conditions and procedures established in Chapter IV of the General Conditions and with the special conditions set forth in the present Chapter.

Section 4.02. Special Conditions Precedent to Disbursement of the First Tranche. The Bank shall initiate the disbursement of the first tranche of the Financing only when the conditions set forth in this Section 4.02 have been fulfilled to the Bank's satisfaction. For this purpose, the Borrower shall demonstrate that:

- (a) The conditions precedent to first disbursement established in Article 4.01 of the General Conditions have been fulfilled.
- (b) The macroeconomic policy framework of the Borrower is consistent with the objectives of the Programme.

Section 4.03. Special Conditions Precedent to Disbursement of the Second Tranche. The Bank shall initiate the disbursement of the second tranche of the Financing only when the conditions set forth in this Section 4.03 have been fulfilled to the Bank's satisfaction. "

Trade Marks (Amdt.) Bill
[MR. PALACKDHARRYSINGH]

Friday, August 19, 1994

Madam Speaker, the conditions are:

- "(a) The macroeconomic policy framework of the Borrower continues to be consistent with the objectives of the Programme.
- (b) The first phase of the plan of action to carry out the divestment of the Borrower's interest in certain State-owned Enterprises, described in an attachment to the letter from the Borrower to the Bank dated May 7, 1993, has been implemented.
- (c) The following measures have been taken in respect of the Agricultural Development bank, hereinafter referred to as "the ADB":
 - (i) Reforms to the Act establishing the ADB..."

and so forth. But there is also one little section here that I must mention:

"Section 4.03 (h):

Proposed legislative reforms to strengthen the protection and enforcement of intellectual property rights in the areas of patents, designs, trade-marks and service marks have been presented to the Borrower's Parliament for its approval."

So, you see, this makes very clear what the driving force of the measures here is, and for this Government to come here and yawn and behave in an arrogant manner when these matters are referred to, is only to betray their lack of sensitivity to the fallout in this society. That is very clear, and in this context we must take note that more legislation is going to come in this light, but we have to look at the total picture in terms of what will be achieved by these amendments, and at the same time what is going to happen in the local economy.

8.55 p.m.

All of us know that there are certain persons in this country who have, in a way, benefited from some of the loopholes or non provisions for streamlining the requirements by the international agencies in terms of imitations, copyright and so forth. While those things have happened, they have provided some form of economic activity for those who could not really fit into the system, especially in this time of dislocation.

Therefore, in their attempt to now rationalize that system, there is going to be greater fallout as people would not be able to fully satisfy the new requirements and, therefore, there will be more social problems in the society. I should have

hoped that some costing of this measure in terms of what it would have achieved, what it would have corrected, and at the same time, what might be the new demands for reorientation of those who have suffered.

Madam Speaker, according to the Government, do you know everything that comes to this Parliament is simple and straightforward? It is merely putting a piece of the jigsaw in the puzzle. Perhaps, at the end of five years you would get the picture, and that picture for us is one of doom and gloom.

The Minister alluded to the fact that advertisements were not adequate in the *Gazette*. I agree with him on that. I do not believe that the average citizen knows very much about this *Gazette*. Vol 33 item 1174 of the *Gazette* of Friday 1st July, 1994 "Trade Marks Applications states:

"Opposition

NOTICE is hereby given that any person who has grounds of opposition to the registration of any of the Marks advertised herein according to Classes under the heading 'Trade Marks Applications advertised before Registration', may within three months from the date of this publication, lodge Notice of Opposition on Form TM—No. 5 accompanied by a fee of \$40.00 payable in stamps.

Formal opposition should not be lodged until after reasonable notice has been given by letter to the Applicant for registration so as to afford him an opportunity of withdrawing his application before the expense of preparing the Notice of Opposition is incurred. Failure to give such notice will be taken into account in considering any application by an opponent for an Order for cost if the opposition is uncontested by the Applicant."

This *Gazette* is not readily available to the average citizen, and while the introductory note to the Bill says that advertisements will find its way in, perhaps, the daily newspapers and periodicals, the Bill in no way indicates its form of advertisement.

One wonders whether or not this Government would honour what it says in terms of advertising in periodicals and newspapers, and therefore, this House ought to know whether these papers are going to be the daily newspapers, what periodicals, advertisement, circulation, what target groups and so forth. That has to be clarified because with the deficiency of information, that in itself is an infringement of the rights of persons to information, and Government has the responsibility of clarifying that matter with respect to a Bill of this nature.

Trade Marks (Amdt.) Bill
[MR. PALACKDHARRYSINGH]

Friday, August 19, 1994

When we look at some other issues, we are going to see clearly some functional problems. The Minister indicated that there was a backlog of applications with respect to registration. I would have been happy if he had elaborated on some of the problems that are experienced. Merely to say that the application may not be approved until four years down the line—perhaps would not be approved.

Sen. Huggins: I never said that.

Mr. R. Palackdharrysingh: You will clarify what you said. It seems to me that there is considerable bungling at the Trade Marks office. As the Minister indicated, there is an estimated publication backlog of about 4,000 trade marks, which shows that there are serious problems at that office. Therefore, it is not good enough to give the impression that the amendment to this Act will solve the problems. He must indicate what are the other necessary changes to be made. Some of those things must be stated.

Is there a staff shortage at that registry? If there is, what efforts are being made to rectify that problem? Passing this legislation alone would not bring any marked improvement. Also, it seems that there is a lack of co-ordination between the Registrar General's office and the Government Printery, for publication of trade marks is deficient. There must be some measure of co-ordination to improve efficiency.

There is another problem. The existing Act does not require the applicant to prove use of a mark before a renewal is issued. Is that not a shortcoming, which must be addressed?

One sees that there are several problems emanating from this piece of legislation. The issues to be addressed would be, what fee would be charged for publication? The amendment did not specify a fee, and why not?

9.05 p.m.

What plans is the Government contemplating or has contemplated to deal, not only with staffing, but also with computerization, backlogs, publication and timely publication of current applications? Does the Government plan to enforce the requirements of the Act, given the fact that this country seems to be quite a violator of the Intellectual Property Rights Convention?

In terms of persons who might have violated the Act, what method of conformity would be enforced? Would there be a grace period in which perhaps those who might be infringing the Act would be given time to rectify the problem,

or would the Government go into a system of trying to prosecute? As I said, in the presentation this afternoon, one of the limitations was the fact that there were no statistics to prove what has been happening in the country.

When I made the point whether there was going to be machinery to deal with violations, the Minister indicated that they did not reach there. I do not know when he is planning to reach there. In the United States, one of the features of the Omnibus Trade Act, in terms of unfair trade, is that it authorizes the United States trade representative to determine whether the trade practice of a foreign government is unfair. Subject to specific direction, the United States allows its trade representative to decide what retaliatory action can be taken. The United States is well aware.

With respect to intellectual property, that Act also requires the United States trade representative to identify priority countries that deny protection to United States patents and copyright, and provides for expediting decisions.

The United States and other developed nations wanted the General Agreement on Tariffs and Trade to include global protection against piracy for products covered by patents, trade marks and copyrights, such as books, medicines and computer software. As I indicated, the United States loses billions yearly through piracy, but some developing countries—headed by Brazil and India see the restrictions as thwarting their economic growth. That is one of the points that we must note.

Clearly, the national community has now been integrated in the economic community. Certain dislocations will take place here, and this Government is content to say that these are simple issues to modernize the economy, without looking at the tremendous economic and social fallout that is going to take place in the country.

This side is willing to be persuaded that this measure would have the efficacy that is being presented. So far, we have not been convinced. Unless the Government gives us the type of information that is necessary, I do not think that we would be able to enjoin it in the modernizing crusade. And it has not assured us what it is going to do in respect of the negative consequences of the so-called modernization plan.

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, I rise merely to get some clarification on this measure and how it would work, but first of all let me congratulate the Senator. I assumed that this measure would have been presented by the Minister of Trade and Industry, but since it is presented by the Senator, I

Trade Marks (Amdt.) Bill
[MR. SUDAMA]

Friday, August 19, 1994

assume that he is a floating Minister. Not only is he the assistant Minister of National Security, but also a floating Minister, one who could be used as a Minister for any purpose whatsoever. He has acquired a certain flexibility in the Government having been released from the substantive post of Minister of National Security. I welcome his presence here. It is the first time he is appearing in this House since his shift from the Ministry of National Security. We hope that he would be on to greener pastures in the PNM administration.

I want to ask a few questions. I am not sure how this would work. For what is it designed to do, what is the objective in the mind of the Government? Is this measure adequate to the problem we are trying to confront? [*Interruption*] What is the problem? It is a marked trait, Member for Diego Martin East. Does the Government have plans to bring other complementary measures to deal with this whole question of trade marks, patents and copyrights?

I think he mentioned a committee that made certain proposals. This committee was advised by the Intellectual Property Rights Organization. Soon we would have additional legislation. I just wanted to find out if this is merely one of the measures from a package which would be brought to this House to deal with this whole problem of protection of rights in trade, goods and services. Would amendments to the Patents Act be brought to this House? How would this measure relate to any prospective measures?

9.15 p.m.

The question we have to ask, and we have always asked is: What do these piecemeal amendments do? Would they be effective in the attempt to deal with the problem with which we are confronted? Here we are making provision for the protection of trade marks for services. Presumably, there is no such provision in our laws. Now, if this Bill becomes law, am I to understand that there would be automatic violations in view of existing Acts? If there will be, how will the Government deal with this matter?

If that would be the case, we must have a regularization procedure. If a person has been doing something which was allowable under the existing legislation and now the Government brings a measure which says that what he has been doing is illegal, this is not something that can be changed overnight. People may have entered into contractual obligations which may extend over a period.

What would happen in instances of automatic violations with respect to existing Acts and subsisting contracts and relationships? If that would be a problem, has the Government considered what administrative or legal

arrangements will be needed to handle that situation? I am not sure myself; this is why I am raising these concerns.

Another issue I am not quite clear about is in clause 8 of the Bill. What I am discerning is that there are two procedures involved. In one instance:

"where an application for registration of a trade mark is accepted, the Registrar shall—

- (a) give notice in writing of the acceptance to the applicant;
- (b) require the applicant, within sixty days from the receipt of the notification of acceptance, to pay the prescribed fee for the publication of the application; and
- (c) upon payment of the prescribed fee, cause to be published in the prescribed manner, an advertisement ..."

Of course, we have not been told what this manner will be and whether it will be covered by legislation which will come pursuant to the passing of this Bill.

So the procedure will be that the Registrar gets an application, he gives notice in writing to the applicant and requires him, within 60 days, to pay the prescribed fee for publication; and then he causes publication to be made "which shall state the limitations and conditions upon which the application was accepted." That is one procedure.

We have another procedure where:

"The Registrar may cause an application to be advertised in the prescribed manner before its acceptance where—"

Before he even issues a letter of acceptance he requires this publication to be made under a certain section, and where—

"it appears to him to be expedient to do so by reason of exceptional circumstances."

One, therefore, advertises before and after the advertisement is made and, presumably, goes through this procedure. After the acceptance of the application one goes through another requirement for advertisement. This time it is two advertisements. *[Interruption]*

Look at clause 8(2). We have one procedure under (1). Is that not so? Registration of the trade mark is accepted, the Registrar gives notice in writing, and so forth. Under clause 8(2) the Registrar requires you to advertise before the

Trade Marks (Amdt.) Bill
[MR. SUDAMA]

Friday, August 19, 1994

acceptance. I should like to know in what circumstances the Registrar would ask for two advertisements—one after the trade mark has been accepted and the other before it has been accepted? What circumstance would give rise to this double requirement for advertisement? If one advertises before acceptance, then advertises again, there is a double requirement for advertisement. This will be costly for the applicants concerned. If you are going to put people through this second procedure, I should like to know in what circumstances this could possibly arise.

The Minister did say that between the period of acceptance of the application and the registration, anything like four years may expire. What happens in those four years? Is there a restriction? Does the restriction hold with respect to anybody violating that trade mark, the registration of which has been applied for, if you do not have registration, as he says, until four years after? What happens in the intervening period? How is the applicant protected? Does he have protection in the intervening period? The need is to compress and expedite the procedure, if possible, between acceptance of the application and registration. So there is this four-year period to be addressed.

People in Trinidad and Tobago have registered under this Act and then sought registration in a foreign country—people who have intellectual property rights, particularly with respect to services. Am I to assume that if such registration is proposed, in order to enforce it in a foreign country there should be some agreement between the Government and the foreign country? The practicality of this comes into play now.

There are organizations in the Third World which are well endowed with financial resources and which can contest violations in a country. Trinidad and Tobago being a small country, our citizens may not be in that happy position to readily deal with violations against our property rights in foreign countries. I wonder if the Government is cognizant of that and has a plan to assist nationals whose rights are violated in a foreign country. One hears all kinds of claims about calypso and that kind of property right. I have even been told that Carnival originated somewhere else and we are trying to use it to boost our tourism and to have some sort of claim over it and the artistes involved.

9.25 p.m.

Sen. Huggins: The copyrights.

Mr. T. Sudama: Thank you, the copyrights. Now if that copyright involves using a trade logo, what happens then? I should like to know how the actual

implementation would take place. We have a problem in this country where we just pass laws, nobody thinks about how these laws will be implemented. We have only been told that we have to pass this law. In fact, the passing of this law is not instigated from within; this is a requirement that is imposed upon the Government by the IDB because of its agreement to source funding from the IDB.

It is very clear in the investment sector loan agreement that this needs to be done. Are we doing this as a matter of form, or will this law be implemented, for our citizens who want to enforce their rights in other countries?

There was a case mentioned—I think it was in the Minister's presentation, but I am not sure—that there was a company in the United States which decided to come here and use its trade name. A firm in Trinidad and Tobago had already registered a similar name under the Registration of Business Names Act. That firm felt perfectly justified that it had registered its business in Trinidad and Tobago under a certain name. It happens, however, that that name is also used by a large firm in the United States of America.

Now, if we proceed with this amendment—because the name is part of the protection of trade mark for services—should there be a corollary to this amendment? Should we also amend the Registration of Business Names Act, in view of the experience with respect to one company being taken to court?

There was this case of an American firm coming to Trinidad and Tobago with a Pizza Hut chain; a local businessman was doing business under the same name. He had registered his business under the Registration of Business Names Act. My advice is, that when the judge made his rulings, he said that the Trade Marks Act took precedence over the Registration of Business Names Act. In the light of that, my concern is, in order to avoid people going to the expense of taking matters to the court to get a ruling—it is a very costly thing—should we not be also amending the Registration of Business Names Act to prevent or to sufficiently give notice that one could not register a business with a name that is similar to another that is subsisting, as this would violate the Trade Marks Act?

If it is possible to bring such an amendment, I think it would give adequate notice to people that when they are registering business names and so forth, not only must they look at the local situation, but they must also look at what is happening in foreign countries. Should they not be alerted to the fact in the light of the decision made in the High Court of Trinidad and Tobago?

We understand the purpose of this Bill, as the Member for Caroni Central has indicated. But we have not been given sufficient information on how it would

Trade Marks (Amdt.) Bill
[MR. SUDAMA]

Friday, August 19, 1994

function or what we are to benefit from this. You see, some countries have violently objected to the objectives of this kind of legislation and the restriction it places on the use of intellectual property. I should like, for my own edification, to be given a little more insight into the purposes, objectives, the implementation and some of these concerns which I have raised with respect to the wider implications of this Bill before the House.

With these few words, Madam Speaker, I thank you for the indulgence.

The Minister in the Ministry of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, in the two contributions which I have heard, I think there is gross misunderstanding of what this amendment is all about; it has absolutely nothing to do with intellectual property rights under the IDB agreement. These suggestions came about as a result of a committee which was established in 1991 to review the Trade Marks Act and to make recommendations to the Government for appropriate amendments where necessary.

The classification of goods under the Trade Marks Act has always been a problem. Trinidad and Tobago is one of the few countries which operate under the old system of classification, and the system we are now seeking to put in place is really to bring us in line with international standards.

Now let us face it; most of the trade mark applications that are done in Trinidad and Tobago, are done at the behest of foreign concerns. What one will find happening is that the instructions will come here and one is asked to register a particular mark, in a particular class. When one looks at the class in the Letter of Instructions, it would not match up with the class under our classification. One would now have to go through an exercise of trying to determine where to put it.

What happens very often is that there is an all-embracing class 50(10) which provides for any goods not specifically mentioned in any of the other classes 1 to 49. In many cases, this did not meet with the favour of the client, because the client is seeking to protect a particular mark. Because of the limitations of our classifications, it was not possible to give that sort of comfort to the client. It has been asked for a long time that the international classification be adopted.

Adopting the international classification will cause no social disorder; it is not going to cost anybody anything more than it is costing them now. As a matter of fact, I do not think anybody in Trinidad and Tobago will be aware that the classification has been changed. It is only being adopted for the purpose of simplifying and bringing the classification as used in Trinidad and Tobago, in line with foreign countries.

9.35 p.m.

For example, if a client indicates to you that he has the goods registered in several countries under class 2, you could safely register him in Trinidad under class 2. One would have been assured that all the necessary checks would have been done abroad; he can keep in his records the fact that he has these particular goods or services registered in class 2, knowing full well that when he says class 2, class 2 is understood to mean a certain thing wherever he goes.

It is just a case of trying to bring Trinidad and Tobago in terms of classification of goods under the Trade Marks Act in line with all developed countries. Most of the other Caribbean countries have gone this way a long time ago.

Mr. Sudama: Am I to understand that we were, in fact, registering trade marks and services before?

Sen. The Hon. R. Huggins: No.

Mr. Sudama: Are you doing this for the first time with this amendment? I get the impression that we were doing this, but not under any discretionary manner.

Sen. The Hon. R. Huggins: We are now seeking to make provision for the registration of a service mark. There are some businesses which have built their names by virtue of the service they give, like my friend the Member for Couva South. He gives a human rights service to many people, and he has developed a reputation in that area. Maybe now he can utilize the legislation to register the Ramesh Maharaj Human Rights Service as a trade mark, and then nobody else can go and do that kind of business, I hope you understand the example.

Madam Speaker, the change in the classification is not going to cause any undue harm to anyone. As a matter of fact, it is going to make the job of our Trade Marks Registry simpler.

The question was raised also by the Member for Caroni Central which seems to suggest that there may be some problems at the trade marks office, as well as between the trade marks office and the Government Printery. The problem which has led to the amendment to provide for advertisements in the daily newspapers came about as a result of the inability of the Government Printery to handle the volume of applications for publication, and that is what has led to the backlog which was somewhere in the region of 3,000 to 4,000 applications awaiting publication.

As I said in my presentation, you do not get statutory protection of a mark until you are deemed to be the registered proprietor of the mark. Although your application is accepted by the Registrar, if it sits there for four years anything can happen. You can have situations where somebody else can probably file an application and claim some priority filing because of some filing somewhere else and jump the line ahead of you; or that person can file out of mischief and hold up the entire process in a court matter.

The intention behind this amendment is really to close that four-year gap, so that if the application is accepted, registration can be had in about seven or eight months. All the nervousness of the risk of having your mark defeated would disappear. It is, in fact, a very simple piece of legislation to cure two defects which have been giving problems for years to those who practise in the area.

The Member for Oropouche stated that, perhaps, one should also seek to amend the Business Name Register. Registering a name under the Registration of Business Names Act does not give you any proprietary interest; that is why the Trade Marks Register will take priority or will take precedence over the Business Names Register. I do not think it makes sense in giving a business name registered the same kind of effect that a registered proprietor would have under the Trade Marks Act.

Mention was also made by the Member for Oropouche of the reason for the dual-registration under clause 8(2) of the Bill. That relates to a situation where an application is made under section 10(1)e of the Trade Marks Act. That is where you are seeking to register as a mark, a name, signature or word other than such that falls within certain groups categorized above. You are required to provide to the Registrar, evidence of the distinctiveness of the name or signature.

By virtue of giving somebody proprietary interest in a name or a signature the effect that it can probably have in relation to somebody else, is that it allows the Registrar to deem it appropriate to take in front, so to speak, before you put somebody in a position where it is extremely difficult or costly to reverse. The wider community is given an opportunity to lodge any objections to the use of such word before the Registrar would actually accept the application.

Madam Speaker, I do not think that this is something that should detain us any longer. As I have said, we are seeking to amend the Act, simply to change the classification to bring it in line with international standards and to put a system in place to speed up the process from the acceptance of the application to the granting of registered proprietorship to the applicant. I am certain this would

Trade Marks (Amdt.) Bill

Friday, August 19, 1994

provide a more efficient operation of trade mark practice in Trinidad and Tobago. Madam Speaker, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 9 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

9.45 p.m.

DEFENCE (AMDT.) BILL

Order for second reading read.

The Minister in the Ministry of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, I beg to move,

That a Bill to amend the Defence Act, Chap. 14:01, be now read a second time.

This is a rather simple piece of legislation.

Mr. Maharaj: Is it?

Sen. The Hon. R. Huggins: Madam Speaker, section 10(1) of the Defence Act provides for the establishment of a commissions board appointed by the President, the said board to comprise the Chairman of the Public Service Commission, a member of the Judicial and Legal Service Commission, one member of the public, the Commanding Officer of the Regiment and the Commanding Officer of the Coast Guard.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, the main function of this board is to advise the President, through the Minister, on appointments to commissions and promotions in the Defence Force, up to the rank of major or lieutenant commander.

Mr. Maharaj: Mr. Deputy Speaker, would the Minister give way to a question? Could he indicate if he is aware of the concept of this commission having four members, when it was introduced in 1962, and not five?

Sen. The Hon. R. Huggins: It has five.

Mr. Maharaj: Sorry; it should have five and not six.

Sen. The Hon. R. Huggins: Mr. Deputy Speaker, the intention is not to have six members. If the hon. Member would allow me to continue he would understand exactly what I am seeking to do.

When this Government came into office, at the first meeting of the Defence Council, which is the body that is responsible for the administration and discipline of the Defence Force, it was felt that there was a need to carry out a reorganization of Defence Force Headquarters—that is, the headquarters unit—because the unit had lagged behind in terms of the present state of the Defence Force. In other words, it was felt that steps should be taken to bring the Defence Force Headquarters, as well as the operational battalions of the Defence Force, in line with what now exists in foreign countries, particularly the United Kingdom.

As a result, a committee, chaired by the former Chief of Defence Staff, Brigadier Theodore, was appointed to look into the matter and to make recommendations to the Defence Council. That committee submitted its recommendations and, as a result of the acceptance of a substantial part of those recommendations by the Defence Council, a decision was taken to create two positions of Vice Chief of Defence Staff in Defence Force Headquarters.

Having created those positions, it then became redundant to continue to keep the post of Commander of the Regiment. It was also felt that the Battalion Commanders should have much more responsibility of running their battalions and having a Commander of the Regiment was really a superfluous posting in the Defence Force. As a result, the Defence Council took the decision to abolish the post of Commanding Officer of the Regiment.

It, nonetheless, became necessary to ensure that there was a regimental presence on the commissions board, and the decision was taken that the senior regimental battalion commander would be the one to replace the Commander of the Regiment on the commissions board. The Commanding Officer of the Regiment was the most senior battalion commander, so there was not really much of a change.

Mr. Deputy Speaker, this is what gave rise to this amendment, which is to provide that on the commissions board the Commander of the Regiment be

removed and be replaced by the Senior Regimental Battalion Commanding Officer. So that the Commissions Board continues to have five persons on it—Chairman of the Public Service Commission, a member of the Judicial and Legal Service Commission, one member of the public, the Senior Regimental Battalion Commanding Officer and the Commander of the Coast Guard. That is to ensure that the work of the Commissions Board, as I indicated earlier, can be carried on in a legal manner.

Mr. Deputy Speaker, that, basically, is the purpose of this amendment. Therefore, I beg to move.

Question proposed.

Mr. Ramesh L. Maharaj (*Couva South*): Mr. Deputy Speaker, I hope I am correct in saying that since 1962 this Defence Act was supposed to be looked at. The Government when it got into office on September 12, 1993—there was a publication which stated: "The Defence Act now under review."

I should have thought that the Government, instead of coming with what it thinks is a very simple amendment to the Defence Act, would have taken the opportunity to come to the country and say what it intends to do with the Defence Force in light of the matters which the Minister has gone on record as saying that the Government is committed to do.

I refer to that publication in which it is stated:

"Legislation governing the operation of the Trinidad and Tobago Defence Force is being amended to bring the service in line with modern trends.

Chief of Defence Staff, Brigadier Ralph Brown, said that it would be the first major review of the Defence Force Act since the advent of the Trinidad and Tobago Defence Force in 1962.

Brigadier Brown also disclosed that the entire role of the Trinidad and Tobago Defence Force is being re-assessed in keeping with non-military function. Soldiers and sailors are being called upon to perform."

9.55 p.m.

It goes on to say:

"Review of the legislation is part of the strategic plan for the Trinidad and Tobago Defence Force, which includes the establishment of a Third Battalion, computerization of the operations and administration of the Trinidad and Tobago Defence Force."

Defence (Amdt.) Bill
[MR. MAHARAJ]

Friday, August 19, 1994

Is this Act what the Minister and the Defence Force are talking about, or should we expect to get something else, or is it abandoned? You see, we on this side are very concerned when it comes to boards and commissions which deal with commissions and promotions in the protective services. We do not feel that legislation dealing with the composition of the board, whether it is secret or otherwise, should be planned without looking at all the consequences.

We do not have the benefit of all the reports which motivated this particular legislation. We are being asked to support a piece of legislation on the basis of information which the Government had and on which it decided it was going to make changes in the Defence Force, which have already occurred. As a matter of fact we have read about these changes in the newspapers. These changes occurred about a year ago, am I not correct?

Sen. Huggins: That is correct.

Mr. R. L. Maharaj: This legislation is merely to give effect to the Executive's decision in making these changes. What I am saying is that the Executive arm of the state, whether it is Defence Council, or whoever—I am not saying it is political interference—but the Minister can probably tell me whether this is correct. The Minister of National Security, at the time—I know that he has got promotion now because there was a stone wall he could not get removed from his ministry and we are now the first country in the Commonwealth, I understand, which has the Prime Minister as Minister of National Security, as well—when he was in the Ministry of National Security, is it not correct that he requested the O & M Division of the Prime Minister's Office to go into the Defence Force Headquarters to do a management audit?

I do not know where the authority for that came from, but if we are asked to give our vote to this, we would want to be assured of what or who advised the Government. We do not know the facts, we do not have the information. Mr. Deputy Speaker, one has to bear in mind that this Board is going to deal with appointments and promotions in the Defence Force—am I correct?

Sen. Huggins: No, to commissions.

Mr. R. L. Maharaj: Oh, to commissions—appointments and promotions to commissions. These are important parts of the security service; they play an important role; they have the power to exercise coercive powers and the whole purpose of these boards and commissions and the way they were appointed and put into the legislation was to ensure that there can be no political manipulation

one way or the other, directly or indirectly, in the operation of the board or the commission. The whole purpose is to insulate it from any political interference.

We read in the newspapers that in respect of another area in the protective services a post was created and a commission was asked to appoint a person to a post, or to request an appointment, when the Constitution says the Prime Minister only has a right to veto. We have seen, also, a Police Management Board—an attempt to gain control of the police service. That is why it is very difficult for us to support this, or say, that we can vote for it without knowing the facts and circumstances.

I agree with my colleagues when they say it is easy to come here and say this is a very simple piece of legislation. But, in the light of the history of this administration—in which there seem to be so many attempts to control the security service, the police service, to try to do indirectly what it cannot do directly—we are not too sure whether this was politically motivated. We have no facts. We have to take the assurance of the Government. We have no system where we can get information, and therefore, it is very difficult.

What I should like to say before I close is that it is unfortunate that the Government did not use this opportunity, in whatever it was going to do with the Defence Act and the Defence Service, to say exactly what the role of the Defence Force in Trinidad and Tobago would be. There has been a lot of discussion about it. Is it just going to be a set of people being confined to the barracks and when there is a crime problem come out in the street? Or is it going to be a service to members of the public in which members of the Defence Force get involved in the community, probably, in the repairing of schools, or matters like that?

Mr. Deputy Speaker, I refer to the *Express* editorial of 1993, which was before there was political interference in writing the editorials. I would not be very long.

On September 10, 1993 under the heading: "Let's Expand the Army's Role." It gives an assessment of the situation. It states:

"They can also be drawn into other areas of civilian life as well."

Talking about the Army,

"Take for example the several schools undergoing repairs which could not be opened in time for the start of the school term last Monday. The Minister of Education has said the reason is the late release of funds. But couldn't the skills and resources of the Army, perhaps, supported by the communities, have been utilized to ensure that all our schools were ready for occupation?"

Defence (Amdt.) Bill
[MR. MAHARAJ]

Friday, August 19, 1994

Then it deals with the question of flooding and helping the villagers to rebuild their homes, and so forth.

I should have thought that in a debate like this, apart from giving us the information, the Minister would have given us some indication, since September, 1993—well I know he probably has to get it from the Prime Minister—at least as to what is the strategic plan. Is this part of the strategic plan; is it the total plan?

We have great difficulty and we hope that the Minister, in his response would, at least, tell us something about what [*Interruption*] he cannot tell me too much, all right. You see that? He cannot tell me too much, but yet he is afraid to tell me the information. I notice that the Minister does not tell this House the information, but somehow, I see the information being written in an underground newspaper called *The Patriot*, so I do not know from where they get their information.

Anyhow, coming back to a very serious aspect of it, we cannot be satisfied that this move is not an attempt, somehow or other, to politically manipulate the process and put pressure, one way or the other, on people involved in the Defence Force. We are not saying it is so, we are not sure, we are not convinced, we have not got the information. What we do have is evidence of other action in respect of the police service—other action of the Government in trying to take away more and more rights of individuals and give more power to the Government. That is a very serious trend and, in this context, I am afraid I cannot vote for this measure. I would have to abstain.

Thank you, Mr. Deputy Speaker.

10.05 p.m.

The Minister in the Ministry of National Security (Sen. The Hon. Russell Huggins): Mr. Deputy Speaker, I really do not know what the problem is with the Member for Couva South. If I am to venture a guess, I believe the Member for Couva South is fully aware of the powers of the Minister insofar as the Defence Force is concerned. He is probably surprised that he has not seen any political interference in the Defence Force. Let me begin with the review of the Defence Force Act.

We have been advised this will take at least 2 1/2 years, because it requires persons with expertise in military law to do certain parts of this legislation. For example, to update the court martial procedures so that we avoid constitutional motions when we put them into effect. We do not have the legal expertise here. We have been using someone who was responsible for drafting the military laws in the United Kingdom but who can provide his services only part-time.

So, it is going to take a longer time to review the entire piece of legislation. *[Interruption]* Yes, we did a review of the operations of the Defence Force. Some of the things could have been done administratively. One of the things we did, for example, was to send O&M officers—and this was done by the Defence Council. The Defence Council which is chaired by the Minister, has the responsibility “for the command, administration and discipline and all other matters relating to the Force.”

The power, therefore, to guide and to literally control the Defence Force vests in the Defence Council, and the Defence Council shall be responsible under the general authority of the Minister. In addition the Commissions Board is not as independent as the Public Service Commission or the Police Service Commission. It is the Minister who makes the rules and regulations for the operation of that board. All the board's recommendations must go through the Minister and he has to approve them before they go to the President. It is not as independent as one would probably like to see it. Since this Government has been in office it has never interfered with any of the recommendations of the Commissions Board in terms of appointments or promotions. Insofar as sending an O&M team this was done properly. We did not only send an O&M team, but we also asked the Auditor General to audit all the accounts in the Defence Force. We just wanted to be assured that everything was running properly in the Defence Force.

Mr. Maharaj: Could the Minister explain, therefore, why it is since this Act has been passed that there have not been any administrative inspectors which are provided for by section 244?

Sen. The Hon. R. Huggins: The reason is that under the regulations which govern the establishment of that inspectorate, there is a requirement to have as the leader of that team, someone who is a former military officer, but not having served in the Trinidad and Tobago Defence Force, and there is a problem with finding that person. In other words, the inspectorate team has to be led by someone who has served in the Defence Force, not being the Trinidad and Tobago Defence Force.

We are seeking at present to get the assistance of the United Kingdom military to provide the military attaché that they have here to lead that team to carry out that type of inspection. In addition you need people who have some understanding of military matters. That team is required to have, for example, a representative from the Attorney General's Department. You do not go and take up any old lawyer in the Attorney General's Department and send him there. He

Defence (Amdt.) Bill
[SEN. THE HON. R. HUGGINS]

Friday, August 19, 1994

would not understand the difference between a warrant officer and a regimental sergeant major to know what he is supposed to be doing.

The way the regulations were formulated, they are really unworkable. What we have done is to put another system in place whereby inspections are carried out to satisfy that type of requirement, and there is really a difficulty in putting those regulations into effect.

Mr. Deputy Speaker, the amendment is simple. It is not intended to interfere with the independent operations of the Commissions Board; it is just intended to ensure that the Commissions Board can function as it has always functioned. I want to give my Friend the assurance that there is no political interference in the Defence Force or, I may add, in the Police Service. I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment; read the third time and passed.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move that the House do now adjourn to Friday, August 26, 1994 at 1.30 p.m.

In moving the adjournment, I wish to inform you that after consultation with the Chief Whip, it was agreed that Friday, 26 will, in fact, be Private Member's Day and that we shall defer continuation of the debate on the Bail Bill to Monday, August 29, 1994 at 10.00 a.m. with the intention of completing the debate on that date.

Mr. Deputy Speaker: Do we have agreement on both sides?

Mr. K. Valley: Yes, Mr. Deputy Speaker.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 10.15 p.m.