

Leave of Absence

Monday, November 07, 1994

HOUSE OF REPRESENTATIVES

Monday, November 07, 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 Toco/Manzanilla (Mr. Andrew Casimire) and the Member for Port of Spain North/St. Ann's West (Mr. Desmond Allum).

LAND ACQUISITION BILL

Order for second reading read.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Madam Speaker, I beg to move,

That a Bill to govern the acquisition of land for public purposes, be now read a second time.

The matter before the House this afternoon is not altogether unfamiliar to us. As you may recall, at an earlier date we had the opportunity to deliberate on this Bill, and at that time, it was sent to a select committee of this House.

Under the Standing Orders, the procedure did deal a fatal blow to that attempt. What we are seeking to do this afternoon in keeping with the Standing Order, is to reintroduce this item so as to accomplish the original objective, which was to pass a bill to provide for greater equity with respect to matters of land acquisition.

From time to time we have a number of mini debates in this House, and invariably when a matter is brought before the House for land acquisition, Members of Parliament from all sides lament the circumstances under which property, in the form of land, is taken by the State from members of the national community. There is general agreement that the existing Act has certain inequities which allow the State to legally and properly operate with respect to the acquisition of land, but which also provide opportunities—intentionally or otherwise—for undue delays to occur causing extreme hardship to those persons whose properties are identified for acquisition.

We also agree that from time to time it would be necessary for the President to acquire property from private citizens in the public's interest. What has happened

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is that the process has been found to be quite faulty. This Bill, which has had a very long trip to this Chamber, seeks to address those areas of law which permit the inequities I mentioned earlier. The attempt to rectify the situation in recognition of the shortcomings of the existing legislation dates back to 1982.

At the time that this draft Bill was published for public comment in 1991, a deadline was set. Even after that long period of gestation, in recognition of the need to change the system, requests were made for extension of the time and it was granted and a further period of public comment was permitted.

Comments on the Bill were received from a number of groups and individuals. I wish to identify among those the Land Surveyors Association of Trinidad and Tobago; the Association of Professional Evaluation and Land and Economy Surveyors of Trinidad and Tobago. The State's Valuation Division did comment in its own right. We also had comments from the advisor of legal drafting from the Law Commission. These are some of the interested parties that commented on the draft Bill.

On receipt of the comments, a team of technical officers was set up to consider the comments as put forward. As you would expect, various interest groups and individuals had different perspectives on this matter, and it was necessary to seek to distil from all the comments the best course of action. The team held 16 public meetings during the period leading up to April 1992.

A report was submitted to the Minister of Planning and Local Government under whose portfolio this matter rested at the time. Based on that team's report, the Minister sought to have the team look again at five issues which emerged out of the contributions of those persons and organizations which took the time to make comments on this very important Bill.

A further seven meetings were held between July and September 1992. Eventually a report was prepared and adjudicated upon by the Cabinet and accepted in December 1992. Cabinet then gave instructions to the relevant authority to have the Bill drafted and this is what is before us today.

I do not propose to go over all the grounds. As I said, we did have an opportunity at an earlier stage to raise some matters in the debate which preceded the Bill's passage to committee. I want to point out some of the prevailing circumstances which caused this Bill to be prepared. The most important of these, to my mind, is that the present legislation permits the State to enter upon lands, in some instances without the owner knowing that the State has an interest in the land or it has taken steps to enter on the land.

This comes about because the existing law only requires that the relevant Commissioner of Lands, on behalf of the President, publish in the *Gazette* under section 3 of the existing law, that the State has an interest in acquiring this land. As you know, the *Gazette* is not the most widely-read paper in the country. It is quite possible, and very frequently it happens, that even though the Commissioner of Lands satisfies the legal requirement by publishing the intention to acquire in the *Gazette*, the owner of the parcel of land might not notice it.

1.55 p.m.

Further to that, the present law permits that having published in the *Gazette* according to section 3, what is required is the publication of section 4, and having done that, the State, through its officers acting in the name of the President, can enter and take possession of those lands and begin to use them for the purposes for which the acquisition has been advanced.

That is lawful under the statute, but one can see how an aggrieved party can raise an argument with respect to this kind of action. Up to that stage no opportunity is provided for the landowner to become a part of the process. It is only after the publication of section 5 that the matter is brought to Parliament, and if Parliament approves the acquisition, the land is then properly vested in the State and the owner can, at that stage, make a claim for compensation.

What we have observed is that the time span between sections 3 and 5 could be days, months or years, with the result that the land may be utilized—a building or roadway might be constructed or whatever use to which the land is to be put, could even reach the stage of completion and be put to public use—before the person gets the opportunity to make his claims for compensation.

We have heard many a debate in this House as to the unfairness of this situation and the hardships it has caused to a number of persons, and I am sure that we are all seized of the details, therefore I do not wish to belabour that point. I am sure that my colleagues would quite correctly assume that we are all familiar with the unfortunate circumstances which can develop as a result of the operational aspects of the existing law.

What the new Bill seeks to do is to address these points, firstly, by taking steps to ensure that if the State has an interest in a parcel of land, reasonable steps would be taken to bring that to the attention of the owner or owners. So the Bill before us seeks to broaden the domain of publication and not restrict it to the *Gazette*. It is required that the State publish, at least twice, in at least one newspaper which is in circulation in Trinidad and Tobago. The reason for this is

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that most people seek their information from such a publication and it is more likely that if that course of action is taken, a landowner or any person having interest in a parcel of land can be informed of the State's interest. By doing this we take care of the issue of informing a person that the State is interested in a property in which he has an interest.

Secondly, whereas the present legislation provides for the publication of section 3 and almost immediately, publication of section 4, which then permits entry upon the land and *de facto* utilization of the land, the present Bill seeks to set time limits between the various actions so as to permit, in the first instance, a response from the landowner. So, if a landowner sees that the State intends to acquire his property, a period is established in the proposed legislation to permit him to register an objection. That is a provision which does not now exist. That objection can then be adjudicated upon and it gives a certain amount of even-handedness to the process because the owner can say something about what the State intends to do. It is all spelt out in time—six weeks for this to happen.

The next step is the publication of the next section which permits the Commissioner of State Lands to enter upon the parcel of land for specific purposes only—investigative purposes—to see whether the land to be acquired meets the requirement to do soil tests, to do other physical appraisals and so forth and to confirm that it is an appropriate parcel of land. He cannot go in, as happens now, and begin to use the land.

The most important aspect of the legislation before us today has to do with compensation. Whereas under the present arrangement a Cabinet decision of 1977 permitted the Commissioner of State Lands to recommend—he may recommend payment of a portion of his assumed value of the property—the present legislation changes that "may" to "shall". It says that if the State has entered upon the lands and taken steps to pursue the acquisition, then at the appropriate stage, 80 per cent of the estimated value of the land becomes payable at an early stage in the proceedings. It goes further to take into account how the assessment for compensation can be arrived at. At all stages, the intention is to maintain balance and equity between the interest of the individual and the interest of the State, recognizing that the existing legislation gives the State too much of an unfair advantage against the interest of the individual.

I will point out the specific matters to which I refer. The Bill provides that two months must elapse from the date of publication of a notice of intended acquisition before possession can be taken under clause 4 of the proposed

legislation. This allows that six-week period I mentioned a while ago. Secondly, the President, in authorizing the Commissioner of State Lands to take possession of the land, must issue an order to that effect which must be published and served in the same manner as the section 3 notice, whereas before that was not a requirement. Sections 3 and 4 could have been published differently. It also requires that from the date on which the Commissioner of State Lands takes possession of the land designated for acquisition, that is from the day they move in and begin to do work, the land owner becomes entitled to compensation on the same basis as if the declaration had been made under section 5 on that day. The present law only entitles compensation to be worked out commencing from the date of the actual acquisition.

As I pointed out earlier, that is deemed to have begun only after Parliament had approved of the actual item of acquisition. The period that went before, where clauses 3 and 4 were published and the land would have been taken and put to use, the owner is not now entitled to compensation during that period.

2.05 p.m.

The present Bill seeks to re-address that situation by saying that the de facto acquisition has begun at the point where the Commissioner of State Lands has taken possession of the land when he moved in and began to do work. This gives the owner compensation, virtually, from the effective date when the owner has lost possession of the land.

The proposed law also takes into account the calculation of interest to be paid on the sum owed for the parcel of land which is being acquired. Again, in recognition of the economic realities of the time, the Bill proposes to establish an interest rate of three percentage points higher than what currently exists.

As you know, Madam Speaker, with the present arrangement the interest rate is calculated at a six per cent level. The present Bill which we are seeking to enact into law would establish a nine per cent interest rate to be applied to acquired property. Not only that, but in recognition of the fact that in today's world interest rates move quite quickly over short periods of time, the Bill seeks to give to the Minister of Finance the authority by order, to adjust that nine per cent interest rate. What we anticipate is that the adjustment is going to be an upward one, because over the last decade we have seen the movement of interest rates upwards and therefore—I do not want to speak for the Minister of Finance—in the event that interest rates continue along that trend, and some time in the distant future nine per cent is found to be unreasonable, the Minister of Finance can adjust that nine per cent to one which is more equitable to the landowner.

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The Bill now states:

"If after six months the process has not been completed to the point where the Commissioner has taken possession of the land, the acquisition automatically lapses and the land reverts to the original owner."

That is important, because you would have heard stories from persons that the process of acquisition has been in the making for a very long period of time. While the whole thing is in limbo, the acquisition process itself was unduly dragged out, so in some cases the initial intention was signalled but no firm steps were taken to concretize that intention.

While we in the Parliament might frown on that, as regards the administrative arrangements in the various government departments, municipalities, and so forth, one never knows what happens to cause these things. What we do know is that they happen.

What we are putting into law now, is that if the process begins it must be taken to completion in a reasonable time frame so that the owner of the property can know what is happening to his or her assets and, therefore, plan accordingly. We are hoping to put that into law.

The other aspect of this Bill I want to deal with is how this affects the person who has an interest in land and whose land is to be acquired.

The provisions of this Bill will impact on the State's administration in making provisions for payment; the passage of this Bill will facilitate the improvement of land acquisition insofar as it allows the state to pay persons who are entitled to compensation. What happens at this time, is that there is no accurate link between the budgetary arrangements and the acquisition procedures. A guesstimate is made and a provision is put in the budget to cover land acquisition. Separate and apart from that figure, action is being taken elsewhere in public administration to acquire property for a variety of purposes. What has been happening is that the cost of the property to be used for a public purpose is usually not taken into account as a factor in costing the particular project.

For example, if a road is to be built, the engineering and whatever else goes on separately, and no provision in the project of road construction is applied to the cost of that facility. It is not taken on board that, okay, the area that is to be used for the road is three acres and therefore, this project has not only an engineering cost, materials and technical skills and so forth, but a cost for the land.

Sometime later, through a different process, a request would be made to acquire this land and pay for it separately. Then we might discover a budgetary allocation is not adequate so some persons are compensated and others are not. The same thing happens with community centres and so forth where the land is acquired, separate and apart from the budget, for the construction of the item.

By putting the steps in place as we are seeking to do in this legislation, this would literally force all government agencies which have an interest in acquiring any parcel of land, to take into account the requirement to pay for those lands, since those lands are to be used in whatever project has been approved. If that happens, what we will see is early and direct provision being made for paying for lands in the same manner as we pay for the goods and services for the construction which normally follows land acquisition.

That will then allow the budgetary process to take on board what is due and required for payment for land where we are now seeing land as a component in a project. If the budget contains a road project or a school building programme, or a community centre programme, or anything which requires land to be purchased by the State, we expect that public administrators would now in their budgetary process, comply with the terms of the law by paying for these lands within a certain time frame.

If we move from where we are now to the stage that I am outlining, we would make considerable progress towards dealing with this vexed problem of the State acquiring people's property and not making adequate provisions to pay even though the State acknowledges all along that a debt is owed and it has a responsibility to discharge that debt.

I am not saying that on passage of this legislation and linking acquisition directly to the budgetary process that would immediately solve the backlog of money owed with respect to land acquisition. That backlog would be solved, firstly by ensuring that there is adequate money available to do so, and secondly, by unravelling a number of the legal and ownership problems which exist with respect to some parcels of land which have been acquired and for which compensation is due.

2.15 p.m.

It is easy to identify where the State's failure is with respect to paying agreed sums: where the title is clear and the owner is identifiable. In some instances, it is not always as clear-cut as that. There are situations where the ownership or those who have an interest in the property might be difficult to identify or to treat with;

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and there are disputes of ownership and so forth. These things cause delay in payment.

Madam Speaker, as you would have seen, the law also provides that the Commissioner of State Lands has a duty to identify and to seek to inform, as far as is reasonably possible, persons who have an interest in the land and to the extent that his best efforts cannot identify such persons, to put on that property in a very public way a notice that the State intends to acquire the particular property. Madam Speaker, when all these things are taken into account one would see that what we are trying to do is to rectify a problem of the State where its actions have been impacting negatively on its citizens.

If we permit passage of this legislation we would very quickly begin to address this problem and bring relief to many persons whose property would be acquired as we proceed to provide service for the public through governmental action.

I do not propose to go into a long debate since we are procedurally reintroducing this legislation. Having laid the points that I have made, I beg to move.

Question proposed.

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, the Member for Diego Martin West indicated that he was putting this Bill before the House procedurally. What that implies I really do not know. I have been in this House for a long time, and I do not know what is the procedural laying of a Bill or moving the second reading of a Bill. However, I would have thought that when he made his contribution, he would have given a little more history of the Bill before this House than he actually gave.

Madam Speaker, as you are aware, in the last session this Bill came up for second reading in this House, and as a result of submissions made by me and the Member for Naparima, who had proposed that this Bill be sent to a Committee of this House, to be considered in detail, that was agreed upon by the other side. In fact, it was sent to a Committee of the House for detailed consideration.

When that decision was made, I do not know what was the motive; whether it was to mamaguy me and the Opposition that, perhaps, they were taking the submissions of the Opposition into account by agreeing to send this Bill to a Committee of this House for more detailed and specific analysis and consideration. If it was merely an attempt to “mamaguy”, I want to tell him that

this Opposition would not be “mamaguyed,” particularly this Member for Oropouche, who is not in the habit of taking that kind of “mamaguy”.

When I look at this new Bill it appears to me to be identical in every respect to the Bill which was laid during the last session. Of course, it incorporates the amendments made in the other place, but we had those amendments before us. It is as though the Members of the Opposition never spoke in the last session. It is as though Committee of this House never met to deal with all the concerns we raised—and there were numerous concerns raised with almost every clause in this Bill—because while we are in agreement that we need streamlined legislation to deal with the problem of land acquisition by the State, at the same time, we have to see that the law which we pass in this House does not have very many deficiencies in it. It is impossible to pass a perfect law, but our duty here is to minimize any defects and deficiencies which may come about as a result of our scrutiny of the law. There were very many areas of concern and uncertainty and, in fact, we made suggestions for amendments of certain clauses.

Madam Speaker, that Committee which sat in the last session of Parliament is no more. Therefore, as I understand the Standing Orders, we can make reference to the work of that committee. It does not exist anymore; it is not current. Six members were appointed to that committee, and when the committee met there was the regular absence of two members, the Chairman of the Committee, and the Member for La Brea, who of course, spends his time much more lucratively than coming here to do committee work in this Parliament. Therefore, the Committee could not function for a very long time. We came on four or five occasions, and on every occasion the sitting of the Committee had to be aborted because the Chairman could not be present.

Mr. S. Panday: Who was the Chairman?

Mr. T. Sudama: The Chairman was the Member for Diego Martin West. I know he is a busy man, he is a Minister of Government and he has other duties to perform and so forth. If he is all that busy, then he ought not to accept the chairmanship of a committee—I think that is the only reasonable position to adopt. The Member for Naparima and I were coming here on every meeting day on four or five occasions, only to have the meeting aborted. We had to go back home, having virtually wasted half a day. I do not know if that is the respect they have for the Parliament and the committees of Parliament.

Finally, when the Chairman attended a meeting we had a very, very extensive discussion and we only reached a part of the way in the discussion of the various

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clauses of this Bill. On some issues we sought clarification. On other issues which were points of law that needed legal clarification, the Chairman intimated that he would go back to the legal authority and get clarification on those issues and the amendments which we were seeking to introduce into the Bill.

2.25 p.m.

I would have thought that, at least, as far as the discussions went, when he got up to introduce this Bill again in this session of Parliament, he would have done one of two things. He would have indicated that the committee work which was started in the last session could not be completed and, therefore, this Bill had to be re-committed. We would have been sympathetic to the Bill being re-committed and would have completed the work in this session. Or, he could have indicated in his submissions that all the points he raised were of little validity, no relevance, and no significance and that this Bill was coming back to us in exactly the same form in which it appeared in the last session. Madam Speaker, if that is the case, then I wonder sometimes about the usefulness of being a representative in the Parliament of Trinidad and Tobago, if what we say is going to be treated with such scant courtesy by the other side.

Dr. Singh: Me too!

Mr. T. Sudama: Let us not forget, all of us on this side represent people. Perhaps, the Government may not think so, but we represent people in various constituencies, but moreso, we are a part of the representation of the whole of Trinidad and Tobago, therefore, when I come to this Parliament, I come here fully cognizant of my responsibilities and to discharge those responsibilities! But if I come here and I am given the impression that this is a rubber-stamp Parliament and that all the Government tries to do is “mamaguy” the Opposition and, in turn, the population, then it does bring into serious question the functioning of this House of Representatives as part of the Parliament of Trinidad and Tobago.

Madam Speaker, given that brief history of the aborted committee that was set up by this House, I now will have to go through this Bill, clause by clause, as I did in my original submission. I will have to re-make the submissions I made when I spoke in the last session.

Mr. Manning: Wait until the committee stage.

Mr. T. Sudama: I will re-make the submissions in the committee. I will keep you here till midnight, if need be.

Mr. Manning: No problem.

Mr. T. Sudama: I do not know if you have another “mamaguy” session. Where are you going? I know you went to Tunapuna last week.

Mr. Eckstein: Oropouche.

Mr. T. Sudama: He is welcome to come to Oropouche. I will have to tell the people of Oropouche about his response to the flooding of last year. All that will be in due course. I am fully prepared. When you go there, you will know what you are meeting. I give you ample warning.

Madam Speaker, the next point I wish to make, on which the Member for Diego Martin West made heavy weather, was the question of the very long gestation period of this Bill.

Dr. Singh: Not the normal pregnancy.

Mr. T. Sudama: This Bill was being worked upon since 1982—we are now in 1994—and it was republished in 1991, as a result of which there were comments from a number of individuals and organizations. It took a long time. Then on the basis of those comments, technical officers who had some responsibility for this legislation held 16 meetings up to April 1992; then a report was submitted to the Minister of Planning; then he asked that five issues be looked at and then seven meetings were held between July and September, 1992; and then a report was accepted by the Cabinet which gave instructions to draft this Bill.

Madam Speaker, I do not care if this Bill has been in gestation for 25 years! My concern is that when this Bill gets to this House they cannot treat this House as a kind of rubber stamp—they cannot take this House for granted. When it gets here, then I will have to look at the provisions of this Bill, regardless of how many technical officers drafted what. I have to look at it again because I am a representative of the people and technical officers are not representatives of the people. They have a technical role to play and I have a specific function here in this House of Representatives of this Parliament.

Therefore, merely by relating all the background work that went on and how many technical officers were involved and how many meetings were held to discuss this Bill, cuts no water with me. It has no effect on my willingness or inclination to give this Bill speedy and clear passage. I believe by relating all this, that was the Member’s intention—to say we have gone through all this: there is nothing more to discuss.

Dr. Singh: A matter of procedure.

Mr. T. Sudama: It is just a matter of coming here and putting it before the House procedurally, as he puts it. This is a House of procedure. Of course, having put it to the House, the “ayes” will have it and that will be the end of the matter! Well, I want to disabuse him, if that was the notion of bringing this Bill in the manner in which it came in this session.

He spoke on a number of issues. As I look through my notes, Madam Speaker, I again have to raise these matters which I raised on the last occasion. We were seeking, for example, to deal with the question of the comprehensiveness, or otherwise, of the definition of “person interested” in the land which was the subject of acquisition.

Now we have raised the question whether someone who was in occupation of land and had some sort of interest by way of the existing law, that is, if he was in undisturbed occupation for 14 or 16 years or more but he was not the legal owner of the land, what was the nature of his interest in that land and is that interest recognized in this legislation?

It is a legal point and we thought that we would have gotten some clarification on that. Obviously, the law as it stands, whether common law or otherwise, does give a person who is in undisburbed occupation of land for more than 16 years, a certain right to that land. Now is that right incorporated in this legislation? Is that interest incorporated in this legislation, or is it not? And if so, why not?

In the interpretation, section 2, it outlines “person interested” and includes “interest arising under a statutory lease” and so forth. But it goes on to say that—

“except as provided for in paragraph (b)(i) does not include a tenant at will, a tenant at sufferance, or a tenant holding from month to month or for some lesser period.”

Now, the instance of which I spoke of the person having an interest in land, does that come under one of the exclusions which I have identified, or does it not? Because we have to explain this to people who come to us to ask about clarification on laws which are passed in this House. They come to us and, as people who are involved in the passing of laws, we should be in a position to enlighten them as to what we have done in this House. As I said, it is a matter which was raised and on which we have not been given any definitive word as to the position, so we raise it again.

2.35 p.m.

I go to clause 2 (2):

“For the purposes of the Act ‘interest’ does not include improvements made by any person to land where such improvements are made without the planning permission required under the Town and Country Planning Act.”

Madam Speaker, I made mention of the practicality of this subclause because there are so many instances where people have made improvements to land without the planning permission required by the Town and Country Planning Act. There may be thousands of cases of that nature, some of which may come under the subject of acquisition by the state. That is a reality and when we are passing laws, we have to deal with the reality.

There is a provision in clause 12 (8), to the effect that in determining compensation, the person who has an interest in land can have his position regularized if he did not have prior Town and Country Planning permission. If that is the case, then the clause as stated here ought to read, "but subject to clause 12 (8)", because as it is here, it means that when the acquisition process is put in motion, if one never had Town and Country Planning permission, whatever improvements were made to the land would not be taken into account. But later on there is a provision which states that one can subsequently apply to the Town and Country Planning Division to get belated permission for the improvements which were made. Therefore, this clause is not very clear and needs to be subject to the provisions of this later clause 12(8).

As I said, Madam Speaker, we have to make it absolutely clear to the extent that we could. Legislation when passed by this House should be clear and should not be subject to different interpretations which would require going to court and going into extensive litigation to get the clarification. It is for that purpose I raise that issue.

Madam Speaker, I remember when I first spoke on this subject, the issue of “public purposes” was something on which I spent a very long time. I mentioned that in the present Bill, "public purposes" was not defined. All this Bill does is amplify whatever notion we may have of public purposes by saying at clause 2 (3) that it:

“. . . includes the purpose of fulfilling any obligation of the State under any treaty or agreement made by the Government with the Government of any other country, territory or place, and any purpose pertaining or ancillary thereto.’

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That is, of course, not a definition. That is adding to whatever definition or whatever conception of "public purposes" may already be held.

I was very emphatic on this point—we wanted a clear definition and declaration on this. When I raised the issue on the last occasion, the Member for Ortoire/Mayaro said that there is a clear notion of what "public purposes" means in the law. Madam Speaker, it may be to him, but it is not clear to me. The amplitude of the definition of "public purposes" is not clear to me, because when we raised this matter, we saw that the acquisition of state lands in the past was used for political and electoral purposes—and we gave examples in this House—an abuse of the process of land acquisition, unless gaining electoral victory and electoral advantage for the ruling party, the PNM, is a public purpose; unless we broaden the definition of "public purposes" to include electoral advantage; whether it was under the old PNM or whether it is under the new PNM.

We made reference in this House to land purchased by the State for public purposes in 1961, I think it was, land owned by the late Bhadase Sagan Maraj purchased, ostensibly for public purposes, but land which was never used for public purposes. That was a situation where an attempt was made to bribe the late Bhadase Sagan Maraj to enter into the electoral fray in 1961 and for which he was paid the princely sum of \$1 million.

What has happened, Madam Speaker? I understand that people have gone onto the land; people are squatting on the land. It has never been used. There were some tenants on the land whose status, up to today, has not been regularized. The public purpose was an electoral purpose, to bribe Bhadase Sagan Maraj. That was the purpose. Very much money from the Trinidad and Tobago Treasury was spent for that purpose.

As I said, this land acquisition procedure has been abused in the past. We do not want it to be abused in the future, therefore, the determination of what is a "public purpose" cannot be left solely to the discretion of the Cabinet of Trinidad and Tobago, whoever may be in the Cabinet. That cannot be left solely to its discretion.

I want to say that there are two procedures which I see under this Bill. One is a fast-track procedure where expeditious action is needed in cases of emergency, and there is provision in this Bill, I think under clause 5, where the President can—that means the Cabinet can do so:

". . . declare that land is required for public purposes."

Therefore, all the processes which have been put here to be observed can be by-passed.

Madam Speaker, my contention is that the vast majority of acquisition of State land for public purposes are not matters of emergency. Therefore, the procedure in those cases ought to be a prior resolution of this Parliament that the land is required for public purposes. When they come to this House, they will be subject to the scrutiny of this House as to what are public purposes and whether those public purposes stated by the other side are legitimate and valid. Once this House gives its approval as to what public purposes are and passes the necessary resolution, then all the other procedures in this Bill come into play and there will be no need to come back to this House to get a resolution passed. A resolution is passed prior to the decision being taken and not after. You do not come after the resolution has been passed to get that decision rubber-stamped, Madam Speaker.

2.45 p.m.

If this House is to serve any function at all, it has to serve the function of a check on executive authority and executive decision-making, to see that power is not abused, as has been the tendency on so many occasions by the Executive, particularly in a situation in our kind of system, where the Executive dominates the Legislature, and where, for very many things, all they have to do is come here, as in the case with land acquisition, get a simple majority, pass a Bill, and therefore the decision that such an acquisition will be passed in the House is really anticipated at the Cabinet level.

We are saying if that is going to be the case, we want to have a prior debate on the purpose for which land is going to be purchased, which public purpose, and that should be subject to the scrutiny of a committee of this House. Because, as I said, in the vast majority of cases, maybe 99 per cent of the cases of land acquisition is really not a matter of any great emergency. They can be expedited by the work of the committee. But in that committee, we should be in a position to question Ministers, and technical officers to really get behind the proposal to acquire land for public purposes.

After that has been done, then there would be no problem in expediting the procedures under this Act: for making the proper declarations in the newspapers; for giving the Commissioner power to enter upon lands for investigative purposes; for evaluating compensation and whatever it is, and giving due notice to the people who have an interest in land. We are arguing in this House that for the vast majority of cases, that procedure ought to be adopted so that we have the

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opportunity, as Members of this House, to question and to satisfy ourselves that the public purposes, ostensibly stated, are, in fact, legitimate and valid.

Therefore, I had proposed on the last occasion that with respect to clause 3, there should be an amendment which gives effect to our contention, and that amendment would read:

"When it appears to the President that Parliament has resolved that any land is likely to be required for any purposes which are public purposes, a Notice to that effect shall be published—

- (a) in the Gazette; and
- (b) twice in at least one daily newspaper circulating in Trinidad and Tobago."

So that is the amendment I would like to be considered in the committee stage. It goes to the very heart of this submission.

Madam Speaker: You will be circulating the amendment?

Mr. Sudama: Yes, Madam Speaker.

In other words, the publication of any such notice has to be after—

Madam Speaker: In other words, your amendment is seeking to delete the words, "in the opinion of the President"?

Mr. Sudama: Yes. Because what we are arguing here, "in the opinion of the President" merely means in the opinion of the Cabinet, and the Cabinet could have all sorts of opinions. But the very fact that it is brought to this House to get parliamentary approval, means that this House has a role to play. What we are arguing is that the role should be played prior to getting into the process of land acquisition. If the Government feels land should be acquired for certain public purposes, after it comes to such a conclusion, the proposal should be brought to this House and we should have the opportunity to scrutinize the purposes and to ask questions and get answers from members of the executive and the public servants and technical officers, as the case may be. Simply, I am advocating that this matter of initial approval by the Parliament be put before a committee.

I had also made the point that "the publication be made twice in at least one daily newspaper circulating in Trinidad and Tobago". The question I will ask is: Why one daily newspaper? Why could this publication not be made at least once in two daily newspapers? People read a particular newspaper and if I happen not

to read a newspaper and it appears in that particular newspaper; it may appear 100 times in that newspaper, it would not come to my knowledge.

So that, yes, the argument was taken that the *Gazette* has limited circulation, but then when you attempt to broaden that, you are limiting it to one newspaper.

Madam Speaker: The words, "at least" you are not giving recognition to.

Mr. Sudama: Right. I am saying that we put, "to appear once in at least two daily newspapers."

There are some other minor amendments which I will make in the committee stage.

I am looking at this Bill from the perspective of the landowner, the person having an interest in land. Under Clause 3(5):

"The Commissioner may—

- (a) after seven days, not including Saturdays, Sundays and public holidays, from the date of publication referred to in subsection (1)(a) have elapsed; and
- (b) whether or not representations have been made under subsection (3), enter upon the land for investigative purposes only and do all or any of the following things:"

Giving a person who has an interest on land only seven days before the Commissioner enters upon the land for investigative purposes is rather too short a notice. So to deal with the inequities in the existing legislation under section 3 where the Commissioner has the power to go on the land immediately on a notice appearing in the *Gazette*, and to redress that, then certainly just giving seven days' notice is not sufficient, because within that seven days it may be very likely that the person who has an interest in the land may not see the publication. Therefore we are asking that the period of seven days be extended to six weeks. When this Bill was originally published in 1991, that period was really two months. So land acquisition and taking away people's property rights is a very serious business and it cannot be dealt with in this very autocratic manner by giving just this very short period of notice.

2.55 p.m.

When one goes onto land—the Government has argued that at this point in time it is only for investigative purposes—what does that imply? As clause 3(5) states, to—

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- "(d) dig or bore into the subsoil of such land;
- (e) do all other acts necessary to ascertain whether the land is adaptable to the purposes...
- (f) set out the boundaries...
- (g) mark levels, boundaries and lines by placing marks...
- (h) cut down and clear away any standing crop, fence, tree or bush...
- (i) set up and maintain gauges...
- (j) do all such other acts as may be incidental..."

What, in fact, the Government is doing is giving notice to the world that this piece of land is going to be acquired by the State. So, it is bound to affect the value of the land and the options available to the landowner, after all these things have been done.

Therefore, our argument is that a longer period of time needs to be provided in the law to get the person who has an interest in the land to be fully appreciative of what is contemplated, and to take whatever action necessary in the situation.

The person who owns the land, or has an interest in the land, has the opportunity to make representation to the Secretary of the Cabinet in respect of the acquisition. In the Bill it is stated that whether such a representation has been made or not, the Commissioner has the power to enter onto the land. The question one has to, therefore ask, is: What is the purpose of making representation if, regardless of whether one makes a representation—valid or otherwise—the Commissioner can still go onto the land and do all these things which he is empowered to do, in this piece of legislation, which, in fact, will substantially change the options available to the landowner?

We feel that in the interest of equity, that time period should be addressed and lengthened. We are proposing six weeks instead of the current seven days in the Bill.

We on this side are also stating that the Commissioner ought not to be given this power until action has been taken on the representation. The person has the power to make representation to the Secretary of the Cabinet and when action has been taken on the representation, the Commissioner will then have the power to enter onto the land for investigative purposes.

Madam Speaker, we had also spoken about making this piece of legislation as acceptable as possible to all concerned. The State has its interest on behalf of the people of Trinidad and Tobago, but the person who owns property also has an interest. He has his own rights to property and so forth.

The question of compensation is a matter which has bedeviled the land acquisition procedure for a very long time. I had asked the question about compensation contemplated later on, to which the Member for Diego Martin West said that much thought has been given. Therefore, this is one of the areas in which there was an improvement on the draft legislation over the existing one. It states categorically in this Bill at clause 4(4) that:

"(b) any person entitled to the land becomes entitled to repayment of all expenses reasonably incurred by him as a result of the publication of the Notice under section 3(1)(a), up to the date of publication under subsection (2) of this section, but no compensation is payable in any such case for loss of bargain or for damages for breach of contract."

No compensation is payable for loss of bargain, for damages or for breach of contract. I suppose what is contemplated here is that if there is any contractual obligation entered into by the State, which is breached, the person cannot get compensation on that basis.

What is meant by "loss of bargain"? That has not been clarified. Does it mean, for example, that though the landowner could have used the land for an alternative purpose, and where he could have obtained a higher value for the land, because of the acquisition procedure he would have to accept a lower value for the land? Is that loss of bargain? If that is loss of bargain, is that fair to the landowner? What about the period of time when the landowner suffers loss of use of the land? From the time the Commissioner has the power to go onto the land and enters upon it, one would imagine that the owner does not have use of that land.

The landowner may have crops on the land and so forth; and a mature crop will not have the same value as a crop which is in its infancy, but depending on the length of time it takes for this acquisition procedure, the owner might not have the use of the land. What about the loss of use? Will that be calculated in determining compensation? We feel that this matter of compensation has to take these questions which we have raised into account.

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In clause 5 there is a provision for dealing with the expeditious acquisition of land. This is under clause 5(4):

"...land may be acquired for public purposes where the President is of the view that an acquisition under this subsection is necessary to expedite the acquisition process in the national interest."

There is the provision for expeditious acquisition, but as I have been arguing, where that situation arises is going to be the very few cases in the whole number of proposals for acquisition.

3.05 p.m.

This is the fast track, and we are saying, yes that there is need for fast track in certain limited situations. In those cases we are willing to look at a procedure which will give the power to act expeditiously. It cannot be the same procedure for all acquisitions. This Parliament should be in a position to review that acquisition to ensure that the rationale for that speedy acquisition which by-passes the normal procedure of acquisition laid down in the Bill, is justified. It is only through those means that this Parliament, this House of Representatives can carry out its proper monitoring functions.

We had also raised the operations of the Lands and Surveys Department, and the role of the Commissioner, whose function is also to be that of Director of Surveys. If the provisions of the Bill are going to be expeditiously implemented, then surely, a number of things would have to be done to bring the Lands and Surveys Department up to a minimal level of efficiency.

I know of situations where matters have gone to the Lands and Surveys Department and remained there for a very long time. They cannot deal with those matters because of the lack of resources, surveying personnel, the number of persons employed to carry out all these functions which are placed under its responsibility. If we are talking about more expeditious acquisition of land, where the Lands and Surveys Department will have to do much more work, and do it far more quickly, if we are going to give meaning to this Bill and to the objective of this Bill then, the Government should come to this House and indicate to us what is the present position with regard to the operations of the Lands and Surveys Department, its function, resource availability and its capacity to carry out the provisions of this Bill as intended.

On the question of giving approvals, I understand that even if land is owned under the Real Property Ordinance, which has to deal with the sale or transfer of

those lands, it has to obtain the Town and Country Planning approval, which means a prior investigation by the Lands and Surveys Department.

There are cases in my own constituency where people have tenanted lands owned by Caroni Limited for a very long time and they now want to purchase that land. Caroni Limited has surveyed the land, has agreed on the purchase price, and now they are being told that unless they get the Lands and Survey Department to do an investigation and to give the required approval, this transaction cannot be effected. There are many cases of that nature which, previously, could have been done without the intervention of the Lands and Surveys Department.

I raise this question of the functioning of the Lands and Surveys Department in that context, and the role that it would be required to play additionally under this Bill. More burden is being put on the Lands and Surveys Department because it is being given more work to investigate all these cases where land is going to be transferred.

The Town and Country Planning operation of redefining the uses of land is a dynamic thing, in the sense that land has different purposes and different uses. I understand that the Town and Country Planning Division is guided by the fact that land is for agricultural and industrial purposes, housing and commercial purposes.

Over time as a country develops, there is need to change the land use from existing purposes to other purposes. A number of constituents have applied, to build on lands which originally were for agricultural purposes. Every time an application is made to the Town and Country Planning Division—

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. K. Jurai*]

Question put and agreed to.

Mr. T. Sudama: I was making the point that every time an application is made to the Town and Country Planning Division the stock response is, "We cannot give you permission, this land is designated for agricultural purposes." But, someone has commercial premises next door to this land and on the other side, the land is used for industrial purposes.

In other words, the Town and Country Division has not up-dated its land use policy and its land-use regime. Therefore, such a person has to apply to the

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Minister for approval if he has to get the Town and Country Planning Division permission. Why put citizens through all this trouble when the operations of the Town and Country Planning Division, and its role in planning land usage is outdated and totally inadequate? That is an issue which will come up in respect of the land acquisition procedure.

We had raised that where the acquisition procedure is abandoned, we find that the aggrieved party, the person having an interest in land, has to wait far too long to get back control over his land. In clause (9) it says:

"Where, in any case to which section 8(1) applies"

That is land deemed abandoned—

"no declaration has been made under that section by the President within six months of the publication of the Notice under section 3(1)(a), any person interested may serve a notice on the Secretary to the Cabinet requiring that one of the following steps be taken in respect of the land, or any part thereof"

We are saying that six months is rather too long to deprive a man of the use of his property after the publication of the Notice, and we feel that, in the interest of equity, that period should be reduced to three months. The Government should be in a position to put its house in order within three months to allow that land to go back to the person whose land was the subject of acquisition.

We had raised the issue also that under this Bill special powers are given to the Highways Authority under the Highways Act to "exercise the powers conferred by this Act for the entry into, acquisition and taking possession of land required for the improvement of existing roads, and the making of new roads.. " This is a power that is being given so that lands can be entered into very quickly and by-pass some of the provisions of a normal acquisition because of the possible emergency nature of the action that may be required by the State.

3.15 p.m.

I think that we have agreed that we need to give that flexibility to the Government through the Highways Division. Although, I do not know the present Minister, he has that flexibility whether things would be done in a very expeditious way, or efficiently, or without misuse and mismanagement of State funds. [*Interruption*] I would deal with that a little more when we come into that debate. By the way, when is the debate on the Road Improvement Fund Programme coming up? The Speaker does not decide that.

I had argued that with respect to drainage the need is even greater. The acquisition for the purposes of dealing with flooding and drainage problems in Trinidad and Tobago, and the need to have this fast tracked is even greater. I would have thought that when this Bill was re-presented in this House today, some indication would have been given that whereas there was a First Schedule Acquisition in special cases, Part I, Highways Authorities, there would have been a similar schedule dealing with acquisition in special cases for drainage authority in this land.

It is clear that dealing with drainage problems is a matter of far greater urgency than constructing or upgrading highways. Many of the drainage problems in Trinidad and Tobago are caused by the fact that there is no reserve on the embankments of river courses and natural water courses. If there are reserves, nobody knows, especially the Ministry of Works and Transport. If there are no reserves, then people would encroach right up to the embankment and when they plant on it, the Government would be unable to put equipment on those embankments in order to clear or widen the drains.

For the purposes of identifying the reserve on the embankments of drainage courses, we need to look at how expeditiously land could be acquired by the state, and by doing so, there would be the facility to deal very quickly with drainage problems when they arise, or when planned drainage works are to be implemented.

I have raised this question time and time again in this House, both on motions dealing with land acquisition, as well as motions dealing with flooding in Trinidad and Tobago, which affects my constituency so disastrously and so very often. Yet, despite all the pleas, a simple inclusion in this Bill would give the drainage authority this power. The Member for Diego Martin East agreed with me and it is very seldom that he agrees with sense, but on this occasion he got up to make a big speech that he was delighted that I raised the issue, as if he is not a Member of the Government, and he cannot speak in Cabinet, or at its caucus meetings and raise these issues for himself. It is as though he is not aware, and therefore he has to rely on me, a Member of the Opposition, to raise that matter to commend it, and then to say he thinks it is a very good suggestion.

If it was such a good suggestion, how is it that now this Bill is reintroduced, there is nothing about including emergency powers for the drainage authority with respect to land acquisition? Is it because he has no say in the Government, in Cabinet or elsewhere, or that if he talks his views are not considered and they are considered irrelevant? Maybe this is an indication of where he is.

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We had raised the question of the factors that would be taken into account in determining compensation. Part III clause 12 (1) (b) states:

"the special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of statutory powers, or for which there is no market apart from the special needs of a particular purchaser..."

We had indicated that we felt that this was rather too restrictive a provision when dealing with compensation. The argument that came from the other side is that people should not profit from the special adaptability or suitability of land for any particular purpose. We are saying why should they not benefit because the land is specially suitable for some other purpose, which had it been applied, they would have received a greater benefit from it? We on this side feel that is rather restrictive.

Part III clause 12 (2) states:

"The rule set out in subsection (1)(a) does not affect the assessment of compensation for any damage sustained by a person interested by reason of severance, or by reason of the acquisition injuriously affecting his other property or his earnings, or for disturbance or any other matter not directly based on the value of the land."

Again, we raised the issue that if all these exclusions are going to be made this is not being fair to the person who has an interest in land and if his earnings are going to suffer or there would be injury to another part of his property as a result of the acquisition by the State, then we feel that these matters should also be taken into consideration in determining the compensation that is paid.

Clause 3 states:

"In making an assessment under this Part, the Judge shall—

(b) not take into account—

- (i) an interest in any improvement to the land made without the planning permission required under the Town and Country Planning Act;"

As I said this provision is unrealistic in view of what is happening in Trinidad and Tobago and the thousands of cases of improvement to land which have been made without the explicit permission of the Town and Country Planning Department. In so many cases, it is not the fault of the landowner because when

application has been made there is great delay and dilly-dallying on the part of the Town and Country Planning Department, so that persons have to go and put the land to some proper use.

3.25 p.m.

It is unfair not to take that into account after they have expended resources in that kind of development without permission due to no fault of their own. It may be that the Town and Country Planning was putting onerous conditions on their application for development and they went ahead and did what they had to do. We feel that is not justified, given the existing reality and that some consideration ought to be given to these improvements in assessing compensation.

It says in clause 12(4) that:

"In making an assessment under this section, the Judge is entitled to be furnished with and to consider all returns and assessments of capital value for taxation made or acquiesced in by the claimant and such other returns and assessments as it may require."

This assumes that assessments or returns of capital value for taxation are updated. I cannot understand the relevance of this provision when there are situations where taxes are paid on assessments which are completely outdated. What is the value of putting this provision in? If they are going to make an assessment on the basis of market value—I imagine that is the way any reasonable authority would proceed—then why do we need to have recourse to returns and assessments for taxation purposes which may be totally irrelevant to the exercise?

Let us look at clause 16. Again, we feel that this is rather unfair to the owner or the person who has an interest in land.

"(1) No account shall be taken of any depreciation of the value of the land acquired which is attributable to the fact that whether by way of designation, allocation or other particulars contained in the operative development plan made under the Town and Country Planning Act or by any other means, an indication has been given that the land is or is likely to be acquired by an authority possessing powers of compulsory acquisition."

A person has land, it has a certain value; an indication is given that the land is designated for certain purposes which may be the subject of compulsory acquisition, immediately the person suffers loss because the land falls in value.

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This fall in value is due to no fault of the landowner. Why should he suffer a loss as a result of the Town and Country Planning Division or some other authority making a decision for compulsory acquisition?

We are saying that there are a number of things in this Bill which ought to be dealt with in order to address compensation fairly and equitably. If the Government wishes to be fair to the persons whose land it is taking away, summarily, affecting their property rights in a way in which they can have no redress after the acquisition procedure has been completed, then adequate and reasonable compensation ought to be given in all these cases.

We also made the comment on the last occasion that there is too much discretion left in the hands of the Commissioner or other such persons under clause 22(3), where it says:

"Subject to subsection (6), the amount of any advance payment under this section shall not exceed eighty per cent of an amount equal to the compensation as estimated to be payable under this Act by the Commissioner."

This is one of the new features of the Bill, which is said to be an improvement on the existing legislation, where an advance payment could be made. Under the existing legislation it is a purely discretionary matter as to amount and when that payment is to be made.

Here we are putting into law that an advance payment must be made, but we are giving a discretion that it shall not exceed. In other words, they are leaving it to the discretion of the Commissioner or some other person that they can pay one per cent advance payment or 80 per cent. We are proposing that if this provision is to have meaning, after they have gone through all the procedures under this Bill—published the notice, investigated and decided that they will purchase the piece of land and all that is required is the question of transfer of the title of the land, the compensation should not be less than 80 per cent advanced payment to indicate that he is adequately compensated for the loss of his property, even if the final arrangements have not been put in place.

We are arguing that that discretion is too wide and that we should amend the clause to read:

The amount of any advance payment under this section shall not be less than eighty per cent of an amount equal to the compensation as estimated to be payable.

When we first dealt with this matter in the last session, I had gone through this Bill in considerable detail, to make amendments. I had made proposals for a review of certain of the provisions. I did not want to look at this Bill on a clause-by-clause basis because when one debates a matter in Parliament one should look at the broad objectives and discuss the policy aspects of it and leave the detailed analysis to a committee situation, where one can argue and go into the minutiae of the Bill. There are still a number of matters which have been left hanging. If we are going to do justice to the people of Trinidad and Tobago and this Parliament, we cannot allow the committee which we had established in the last session, to be aborted. A number of issues were raised there—and we had gone into about half of the provisions of this Bill.

I am recommending, therefore, that in order to complete the work which was started, we resubmit this Bill to a committee of this House. We should listen to all the arguments, problems and concerns raised and get some clarification, possibly a consensus, on the various provisions and areas of disagreement and conflicting views.

3.35 p.m.

That new Bill, after the discussions in committee, will then have the full backing of all the Members of this House, and then we would have achieved a measure of consensus, and truly, we would have advanced the cause of parliamentary democracy in Trinidad and Tobago.

While it may entail a bit of delay, it is better to have a delay in the national interest, than legislation which will create problems for the Government in the future, and which may be the cause of litigation in the courts, and the very thing we are trying to do, to expedite land acquisition, may be held up because some provisions of this Bill are either not clear or violate certain fundamental provisions of the Constitution as seen by some. Whatever the reason, we want to minimize the need to have this legislation further clarified by the courts of law.

That intervention, Madam Speaker, my Friend from St Augustine reminds me is a little more than procedural, but if another procedure was adopted on the other side, there would have been no need for me to make this intervention and to re-emphasize the points which I made on the last occasion when we discussed this Bill. We could have advanced the passing of this legislation had another procedure been adopted.

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I am recommending that we do re-commit this Bill to a committee of this House to examine it in its minute aspects and implications and come back with something on which we will have consensus and general approval.

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, before I get into the meat of the subject, allow me to disabuse the Member for Oropouche of any intention on this side to "mamaguy" Members on the other side. If you will also permit me a little diversion into the origins of the language, my understanding is that the word "mamaguy" comes from two Spanish words, "mama gayo" and it has its origins in our Spanish history relating to cock-fighting.

There is no intention here to "mamaguy" anybody. *[Interruption]* I was not going to go on, but since the Member insists— During a cock-fight at some point— *[Interruption]*

Madam Speaker: Do you really want to go into that? I do not think the Member ought to take that bait and go into the realm of cock-fighting. Could you please carry on?

Hon. C. Imbert: Thank you, Madam Speaker. The Member was at pains to make the point that this Bill required a comprehensive review, which could only be done in a select committee or a joint select committee. However, if one looks at the points raised by the Member for Oropouche, a number of these issues do not really need the deliberations of a select committee or joint select committee. As a matter of fact, I am of the view that this Bill can be taken through all its stages and some of the points raised by the Member for Oropouche can be tidied up at the committee stage.

If one really looks at the points that the Member made, for example, as on another occasion, he asked: What is the status of a person who is not in legal occupation of land, or a person not covered explicitly under clause 2(1)(e) of the proposed legislation? He questioned whether such person had any rights as a squatter, or words to that effect.

I do not think we can legislate for that type of eventuality. I think if someone has rights to land under any existing legislation, then one can treat with them. If one does not have rights, I do not think we can put that into this legislation, so I do not think we need to belabour this point anymore.

I also do not believe that a person who has taken possession of land illegally should be afforded equal or superior rights to someone who has purchased land or

inherited it. The Member for Oropouche also referred to the question of the definition of interest in property and pointed out the legislation excluded improvements made without permission from Town and Country Planning Division. One must legislate in an orderly and disciplined manner. One cannot legislate to take account of any possible eventuality. For example, a person may have a piece of land that is deemed to be used for agricultural purposes and may erect a factory on it, or a large industrial enterprise, which certainly would not be allowed by the Town and Country Planning Division. It is very difficult in such circumstances to legislate that to determine the value of the property, one must take account of whatever exists on the land. What may be on the land may be illegal, it may be inappropriate or it may be dangerous, so I think we have to go with an orderly and disciplined regulation and we have to deal within the framework of our planning regulations.

Mr. Sudama: Could the Member give way to a question? If he is conceding that, is he saying that by not taking action against any illegality that he is condoning the illegality? An illegal structure is put on land and that illegality is allowed to continue but when the State comes to acquire the land, it is suddenly decided that the illegality cannot be contemplated anymore cannot be contemplated anymore. That seems to be a contradiction. Is this what he is saying: it is all right to condone but not to compensate?

Hon. C. Imbert: No, Madam Speaker. For example, someone may receive information that land is about to be acquired and immediately erects an illegal structure on the property. One must work within the framework of some orderly and disciplined system. If it is believed that one has improved property, then I think that one has recourse through other areas of legislation.

In the case of this Land Acquisition Bill, I think we must have a clearly defined framework. If a person believes that his rights have been infringed, then I think he should seek recourse through some other legislation.

This Land Acquisition Bill merely sets the parameters within which one would seek to acquire land, one would seek to determine the value of that land and to evaluate the amount of compensation for that land. We must have certain clearly defined parameters. I think we cannot move into the realms that the Member for Oropouche would like us to.

3.45 p.m.

The Member for Oropouche also spoke about the meaning of 'public purpose'. I think there is sufficient precedent on that matter. I think this matter has

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been challenged in the courts on several occasions, and I think it is clearly defined, exactly what public purpose means. Clearly for the benefit of the public; and that is the widest interpretation, for the benefit of the public, the wider citizenry and so forth. As I have said that has been determined in the courts, and the law is dynamic, as you know, and evolves, and any acquisition can be challenged in the courts to see whether it fits within the interpretation of the meaning of public purpose, I do not think we need to belabour that either.

The question of due notice, publication and so forth. The Member made a suggestion that instead of once in two newspapers it should be twice in one newspaper. *[Interruption]* My mistake, rather than twice in one newspaper, he was suggesting once in two newspapers. Madam Speaker, I think that is something the Attorney General could address at the committee stage, that is not a landmark issue.

In clause 3(5), the Member complained that seven days' notice was too short to allow the Commissioner to enter property for investigative purposes; that the owner should be given time to deal with the possibility of land acquisition, perhaps to make arrangements for disposal of the property. I am not sure exactly what the problem was, I do not know if it was a philosophical point the Member was making, but under clause 3(5), the Commissioner is simply entering the property, and I think this little issue needs some explanation—simply to do surveys and to carry out engineering tests. There is a provision for any damage that is done to the property during the process of carrying out these tests and surveys. For example, if one looks at the cutting of shrubbery and bush and so forth, it is specifically for the purpose of carrying out surveys, it is not *carte blanche* removal of any crops or vegetation that may be on the property. It is just to set up proper lines and so forth for the surveying instruments, so that the damage to the properties would be minimal. I do not think that any owner would be traumatized to the extent that the Member has suggested.

In addition, the purpose of entering on the land for investigative purposes quickly, one wants to do so quickly—so that one can determine whether the land is suitable for the purposes earmarked. One may do a soil boring and discover that the soil strata is weak, and therefore, the land may not be suitable for the construction of a road, a bridge or a public building. So one wants to get on to land very quickly to determine whether the land is really suitable for the public purpose identified. I think the sooner one gets on to the land, the sooner one would determine whether one wants to proceed with the acquisition process or not. I do not agree with the Member for Oropouche on that issue.

The Member also felt that the process of acquisition should not proceed until Parliament has sanctioned it. I assume I am correct in that interpretation. Madam Speaker, that really brings up the dichotomy between the Executive, the Parliament and so forth. A government must have a certain flexibility available to it, in order to manage the country and in order to serve the interests of the citizens. I see these as administrative matters. If the Government, the executive, wishes to acquire land for public purposes—this is done on a number of occasions on a regular basis—why on every single occasion should the Executive come before the Parliament for approval before starting the process? I see that as an unnecessary bureaucratic humbug. I do not think it is practical, and I see it as slowing down the administrative machinery and reducing the effectiveness of the Executive.

I do not see any reason to change the provisions in the Bill, whereby at the end of the process the Parliament may question the purpose of the acquisition, the whole acquisition process itself, and the Parliament, if it is so minded, may decide it does not wish to proceed. One of the fundamental requirements is the Order of the President in clause (5). The acquisition process is not complete until the Order is published; the Order cannot be published until Parliament passes the resolution. If there are serious concerns about the acquisition of a particular piece of property, I see no reason why we need to come at the preliminary stage to do investigations and to work out the value of the property. I see no need for that. If it is a serious matter it can be dealt with at the stage where the Order comes for resolution before this Parliament.

Madam Speaker, the other salient point the Member raised was the reversion of the property to the owner within a prescribed period; the Bill has a period of six months. The honourable Member was of the view that it should be three months. Again, I come back to that question of entering onto lands for investigative purposes. I do not believe that three months is a sufficient period to carry out certain detailed engineering investigations that may be required. There may be need to bore holes, and do other tests and so forth, and I think that three months would be cutting it a bit tight. Within that three months the process has to be completed, notices published, property valued, and site investigations carried out. One then has to come to Parliament, get the resolution passed; then the President has to publish the Order and so forth. Those are time-consuming activities. I speak from personal experience, and I do think that six months is more appropriate. I think the preliminary work would take at least three months and then the parliamentary matters may take another month. I think three months is cutting it tight.

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We came to the question of the powers given to the highways authority under clause 10, and whether that should also be applied to the competent authority for drainage, channels and waterways and so forth. Madam Speaker, for tidiness and completeness it is worthy of consideration, but if one looks in the Waterworks and Water Conservation Act, Chap. 54:41, certain emergency powers are given by Section 25, and I shall read from that section.

"Whenever flooding has resulted or is likely to result by reason of the structural failure of, or damage to, any waterworks, or by reason of the obstruction of the water in any waterworks, and, in the opinion of the competent authority, an emergency has thus arisen necessitating the exercise of the powers conferred by this section, the competent authority and persons acting by his authority may enter on any lands and take all such action as the competent authority or persons acting by his authority shall consider necessary to prevent, check or minimise the flooding or to prevent further flooding or to remove the flood water, as the case may be."

3.55 p.m.

Madam Speaker, the definition of "waterworks" in this Act, Chap. 54:41 is very broad and it relates to culverts, dams, weirs, rivers, irrigation channels, any drainage structure of any type. Therefore, emergency powers already exist under the Waterworks and Water Conservation Act for dealing with problems of flooding that exist, or are likely to exist, because of obstruction of waterways. However, for tidiness and completeness the Attorney General may, again, be considering this issue in the committee stage, but as I said, the powers are already there in other legislation, so it may not be necessary at all.

Mr. Sudama: You do not own the land; you do not acquire the land.

Hon. C. Imbert: Well, Madam Speaker, it says that the competent authority may enter on the land and take all such action as the competent authority considers necessary.

Now, there are already general provisions in this Land Acquisition Bill for the acquisition of property for any public purpose which must include drainage channels and waterways; so that the competent authority has emergency powers to move in immediately and deal with the problem. Then the general provisions of the Land Acquisition Bill can be set in motion for the more medium to long-term process of acquiring the land, but the authority can move in right away and deal with the matter. So as I said, the powers are already there in other legislation.

On other occasions the Member raised the question of town and country planning, development planning, and so forth, but the Town and Country Planning Division does have an operative development plan. Operative development plans have been published and once published, the Town and Country Planning Division operates under them.

Mr. Humphrey: There are four different options. That is not a plan.

Hon. C. Imbert: Madam Speaker, I think the Member would be minded to consult with the Town and Country Planning Division and determine exactly which operative development plan is current, but my understanding is that land use for Trinidad and Tobago is clearly defined and these development plans evolve over time, and at some point in the future, as in the past, the Minister of Planning will, in all probability, come to this House to amend the current operative development plan, but Ministers of Planning and Development over the years have come to this House on several occasions and—

Mr. Sudama: Could the Member let this House know when was the last time that a Minister of Planning and Development came to this House to update or amend a national development land-use plan?

Hon. C. Imbert: I am not in possession of the detailed information, but I am sure that information can be made available to the Member.

Mr. Sudama: Why does the Member make statements which he cannot back up?

Hon. C. Imbert: The point I am making is that the Town and Country Planning Division has an operative development plan which it uses to carry out its functions. As I said before, when we are dealing with money, acquisition of property, capital value of lands, we must have a clearly defined framework within which to operate. We cannot bring a series of different interpretations to what should be a very clear-cut issue.

If land is deemed for agricultural purposes, then it is assessed under that heading for agricultural purposes. Persons have recourse to the courts if they believe that the land has more value. If it can be assessed under another heading, then they can deal with it in that way, but we must operate under certain clearly defined parameters.

Finally, Madam Speaker, the Member raised the question of advance payment, and suggested that it should not be less than 80 per cent of the assessed value. One must be practical, Madam Speaker. The payment for lands acquired by

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the state comes out of a fund in an allocation in the budget of the Ministry of Planning and Development. Payments cannot be made unless allocations are made to that fund. In the present economic circumstances, funds are simply not available to make full payment to all of the parties affected by land acquisition.

What this section seeks to do is give the Commissioner some flexibility to make an advance payment before the completion of the entire process. It is an improvement over the existing system. At present, quite regrettably, persons have had their lands acquired many years ago and have not received compensation. This is not the most ideal provision but, at least, it is an improvement and I see it as a practical piece of legislation. Therefore, the Commissioner can make some form of advance compensation to the affected persons. I do not think it is practical to have enshrined in law that a person must get 80 per cent of the value, because even if that is in the legislation, if funds are not available the person will not be paid and, again, he would have to seek recourse.

One should not legislate in an impractical manner, so I do not agree that we should be very rigid about this and say 80 per cent. I believe up to 80 per cent gives the Commissioner more flexibility to work with the funds he has available to him. He may have a hundred persons to deal with and a certain allocation and may allocate 20 per cent across the board in the interest of equity. At least, he can make an advance payment.

Mr. Sudama: I do not think the Member got the point I was trying to make. It gives the Commissioner the discretion to pay someone one per cent and to pay someone else 80 per cent. What we are saying is that there ought to be a minimal amount below which the Commissioner should not go, so that if there is a discretion in favour of one payee or another, at least a minimum level of advance payment is available to all; and beyond that he has a discretion to exercise more or less in favour of other people. If you give him this wide discretion then it could be, as in the case where your ministry makes payments to contractors—some do not get paid at all, and some get for all the work they do—and that involves a level of irregularity and we want to minimize any opportunity for that. This is why I am advocating the need to put a minimal level—whether you agree on 80 per cent or something lower—but you cannot leave it to a discretion which can be exercised from zero to 80 per cent.

Hon. C. Imbert: Madam Speaker, as I said, funding is a critical issue here, and I think it would be very difficult to put in a figure of 10, 20, 30 or 40 per cent without recognizing that we have funding and financial constraints. Again, I think that is a matter that can be discussed at committee stage.

Madam Speaker, I have gone through, as far as I can determine, all the points raised by the Member for Oropouche. I have tried to faithfully represent what the Member has said and I think I have been able to present valid counter-arguments. Therefore, I propose that we continue with this debate and that the Bill be taken through all its stages.

I thank you, Madam Speaker.

4.05 p.m.

Mr. Subhas Panday (*Naparima*): Madam Speaker, I want to congratulate the Member for Diego Martin East in his rebuttal, but I fear that I cannot congratulate him otherwise for he has said nothing original. Nothing substantial came from him. Indeed, as to the Member for Diego Martin West, this has been one of the most inefficient and incompetent presentations coming to this House.

This is a Bill which came to this House and which went to the Select Committee stage. The Member for Diego Martin West was Chairman of the committee, and he came to the House and gave a long story about the gestation period of the legislation before this House, but he failed to reveal to this House that this matter went to a Committee which met on a number of occasions and had reached the stage where it was about to have one more meeting, when it would have presented its contributions in writing so the ends would have been tied up to present it at the last sitting of the Parliament.

Madam Speaker, much work has gone into this Bill and one would have thought, as the Member for Oropouche indicated, that the Minister would have come and indicated to the Court what took place at that committee—

Miss Nicholson: Not the Court.

Mr. S. Panday: Sorry. This House, Madam Speaker—

Dr. Rowley: You do not even know where you are!

Mr. S. Panday: Because of your stupid— Sorry, Madam Speaker.

It seems to me that the Member for Diego Martin East apparently is not speaking to the Member for Diego Martin West. I would like to read into the records a document—*Report of the Special Select Committee of the House of Representatives appointed to consider and report on the Land Acquisition Bill.*

Mr. Manning: Was it laid in Parliament?

Mr. S. Panday: MP. PARL. 16/14/6. It says:

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"Your Committee was appointed on Friday June 10, 1994.

TERMS OF REFERENCE

To consider and report on the details of the Land Acquisition Bill.

MEETINGS

Your Committee held three meetings . . ."

It also says:

"Your Committee sought the assistance of the Office of the Chief Parliamentary Counsel in its deliberations.

Your Committee wishes to report that it has been unable to complete its deliberations on the Bill and recommends that the Bill be reintroduced in the 1994-1995 session and be referred to a Select Committee for consideration."

That is what the Chairman—

Mr. Maharaj: Who signed that? Read the names of the Members.

Mr. S. Panday: Members—Dr. Keith Rowley, Chairman; Mr. Hedwige Breaux, Member; Mrs. Eulalie James, Member; Mr. Jarrette Narine, Member; Mr. Trevor Sudama, Member and myself as a Member.

This is a Paper laid by the Government in the Parliament and today, the Member for Diego Martin East comes to the Parliament and says there is no need to go to Committee.

Mr. Maharaj: The Member for Diego Martin West, too.

Mr. S. Panday: Apparently he is thinking like that.

Madam Speaker, it seems to me that this Bill is not one which creates mischief and confusion, hence the Member for Diego Martin was not in all his glory in his presentation.

The Member for Oropouche dissected the Bill; he went through it clause by clause, and as such he has dealt with the finer intricacies of the Bill. However, at the select committee stage, I had indicated to the committee that this Bill appears to be one which requires a special majority. That was at the committee stage. One would have thought that the Member for Diego Martin West when presenting the Bill would have addressed such an important suggestion on fundamental issues which were raised. Hence, it is necessary for me now to reiterate that argument.

Madam Speaker, this Land Acquisition Bill speaks about compulsory acquisition of land. That means that whether the landowner likes it or not, the Government has the power to acquire his land. It says that this land could be acquired for any public interest and it says at clause 3 (1):

"When it appears to the President that any land is likely to be required for any purposes which, in the opinion of the President, are public purposes,"

And it states what shall happen. Clause 3(4) says:

"The President may take action on a representation submitted . . ."

That is, if the State requires the land, it serves notice and then the landowner has the opportunity to make representation, that is, probably arguing why his land should not be confiscated. But clause 3(5) says:

"The Commissioner may—

"(a) after seven days, not including Saturdays, Sundays and public holidays, from the date of publication referred to in subsection (1)(a) have elapsed; and

(b) whether or not a representation has been made under subsection (3),

enter upon the land for investigative purposes only and do all or any of the following things:"

And it says, as the Member for Oropouche went on to say, to do such things for example, clause 3(5)(h):

"cut down and clear away any standing crop, fence,"

Among other things that the Commissioner can do.

Even if one is objecting, even while the landowner is objecting, could the State enter upon the land to do certain things, interfere with the man's right to ownership of property? That is the question. It goes on further at "PART V—GENERAL PROVISIONS" to say that even if the landowner refuses or objects, clause 30(1) says:

"If any person refuses to give up possession of any land, or hinders the Commissioner or a person authorized by the Commissioner in taking possession of any land,"

That is a case where the landowner says, "No. I do not want to give up my land."

Madam Speaker: You are referring to PART V?

Mr. S. Panday: Yes, please, Madam Speaker. Page 36, GENERAL PROVISIONS, clause 30 (1).

Madam Speaker: Clause 30 (1). I thought you said clause 31.

Mr. S. Panday: Oh! I apologize to you, Madam Speaker. It says:

". . . taking possession of any land, which has been acquired under this Act or on which the Commissioner or such person is authorized by virtue of this Act to do any work or thing, the Minister may issue his warrant to the Marshal authorizing him to enter upon the land . . . and to deliver possession thereof to the Commissioner or to such authorized person."

It goes on also to say what they could do. This is really interfering with people's constitutional rights. I wish to refer to the Constitution, "CHAPTER 1, THE RECOGNITION AND PROTECTION OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS, PART I, *Rights enshrined*."

"It is hereby recognized and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely—

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;"

Madam Speaker, from what we have seen in the Bill the state is interfering with people's right to property. It says those rights shall not be interfered with "except by due process of law".

One may argue, if that is the case, why people did not challenge that former Act, Chap. 58:01 in the Court?

4.15 p.m.

The Constitution makes provision for that. Under Part II of the Constitution it says:

"Nothing in sections 4 and 5 shall invalidate—

- (a) an existing law;"

So those laws which were unconstitutional were saved by Part II, "Exceptions for Existing Law." So that law has been saved by that section. But as we go along, one sees in section 5 of the Constitution, that there are inhibitions on the Parliament. It says:

"Except as is otherwise expressly provided in this Chapter and in section 54, no law may abrogate, abridge or infringe or authorise the abrogation, abridgment or infringement of any of the rights and freedoms hereinbefore recognised and declared."

So that Parliament does not have the power under its normal processes or its normal powers to legislate contrary to section 4. That is why we have section 54 of the Constitution which says that if Parliament brings legislation which infringes or which interferes with section 4 of the Constitution, we must have the special majority and I think it is the two-thirds majority. Hence my argument which I raised at the select committee stage on this matter. I reiterate it here and hope that the Minister will reply in this regard. My first submission is that this piece of legislation requires a special majority of the Parliament.

My colleague, the Member for Oropouche, spoke about the fine details of the Bill. I want to move on to another policy aspect, and that is, to look at the definition of land as one sees it, not only in the Bill, but in the former Act. When one sees the definition of land, it says:

" 'land' means the surface of the earth, the airspace above it, and things other than chattels, upon or below it, including—

- (a) buildings and parts of buildings whether the division is vertical, horizontal, or made in any other way;"

The point I want to raise is this: We have laws for acquisition; we have the former Act and now we have the Bill. So there is legislation in place to acquire land which includes buildings for public purpose. I want to ask, why it is that the Government goes into private treaties with certain people to get their property while they acquire other people's property? I want to refer to the case of Algico. There is a law in place here; there is the Act where they can acquire property. Why does the Government acquire some people's land under the Act and other people's land by private treaty? Why? This is a question which we would like the Minister to answer.

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With the Algico purchase, were assessors appointed? Did the assessors take the oath as we have in this Bill, where they shall perform their duty under clause 28, which says:

"No assessor shall proceed to act in a matter unless he has first made and signed before a Judge, in an Assessor's Declaration Book to be kept by the Registrar, the following declaration:

I (A.B.) do solemnly and sincerely declare that in all matters and cases submitted to me or with which I may have to deal under the provisions of the Land Acquisition Act, I will faithfully, honestly and impartially execute my duties to the best of my judgment, skill and ability."

Did the valuers who were appointed by the Minister or by the Government in the acquisition of Algico's building fulfil those requirements? Because when the former Minister came to this honourable House, he said that Algico put up proposals; they had their valuation done; the Government had their valuers appointed; they came up with a valuation and they came to an agreement.

Where is the transparency in those types of agreements? These are the questions we ask. Because there is a law which permits acquisition, where you need assessors, and it has to come to Parliament and we have to debate it. But the only time we found out that the Government had acquired Algico's building was when somebody saw it in a weekly newspaper. What was frightening and what made the citizens of this country more disturbed was because at the time when Algico's building was acquired by the Government, two senior officials of Algico were senior Cabinet Members.

The point I am making is that the people outside there are not happy with the way Algico's building was purchased, and they suspect that there was no transparency. They feel that there is one set of rules for the small man and another set of rules for friends of Members of the Government. That is the point I am making.

The Member for San Fernando East is asking the question: For what public purpose? I would just ask him to turn backwards and ask the Member for Diego Martin East his definition of "public purpose". Because it was indicated that "public purpose" has been already determined by the courts.

Mr. Valley: Madam Speaker, let me just say that as far as I am aware, Algico is still a company that is 80 per cent owned by foreigners; 20 per cent by locals. I do not know why anybody would want to give a benefit to foreigners underhand.

Mr. S. Panday: I am very grateful for the Member for Diego Martin Central's intervention, and to indicate that the way they are selling out this country so fast, that we feel they could do anything. They could give away this country to foreigners. The point about it is: we are asking, why.

It has been observed that the Government is renting a number of buildings in the city and other places at very exorbitant rents. Many people feel that with the rents that are being paid to those people, that in about two years' time the building would be paid for. Yet the Government continues to rent at exorbitant prices. Is renting not a public purpose? Or is the Government now going to re-define and re-shape and put a circumference around the definition of "public purpose"? Because they have indicated that "public purpose" has been determined by the courts. It is such an open definition that what is stated in the Bill is merely an inclusion. And the definition came from the Member for Diego Martin East when he said it has already been determined. It was determined in the courts that "public purposes" are for the benefit of the public.

So when Algico was bought for government offices, was that not a public purpose? Why was the Act not applied? Why is it that the Government does not acquire these buildings from these people from whom they rent at these exorbitant prices over long periods?

4.25 p.m.

Why does the Government continue to put this strain on the citizens? Why does it continue to funnel moneys from the citizens of this country into the pockets of its friends? We see this as putting money in the pockets of its friends.

One sees that the NHA has decided to move from its present location on South Quay to a building on the other side of the street which has just been renovated. The Government says that it is going to rent that building with an option to purchase at the end of seven years. Why would the Government pay rent for seven years? What is the cost of the building? Would the rent for that seven-year period total the cost of the building? Why does the Government want to purchase the building after seven years? Why does the Government want to funnel money into people's pockets for seven years, then to purchase? If the Government wants to purchase why does it not make the advances now to purchase and let the rental fee go towards the purchase price of the property? In seven years' time the Government would have owned the building.

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These are questions we are asking. These are the policy considerations which we want the Government to look at. These are questions which people outside this House are asking, and seeking to find answers.

Madam Speaker, this does not take place only in this regard. There are precedents where the State has acquired property which includes buildings. For example, the acquisition of property in San Fernando for the beautification of the San Fernando Hill. We know about that.

The Member for Oropouche really touched the point when he said that it appears that some of these acquisitions—I want to add—are private treaties merely for electoral advantage. When one thinks about the Five Rivers Estate, where there were tenants on the land who were about to purchase the land, the State acquired the land and the tenants do not know where they stand. Up to this point in time people are asking: What was the purpose of the acquisition of the Five Rivers Estate? Just like the Member for Oropouche had asked: What is the purpose for the acquisition of the Enterprise Estate?

We would like to hear the Minister's response to these questions. The story does not end there. The Government continues to waste money. One observes that Government departments are abandoning buildings which are in fairly good condition. For example, the Princes Town Warden's Office building, which would have taken a fairly small sum of money to refurbish, has been abandoned and that department is now renting.

The workers said they did not mind staying at that building, and the moneys which the Government intended to utilize for rental accommodation could have been used to refurbish the building. They were willing to sacrifice and face any inconvenience. Lo and behold, they have moved.

As a matter of fact, the Member for Princes Town asked: Why did the Government allow the building to be run down so badly that they would have to leave, since it was in such a bad condition, as was said? It is not only the Central Government that behaves in that manner, but also Government agencies. For example, the corporations. There are certain corporations which are told by the Government that there is money available to rebuild a corporation office and they would have to vacate their present premises and go into rental accommodation or the money will not be available the next year.

Lo and behold, they have left the corporation offices, gone into rentals and have been renting for the past four years. Up to the present time, no corporation offices have been rebuilt.

Madam Speaker: The hon. Member will continue after the tea break. The sitting of the House is suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Mr. S. Panday: When we took the tea-break, I was about to return to the issue of Algico to indicate that what made the whole situation so suspicious was that the bungle made by the Government caused more money to be paid to Algico—*[Interruption]*

There was another issue about the State agencies which do not fall under the Act—and there were corporations—which go into private treaties and it is said that they purchased lands from certain private persons at prices above the market price of those properties.

Madam Speaker, in those circumstances we are saying that since there is legislation, all acquisition of lands by the Government should be under the Act and not by private treaties. However, if they argue and say the State agencies and statutory corporations are separate legal entities and they could enter into contracts by themselves, in order to have transparency to go with private treaties, we are saying they must enter into agreement of sale for the property; then, there will be a date of sale. During that interim period, usually 60 or 90 days in which there is a search for title, the details of those transactions from the date of entering the agreement to the date of the purchase of the agreement, should be laid in Parliament.

For example, state the names of the parties, the location of the land, ground reef of the land, the terms and conditions and the selling price of the land. By doing that, we would add transparency to all transactions by the Government, and we would prevent the State agencies from being maligned. Those are two basic principles on that area.

I will merely look at one area, and put this question to the Hon. Member for Diego Martin West. On page two of the interpretation clause it says, “person interested” means every person claiming or entitled to claim compensation under this Bill and includes:

"(a), (b)(i), or (b)(ii) on page 2, that is persons:

within the meaning assigned to that expression in section 2 (1) of the Agricultural Small Holdings Tenure Act, holding any contract of tenancy of a type and for a term set out in section 3(1) of that Act..."

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Madam Speaker, we are saying persons who hold tenancy under the Agricultural Small Holdings Act are persons who have an interest. Tenancies are determined in that Act by the appointment of an Agricultural Tribunal to determine agricultural tenancies. I ask the Member for Diego Martin West: When last has an Agricultural Tribunal been appointed? If it has not been appointed, why not? They are bringing legislation to the House and they are saying that they are going to define persons who would benefit under a certain Act, but then they are not performing their duties in relation to that Act so that the persons could fall under this Bill.

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. K. Jurai]

Question put and agreed to.

Mr. S. Panday: The Member for Oropouche said this was really "mamagism" and to show that is true, when one looks at the action of the Government under one Act and their actions under another Act, it shows that they are really not serious.

Another point I would like to have explained in this Bill is the definition of a "promoter".

"Promoter" means any corporation, company or person desirous of acquiring land under section 10;"

It is the clause which deals with the acquisition of land. We know a corporation, a company, but, when it says a person, who will be that person, how will that person be identified for acquisition of land under this Bill?

In the Bill there is another area dealing with time—the Member for Oropouche dealt with that. On the issue of compensation—and the hon. Member for Diego Martin West spoke about how this Bill is trying to balance the interests of the wider public against private interests and that the purpose of this Bill is to reduce the harshness in terms of compensation.

One knows that land is something which is difficult to acquire and the ownership of land is a very emotive matter. Many people may not have a say in telling the State, not to occupy their land. "My grandmother came as an indentured labourer and that land has emotional value to me, please do not do it." The Bill says the judge in compensation does not have to take into consideration

the disinclination of a person to part with the property. What may happen is that the Government may acquire my land and I may not be able to get another piece of land anywhere. The moneys cannot be utilized for it.

This side humbly suggests, that since they are so caring and they want to ease the hardship of the owner from whom they are acquiring, why not give an option to the land owner, to exchange parcels of State lands for the lands which they have acquired? What will happen is that both pieces of valued land ease the pressure on the land owner; give not only monetary compensation, but an option to purchase State lands in certain places.

Sen. The Hon. Barry Barnes, the Minister of Public Utilities said that the acquisition of Texaco was in the national interest because Texaco, at that time, had vast tracts of lands in Trinidad. Caroni has vast tracts of lands in Trinidad; many State companies and agencies own vast tracts of land in Trinidad.

5.15 p.m.

We would advise that not only state lands should come into this scheme, but also that the Government advise and encourage State-owned companies to encourage bartering, so that people would not be totally displaced. We would like to see the harshness of this Bill mitigated. I humbly submit this type of mitigation would help in appeasing people, or in the act of balancing public interest against private interest.

There is another interest the Government has indicated in the Bill. Part III Compensation, clause 12 (1) states:

(e) no allowance shall be made on account of—

"(vi) any outlay or improvement on such land which has been made, commenced or effected before the date of the taking of possession of the land under section 4(1) or the date of publication in the *Gazette* of the declaration made under section 5(3), whichever is the earlier, with the intention of enhancing the compensation to be awarded therefor in the event or with a view of such land being required for public purposes."

The Government is saying there is no compensation for that.

Clause 12 (3) states:

"In making an assessment under this Part, the Judge shall—

(b) not take into account—

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- (i) an interest in any improvement to the land made without the planning permission required under the Town and Country Planning Act;"

In the first instance, the present Act says that if these improvements are made two years before the publication in the *Gazette* one would not be entitled to any compensation. This Bill extends that time and leaves an open situation; so that even at the time of acquisition, which may be five, 10 or 15 years before, once it is decided with a view to obtaining any benefit due to acquisition, there is no benefit. It also says that if there is no permission from the Town and Country Planning Department for any improvement to the land, one would not get any compensation.

Everybody knows that the Ministry of Planning and Development is worse than the Licensing Department in certain regards. The Member for Diego Martin East would understand what I say. They operate as in the old days with the IDC. If a person has a piece of agricultural land and goes to the Town and Country Planning Division, there is no end of problems. It frustrates the poor landowner to such an extent that he would give up. I do not know by what method, but the real estate developer would come around and offer him a very small price for the agricultural land and lo and behold, overnight, planned permission would be given for the change of the use of that land.

We see a certain activity is taking place in the Town and Country Planning Division. When the Government says that once there is no permission from the Town and Country Planning Division, one cannot get any enhanced compensation, one must take that against the backdrop of the activities that take place in the Town and Country Planning Division.

I would make a point concerning the constituency of Naparima. At Jaipaulsingh Road there was much agricultural activity taking place on land which was mortgaged to the bank. That person tried to obtain permission from the Town and Country Planning Division to use the land for other purposes but received none. The bank seized the property and sold it to someone else. Before one could say "Jack Robinson", not only did that real estate developer receive permission to develop the land, but also to divert a natural watercourse. He straightened the river, so that whenever it rained, the water gushed down the river and where the river meanders lower downstream began flooding.

At the time of the flood in November 1993, when the Member for Diego Martin East said that people were building contrary to the permission from Town

and Country Planning that diversion caused the flood in the Siparia and Oropouche areas. Not only are those people guilty, but also the people in the Ministry of Planning and Development who are giving certain land developers permission, not only to develop, but also to change natural watercourses to cause flooding in the Barrackpore, Oropouche and Siparia areas.

We find that with this provision about the Town and Country Planning Division, the Government tried to reduce the impact of the harshness. Part III—Compensation clause 12(7) states:

"Any interested person may apply to the Minister in such form as may be prescribed, for a certificate stating the use which might have been permitted by the Minister in respect of the land acquired had application for planning permission been made under the Town and Country Planning Act."

Would the Minister then grant permission; or is the Government aware of what takes place in Town and Country Planning Division that we have to go to the Minister under this Act for relief?

When we are dealing with land acquisition, we need not only to deal with the law, but also the administrative processes which take place in departments and agencies which impact upon the law itself. If that is not done, then this legislation would be no better than the former Act and we would be merely going through an exercise in futility.

It seems to me that the Town and Country Planning Division operates in a very haphazard and arbitrary manner. On many occasions one sees that completion certificates are given for buildings that are not properly built, for example, the houses in the Maloney and La Horquetta areas. How did the Ministry of Planning and Development permit houses like those to be given completion certificates, when the moment it rained all the walls disappeared?

The Member said that there was no planned approval. Therefore one could ask another question: How many projects of the National Housing Authority have obtained permission from the Town and Country Planning Division? We would like to have that answer. If those projects had not obtained permission and they were permitted to be rented or sold to poor people, then the Government has abdicated its responsibility to the people who have been acquiring those properties. The Government must take steps to deal with those situations.

I could have gone on, with the fine details in the Bill, but there are many Members on this side who wish to speak. I am certain that we would hear the

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Members who were on the committee on the other side speak on this Bill. I wish to say that unless the proposed changes in the Bill, put forward by this side of the House, are taken into consideration, it would serve no useful purpose.

Thank you.

5.25 p.m.

Mr. Sahid Hosein (*Siparia*): Madam Speaker, I rise to make a very, very brief intervention—simply to reiterate a point which I consider to be very important, and which was alluded to by the Member for Oropouche and the Member for Naparima. That has to do with Part III, which deals with compensation. I refer specifically to 12(3)(b) where it speaks about assessing compensation—it shall not take into account (i), (ii) and (iii).

We are not encouraging people to break the law or go contrary to the regulations, but we are saying that one has to be cognizant of the realities—the way people live and the way people do various things in the country. One has to be cognizant, as was outlined a moment ago, of the inefficiencies and shortcomings of the Town and Country Planning Division.

Clearly, if one were to look at the land usage in Trinidad and Tobago as outlined by the Town and Country Planning Division—if indeed there is one—it bears no relationship to the reality today. When one looks at how the land is zoned and how the population has expanded, where the new population centres are, for example, the same lands which were referred to at La Horquetta and Maloney, as far as I can recall, have been zoned as agricultural lands and yet state agencies constructed houses in those areas. Added to that, with the demise of agriculture over the past few years, one sees more and more people getting out of agriculture and using the lands for other purposes. After all, land is an asset. If they cannot use the lands for agricultural purposes, then certainly they would explore other usage for the land.

We are saying that the Town and Country Planning Division has not come to grips with that reality. If that is to take place one has to bring the Town and Country Planning Division's land usage in line with that economic reality. After all, we are seeing more and more lands being put into commercial use on a daily basis. For example, I am sure that the Town and Country Planning Division earmarked the NHA lands at Debe for agricultural use, yet we have a State agency, the National Housing Authority putting down a housing estate. To say in one breath that because people did not have Town and Country Planning approval they are not going to be compensated, or that they will have them apply to the

Minister—what consideration will the Minister use in order to make a determination?

The whole problem is one of implementation. Like everything else, we have laws to cover a number of issues in this country, starting from the Litter Act, and they are simply ignored because it is a question of implementation. There are so many illegal structures that are set up contrary to the Town and Country Act. The most recent one which was raised in this House had to do with Kentucky opposite Gulf City. I am not sure up to this time whether they do, indeed, have Town and Country Planning approval. I recall reading in one of the newspapers earlier this year, when the vendors' sheds were being broken down, whether it was true or not, that the Ministry of Works equipment went there, ostensibly to demolish the building. The inference from that is that up to that point in time they did not have Town and Country Planning approval.

It is not that we want to encourage people to break the law, but the Government has to give some recognition to the way developments take place in Trinidad and Tobago.

The Member for Diego Martin East, my good Friend, alluded to the fact that when we included land for drainage in the ambit of this Bill, that that was already covered by the Waterworks and Water Conservation Act, Chap. 54:41. Given all the difficulties we have had with flooding, how many times has this law been invoked within recent times? I am sure the answer is zero, because every time one approaches the engineers at the Drainage Department to ask them to deal with a particular problem, the question of access arises. It is a question of implementing all these laws and this is where the difficulty lies. We continue to put statutes into the books and, whether we do it for the records or whatever, it is a question of putting in place the proper mechanism to implement these laws. It seems to me that as a country we have been failing in that respect.

The other concern we have is the minimum level of payment. The major problem people have today under the old legislation has to do with the length of time it takes to get some form of payment. With this Bill we have not gotten over that hurdle. In fact, we have no assurances on the basis of this Bill. Yes, there is a Commissioner who can determine payments up to 80 per cent, but we have just heard from the Member for Diego Martin East that there is difficulty in getting payment as timely as they would want. I would have thought, recognizing the problem under which people labour under the old Act, that some effort would have been made in this new Bill to stipulate a reasonable time-frame, given all the

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difficulties one would have, to ensure that people get payments. After all, land is an asset and while the money is gathering nine or whatever per cent, the owners would have had the land taken away and, in the interim, they have to live, whether they were using it for agricultural purposes or otherwise.

It is extremely important, firstly, that we clearly define a minimum amount. It is not sufficient to say that we have a range of one to 80 per cent. Secondly, that a minimum period should be stipulated as to when people should get final payment.

I thank you.

Mr. Ramesh Lawrence Maharaj (*Couva South*): Madam Speaker, I did not intend to speak on this Bill, but the way the debate has developed, it has become very important that we register our protest as to what is happening here today. I would like to register it in such a form that the parliamentary records will reflect that the Opposition is not part and parcel of the undermining of the integrity of the parliamentary system.

My colleague, the hon. Member for Naparima, mentioned that there was a report before this House to the effect that the committee which was appointed by this House, and which was recognized as being in the public interest, to investigate and report on the pros and cons of this Bill, decided that its deliberations were not complete. The report specifically says:

"Your Committee wishes to report that it has been unable to complete its deliberations on the Bill,"

and recommended that the Bill be reintroduced in the 1994 session and referred to a select committee for consideration, obviously to complete whatever deliberations were being done.

Madam Speaker, I have had the privilege of looking at some of the verbatim notes from the committee hearings and it is quite clear that important points were raised and there were promises made by the Chairman of the committee to get back to it. As a matter of fact, according to the records of the committee meeting of August 15, 1994, before the meeting was suspended:"

Mr. Chairman: No, on what is to come. That will help me to get the lawyers to begin to look at it so that when we meet next Wednesday we can ..."

The point I am trying to make is that I know that the Government has its legislative agenda, but whatever that agenda is we must consider that this Bill was

reintroduced in this House a few weeks ago and that it had generated serious concerns by Members on this side.

5.35 p.m.

At the committee hearing, it was recognized that certain matters had to be considered. On the point of procedural principle, I think that it would be wrong for us, unless we have very good reasons—and we have had no good reason advanced by the other side when this debate was opened. The Chairman of that committee opened the debate, and there have been no reasons advanced as to why we should not follow the recommendations of this committee.

We have had the situation where Members of the Government and Members of the Opposition have stated and signed recommending the course this Bill should take. We have the curious situation where the Chairman of that committee is now saying that we reject that and we now want to rush and pass this Bill today.

We want to say that we are unable to do that. Yes, if the Government think this is a simple majority Bill and that they do not have to accede to our request, even if they think that it is a matter which requires attention, they are in the Government, they have the power, they determine the legislative agenda, they can go ahead and pass the Bill.

All that I can say is that I think that two or three weeks would not make much of a difference and some of these concerns could be addressed in that period of time. I would like to suggest to the Government, that we accept this report, let us send the Bill back to the said committee, let the committee complete its deliberations within two weeks—

Mr. Palackdharrysingh: The report was accepted.

Mr. R. L. Maharaj: I am told that the report was accepted, that makes it even worse: I was not aware of that. Madam Speaker, let us be very careful what we are doing here. If this report was accepted by this House, it means that this House, having accepted the report—What are we doing? We have rules but we are in effect being part and parcel of undermining our own rules, undermining our own orders? How can we have the authority to deal with breach of privileges and contempt of this Parliament when we are part and parcel of undermining its own orders and its own powers?

We have to be very careful about what we are doing. In the case of expediency, I would like to appeal to the other side to let us mash our brakes a bit and let us try to see whether we could not deal with this matter in a manner in

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which the public of Trinidad and Tobago would be proud. I must confess that it is a very serious matter—I do not want to say how serious it is—that this House approved this report and now we are being asked to reject the report without even a specific motion to that effect. We have not been given any reason. Indirectly we are trying to circumvent an order of this House.

I am not too sure that we can do that, and I am not too sure that if we do it we can—

Mr. Valley: Madam Speaker, I thank the Chief Whip for giving way. While the Government is aware that we are not bound by the committee's decision, after consultation, we have agreed that we would re-commit the Bill to a select committee, but we do have constraints and we would want that select committee to report within two weeks.

Mr. R. L. Maharaj: I would like to say that we are happy that the Government has taken that decision. Although it is a short period, we think in matters like these it should be done. *[Interruption]* With the same committee and we come back in two weeks' time with a report.

I would like to mention a certain aspect of the Bill which I would like the Attorney General to consider. One of the aspects of the Bill which I think the Government should address is persons who have acquired equitable interest in property, and even though those interests in property may have been interests acquired because the Town and Country Planning Division or the State authorities closed their eyes, those interests may not be considered as part of the compensation.

I do not want to call names but there are many instances in Trinidad and Tobago in which people have acquired such interests and there are court decisions, for example, the Kiakash Singh case, the Shyroon Mohammed case, that even where a person who is a squatter has been on land and he built in contravention of the regulations—but the Town and Country Planning Division closed its eyes—even the Court of Appeal has decided that that is no bar for the person's right to the enjoyment of property.

Therefore one of the aspects that the Government would have to consider in this Bill, is that if the law now protects persons who have acquired that kind of interest, can we—even with respect to not providing for matters which are already before the courts—decide to take away those entitlements? It would seem to me that these are serious questions which, perhaps, the committee should consider and we in the Opposition would very much like to give the Government whatever assistance we can. I am sure the Government in its desire to rush through this

piece of legislation would not want to be held responsible for not giving Members enough time to inform themselves.

I am not saying that that is a considered view in the sense that what I am saying is correct, but it seems to me that if it is the law that a person can acquire that kind of interest, then we have to be very careful. We do not want to make it appear that there are certain people who have special cases before the court at this time, who may have acquired interest in lands from court decisions, and even whilst matters are pending in court, we are passing laws to take away those entitlements, or to cause the courts to use it to take away those kinds of entitlement.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Thank you, Madam Speaker for the opportunity to make a few comments on what has been—not surprisingly—an extensive debate on this particular Bill. The Leader of the House has indicated that the Government is quite prepared to allow a further two weeks for the committee which was appointed during the last session to try to come to some conclusion on this matter. That seems to be able to placate the fears of some on the other side and to generate some feeling that we have not, as a Parliament, violated our own rules.

In winding up this debate I have to comment on the substance of what was said for the record. Reference was made to the fact that I was chairman of a committee which was appointed during the last session and it was indicated that I did not make much of what the committee accomplished, and some sinister motive was implied in that comment.

The point is, I am still convinced that I did the proper thing, because when I said that I was proceeding, procedurally—and that again seemed to have offended my Friend from Oropouche—it was not that I was trying to deny him or any other person in the Parliament an opportunity to make full use of the 75 minutes which is afforded by the Standing Orders.

5.45 p.m.

I was simply referring to the fact, and I think I did say, that we knew that this was sent to a committee and because of the fact that the Parliament had taken a recess, that component of activity had lapsed. My chairmanship had also lapsed, and therefore, I was not in a position to be Chairman of a committee which had not been able to work.

You see, Madam Speaker, I was even more confused because my Friend from Oropouche does not miss an opportunity to place any person other than himself in

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a bad light. He got up here, and reminded us that it was he who caused the matter to go to committee. Great! But he also sought to give the impression that as Chairman of the said committee, I was delinquent in discharging my responsibility. He went on to say that I could not be found as Chairman, and of the four meetings we attempted to hold, they were all aborted—and note the word—aborted; giving the impression that no meeting took place on those occasions, because they were all aborted. I do not know where he learnt his English, but in my book and where I learnt English, abortion means not allowed to be born.

But strangely enough, having gone along that vein, having given the impression to the country that the Chairman of a committee could not be found and aborted four meetings—and that probably at this time is about to make the news—his colleague at the other end could read from a document which says, that the committee had three meetings and he went on to say as a Member of the committee that I was also wrong because we only had to have one more meeting to finalize the matter and bring a final report. Madam Speaker, you have your choice, whom do you believe? *[Laughter]*

On one hand we have one Member saying that the meetings were aborted and on the other hand, we had the other Member saying only one meeting was required to conclude the matter. Madam Speaker, clearly, something is amiss. And I want to say that *[Interruption]* Madam Speaker, I am not giving way unless there is a point of order.

Mr. Sudama: Madam Speaker, the point of order is, he is trying to mislead the House and I will read from the notes of the Minutes.

"Because of the absence of Dr. Rowley the Chairman suggested to Members that consideration of the clauses of the Bill be deferred."

The committee agreed.

"Mr. Sudama requested that committee Members be given advanced notice as to whether or not Dr. Rowley would be in attendance at scheduled meetings in order for the work of the committee to proceed. "

There were abortions on several occasions. That is the point I want to make.

Dr. The Hon. K. Rowley: Madam Speaker, you see why I did not want to give way. The proof of the matter is that for one meeting the Chairman could not be available, and on that basis, as he said, there were four meetings and they were all aborted. In fact, having heard that, if our Friend from Naparima had not

introduced another position, one would have got the impression that the committee was not able to function. And he gave you what he considers to be proof; yes, he was right that all the meetings were aborted. I do not want to pay any attention to that.

The fact of the matter is that the work of that committee died in the last session, and under the Standing Orders of this House it had to be reintroduced. When this Bill was introduced on the previous occasion, I did not have the privilege so to do. On this occasion, when this Bill had to be introduced again, it fell under my portfolio, and having had the benefit as Chairman of the Special Select Committee, I came to the conclusion that there was nothing to be raised that could not have been dealt with by a committee of the House in normal procedure. That was my prerogative and I stand by that.

However, Madam Speaker, you sat here this afternoon and you heard the lengthy presentations of the Member for Oropouche and the Member for Naparima. I could be wrong, but I presume that since the Member for Oropouche was not going to get a chance in the committee stage, he would raise for yet another time all the points that he had to raise and which he raised at the Special Select Committee stage. I presume that we have heard all the points of concern in the Bill.

That being so, you would also see that my decision to take this Bill before the entire House and to its conclusion, is a reasonable one, because unlike my Friend from Oropouche who seems to think that there is merit in grinding down the House, to quote him, "to keep you here till midnight," I have no such desire. One would be kept here until midnight if there is purpose to it, but not for the perversion of hearing one's own voice. *[Interruption]*

Madam Speaker, he sees nothing wrong with a bit of delay, he makes the point that meetings are not to be aborted and so forth. What he does see is that whereas we have Friday afternoons scheduled for Parliament, committees are required to be convened by the Chairman, and what he does not tell you is that it is extremely difficult to have them all at the same place and at the same time. In fact, it might very well be that some are allergic to others, and it is very difficult for me, the Chairman, to get them altogether at the same time. There are times when one seeks to get a date for a committee meeting in this House, but different people are doing different things, and there are no set days for committees, and that is why I was reluctant to go that same route again.

It is not that I am against the deliberations of the committee, but I was reluctant to go that route again, because this session of Parliament has another six

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weeks to go and I am happy that the House has agreed to put a time limit for the period in which we will meet and report. I hope that sends a signal that we will have to get it done expeditiously.

Another point made by the Member for Oropouche was that he took umbrage that I mentioned that the comments as garnered from the period of public comment were the comments analyzed and collated by the technical officers of the State. He gave the impression that he could not care less for their involvement and their input, in a way that gave the impression that the Government was seeking to say that public officials had adjudicated on the comments, therefore, we should accept them.

I want to go on record as saying, Madam Speaker, that this Bill got to this House after acceptance by the Cabinet, and on that basis there can be no case made, even in joke, that what is in the Bill is the responsibility of public servants. It is the responsibility of the Government of Trinidad and Tobago of which I am a part. This came from the Cabinet. And that was a frivolous comment which is not worthy of a parliamentarian.

5.55 p.m.

On of the main points belaboured and bemoaned by the Member for Naparima is the fact that the Bill spoke about a “public purpose” and he went on to say that because of some experience he had in the past where a previous government purchased land from one Bhadase Maraj for election purposes, he wanted “public purpose” defined. He made the point that he raised it in the last debate and was told a certain thing by the Attorney General.

Madam Speaker, you can lead a horse to water, but you cannot make it drink—you could talk to my Friend from Oropouche, you cannot make him understand. *[Laughter]* The Attorney General said to him that “public purpose” is defined by law. He refused to accept that.

Mr. Sudama: Could you tell me which law?

Dr. The Hon. K. Rowley: If you are quiet I will assist you. I draw your attention to page 228 of *Words and Phrases Legally Defined*. This is a document which should be familiar to my Friend from Couva South. If you are on speaking terms, he will assist you. If you turn to page 228, you will see “public purpose” defined.

Mr. Sudama: Is that part of the law?

Dr. The Hon. K. Rowley: It is not the law. What the Member asked for, Madam Speaker, was the definition of “public purpose” so as to fit its use in law.

I am trying to assist him but he will not be helped. You see what I mean? If that does not help the Member, turn to page 433 of *Words and Phrases Judicially Defined* [Laughter] If he does that, at section 891 he will see, again, “public purpose”.

Madam Speaker, when the Attorney General says to him that “public purpose” is defined for the benefit of the law—

Mr. Sudama: I merely asked which law.

Dr. The Hon. K. Rowley: The point is the Member for Oropuche trusts no one but himself, so even though the Attorney General says that to him, Madam Speaker—

Mr. Sudama: I have had great experience.

Dr. The Hon. K. Rowley: —he comes back here today and makes a big hullabaloo about the fact that he has not been satisfied that “public purpose” is sufficiently defined in the Bill before us. I think, given what I have said, that the definition exists in these two documents, judicial and legal, I do not think that the Member has any point; and that was one of his major points that arose out of this committee.

Madam Speaker, I sought at the time to ask myself if there was any condition or proviso which we could have put, in law, to prevent the Member from making the kind of accusation that he made, that the acquisition is for a political purpose. Anything the Government does, especially if it is perceived to be of immediate political value, would draw that comment.

The Member goes on to make the most interesting comment which was: “the determination of public purpose cannot be left to the government of the day.” That made me wonder, then, to whom should it be left?

Mr. Sudama: Only the Parliament, I said, not only the Government.

Dr. The Hon. K. Rowley: The next thing I expect to hear following a comment like that, is that the executive decisions of the Cabinet—which on many occasions are infinitely more far-reaching than acquiring a parcel of land for public purpose—should not be left to the executive.

Madam Speaker, under our system there is an executive function and when a Member of Parliament takes the position—of course, fortunately for us that is only his opinion—that the determination of “public purpose” cannot be left to the government of the day, on that score, committee or no committee, this is a clear

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divergence of view which a committee might be able to resolve, because clearly, he sees the executive role differently from Members on this side.

Madam Speaker, he says he wants to be satisfied that the purpose for which any parcel of land is to be acquired is for a public purpose. The Member for Oropouche cannot be satisfied. Can you imagine, Madam Speaker, coming to this House as Minister responsible for land and saying that the purpose for wanting to acquire this parcel of land is for building a health centre in Arouca? The first thing the Member will say is, "That is a PNM constituency, they are not building any in Oropouche". If I say the purpose of this is for building something in Diego Martin, he will say, "It is your own constituency."

Mr. Sudama: You must justify it.

Dr. The Hon. K. Rowley: If I come here and say it is for building something in San Fernando, he will say, "Sucking up to the political leader". He cannot be pleased!

Mr. Sudama: What about buying Algico building.

Dr. The Hon. K. Rowley: And if, heaven forbid, we come here anytime in an election year to acquire any parcel of land for anything, he will say it is surely because election is coming.

Madam Speaker, one has to understand that there are limits to the effort one can make to be able to satisfy the deeper, darker thoughts of those who only see evil in any action.

Mr. Sudama: I just have to look at you!

Dr. The Hon K. Rowley: Madam Speaker, I am advised that he was—anyhow—

Another major point was made about advertising in more than one daily newspaper. The reason for that is that it is being said that if the law is allowed to remain saying "advertise in at least one daily newspaper," the Government would use that to discriminate against newspapers and choose to favour that newspaper which the Government has selected.

Madam Speaker, any newspaper in this country which has to depend on an advertisement for land acquisition to survive should not be here. It only shows how the mind operates, because there are three dailies at this time. They are saying we shall be satisfied by saying two. Let us say two. It means that we have to discriminate against one, and if tomorrow morning my Friend from Couva South elevates his journal to a daily paper [*Laughter*] then we will have a problem, because we will have four.

Having seen that side of it, he completely misses the point I made that not only are we moving from publishing only in the *Gazette*, but publishing in at least one daily paper n circulation in Trinidad and Tobago. Additionally, a burden of duty is placed on the Commissioner to personally serve notice on all known individuals who have an interest in that parcel of land, to the extent of going, if such persons cannot be identified, to post that notice publicly on the land! Madam Speaker, what else can we do to allay the fears of my Friend from Oropuche?

6.05 p.m.

Madam Speaker, the other major point made was the point about loss of bargain and not knowing what that meant. He said the Bill provides for the owner to be compensated for loss on the basis of use. He was concerned about loss of bargain. The Bill takes cognizance of the fact that if a parcel of land was just being left idle that in computing the compensation for that land, the owner can now introduce into that compensation consideration, potential where whatever approvals might have been granted which would have added value to the land, that consideration can be taken into account so as to be able to maximize his earnings from the land. Yet the Member raised as a major concern the loss of bargain. A Bill that goes that far cannot really be said to be, in a sinister way, seeking to raise loss of bargain as a serious consideration.

He also raised the question of loss of use. The Bill very clearly pointed out that whereas before loss of use began only after the Parliament properly allowed the vesting to come into effect by passage of approval here, the Bill says from the time the Commissioner of Land enters and begins to work on the land, that date becomes the date from which compensation is due. Plain and simple English which we can deal with here in the open Parliament. Again, these were raised as major issues.

The question of the Lands and Surveys Department. I seem to recall speaking at length here about the Lands and Surveys Department and what we were doing with respect to preparing that Department to become more effective. I had to answer questions about the complement of surveyors and what we were doing about hiring local surveyors and so forth, but apparently what is said on Monday is of no value on Friday. But it remains the same. Lands and Surveys explained on Monday, once it is the same issue, no new information has arisen. We have said in the House recently what we are doing about the Lands and Surveys Department. It was raised again today as a serious point. How can we be giving the Lands and Surveys Department this kind of responsibility? What are we doing about

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preparing it for that role? I thought that was answered in full recently from this position.

Another major point raised was the reversion clause. Okay. The Bill says six months and my Friends on the other side spoke as though that was an oppressive period of time, at the same time arguing that two months must elapse up front before the Commissioner can enter upon the lands to begin his work. Here are two months more. But they come after and say they do not like six months for automatic lapse, give them three months, so in any case we could find ourselves, if we accept that advice, having to operate within a period of one month. That requires doing tests, having sections published, having Parliament adjudicate and so forth. Clearly, this is not properly thought out and this is just objecting for objection sake.

It was on the question of drainage that my Friend from Oropouche raised the matter about acquiring land for drainage and saying that it was not properly identified in the Bill. It was at that point in the last debate that the question of taking this Bill to committee arose and that is why he was able to claim that it was on his say-so that the Bill went to committee.

But, subsequent to his intervention and subsequent to the considerations in committee, as he correctly quoted, when the Member for Couva South quoted my comment at the committee stage, saying that we would look at it, it was looked at and having looked at it, it was found not to have the kind of merit that initially was implied when it was introduced. Therefore, there was no basis in wanting to go back to committee on an issue which did not have that merit.

I thank my Friend from Diego Martin East for intervening this afternoon and making it quite clear that the fears raised by the Member for Oropouche were not real and, in fact, existing legislation and the provisions of this new Bill would take care of that; emergency entry in actual flooding and acquisition procedure after. The whole question of acquiring for drainage is not an orphan point and that was another of his major points raised.

The thing got even more curious when another Member of my erstwhile committee from Naparima got up and with drum and saxophone started to tell us about this Bill requiring a three-fifths majority. Madam Speaker, I am grateful for the Member's contribution at the committee stage and the Parliament, but when it comes to legal advice, you will have to excuse me, I am extremely wary of taking legal advice from him. I mean, after all—

Mr. S. Panday: Like you want to give the cane farmers! You want to get special meeting!

Dr. The Hon. K. Rowley: I only have to look at what the cane farmers are saying about his stewardship to understand.

Mr. S. Panday: You get the meetings! You say you are going to oversee the meetings! Try it! I am waiting for you!

Dr. The Hon. K. Rowley: Madam Speaker, it is only in here he could make noise. He invited me to a meeting in San Fernando and almost had me killed.

Madam Speaker: Will the Member please get back to the Bill.

Dr. The Hon. K. Rowley: Anyway, to get back to the point. My Friend from Oropouche intervened in the debate to make the point that the Bill requires a three-fifths majority.

Hon. Member: Naparima.

Dr. The Hon. K. Rowley: Naparima, sorry. I only want to say that on a matter like this, I will take my chances with the Attorney General. My Friend from Diego Martin East who is no easy legal luminary, in his own right, has drawn to my attention for the benefit of the Member for Naparima, page 17 of the said Constitution—about which he made such heavy weather—Part II, section 6, “Exceptions for Existing Law”. He made the point that because we are enacting this law it requires a three-fifths majority, whereas before where it was saved by the Constitution and it was illegal before it was saved, therefore, now that we are going to enact it, it now calls for a three-fifths majority.

Madam Speaker, I am a geologist, but I think I understand English. It says here—I am open to your guidance and the guidance of my Friend from Couva South this time, not Oropouche—at section 6 (1)(c):

"an enactment that alters an existing law but does not derogate from any fundamental right guaranteed by this Chapter in a manner in which or to an extent to which the existing law did not previously derogate from that right."

It goes on to say basically if you are not changing what is in there, not exceeding it, then save. I understand that my Friend from Naparima is familiar with this and clearly if he is familiar with this, he is of a different point of view from the ink. I leave that for him.

That disposes of the performance he put on for 23 1/2 minutes about requiring a three-fifths majority.

Mr. Manning: It was null and void and of no effect.

Dr. The Hon. K. Rowley: Madam Speaker, he gave us a thesis in expropriation and I simply want to ask him, having criticized the present Government for renting buildings in town—

Mr. S. Panday: No. Algico!

Dr. The Hon. K. Rowley: Madam Speaker, he said that the Government is renting a number of buildings around town, paying exorbitant rents and all the Government has to do is to expropriate them. That is what he said. I am simply asking him: is that the policy of the government that he intends to put in office?

Mr. S. Panday: Point of order, Madam Speaker. I never used the word "expropriate", and further, I would like to have him answer the question about Algico. He would not answer the question about Algico.

Dr. The Hon. K. Rowley: My understanding is that if he erects a building in Port of Spain, and the Government likes it and the location, and compulsorily acquires it to put its offices, in my book, that is expropriation.

6.15 p.m.

Madam Speaker, I distinctly recall that many of the objections that were raised by persons opposed to the PNM Government at the time when the Twin Towers were being built as public offices, was that Government could easily find buildings around town to rent, and therefore, should not seek to build accommodation for public servants. That was an argument raised for many months and supported by many of those in this Chamber today. But today I am hearing that, no, we should not do that; we should expropriate other people's property.

Of course, he went on to talk about matters which had no bearing on this Bill before us. Madam Speaker, you would excuse me if I pay no attention to those matters he raised which had no bearing.

Mr. S. Panday: That is the way you are behaving in the Ministry! That is your *modus operandi*!

Dr. The Hon. K. Rowley: The other point he raised, again, seeking to give the impression that he is in the know, is that there has been no appointment—
[*Interruption*] Behave yourself!

Madam Speaker, he made the point or sought to give the impression that we have not appointed an agricultural tribunal and here we are seeking to put in place

law which requires the operation of that tribunal. Nothing is further from the truth. Then again, what is new?

Mr. S. Panday: State the date when you appointed it.

Dr. The Hon. K. Rowley: He misunderstood the point about no compensation being made for unauthorized improvement to land, by saying that compensation will not be paid if Town and Country Planning approval was not given. But there is a distinct difference between paying no compensation, as against saying, determining the compensation to be paid for the property, what account should or should not be taken of that facet of the asset which is improvement for which no approval has been had. That is a distinct difference. I am sure that you can identify the difference, because land, whether it is improved or not improved, will have its own value as a base value. To the extent that there are improvements without approvals, the Bill says that component of value would not be taken into account in assessing the value. I think that is where he misunderstood. Even if he does understand it, his position is that ought not to be so, that we ought to turn a blind eye to whatever is there.

Madam Speaker, I note there is a difference between the Government's position and many persons on the other side with respect to unauthorized occupancy of land, but in passing law, we are being asked to take into account the fact that there are situations where persons have done things improperly or illegally. That cannot be the basis for sound public policy. All that would do is to encourage the very thing that we would not like to encourage.

I do not think there was anything that was raised—I have dealt with all the points which detained my colleagues for three hours or thereabouts. On every single point, as you would have seen, I do not think that we could have disposed of those points, had we gone that route here in this Chamber. I have every reason to believe that we can convene in two weeks, and having aired the matters as we have done here, it would be easier for us to dispose of them at the committee stage.

The matter is, to me, pretty straightforward. We are seeking to put in place a mechanism to allow Government to acquire property and to pay for the properties in an equitable and fair manner and on a timely basis. That is all this very important Bill is seeking to do. I am sure that at the end of the day we could find a meeting of the minds on this and I am hoping to be able to report in two weeks' time that we are in unanimous agreement on this Bill.

I beg to move.

Land Acquisition Bill

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Question put and agreed to.

Bill accordingly read a second time.

Bill referred to a select committee of the House appointed by the Speaker as follows: Dr. K. Rowley (Chairman), Mr. Hedwige Bereaux, Mrs. Eulalie James, Mr. Jarette Narine, Mr. Trevor Sudama, Mr. Subhas Panday.

Mr. Valley: Madam Speaker, I beg to move that the said committee report to this House within two weeks.

Question put and agreed to.

CORPORATION TAX (AMDT.) BILL

Order for second reading read.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I beg to move,

That a Bill to amend the Corporation Tax Act, Chap. 75:02, be read a second time.

This Bill is a consequential Bill arising out of the Bill passed in August of this year, the guarantee of loans for the setting up of the University Students (Guarantee Fund) Act, 1994. You would recall that in presenting that Bill the Minister of Finance made the point that the Government had entered into certain agreements with certain local banks for assisting Trinidad nationals who were students at the university with payment. Under the agreement, students are entitled to a loan of 90 per cent of the fees. That was as a consequence of the increase in fees by the University committee to an amount of roughly twelve and a half per cent to fifteen per cent of the economic cost at the University.

One of the obligations the Government undertook as a result of that agreement was to exempt the banks from taxation on the interest income arising from those loans made to the students. As a consequence of that, the banks undertook to pass that benefit on to the students so that the student would be able to get that funding at a rate much lower than would otherwise be the case.

The Bill before us seeks to amend section 6(1) of the Corporation Tax Act. That is the section which allows for exempt income, in other words, income exempt from tax. The section reads as follows:

"(a) distributions, other than preference dividends, received by a company from a resident company;

(b) profits of an investment company;"

The addition here would be:

"interest accruing on loans granted in furtherance of the University Students (Guarantee Fund) Act, 1994, by lending institutions listed in the Schedule to that Act."

The point is that in honouring its obligation under the arrangement with the banks to allow students to be able to get funding at a lower rate of interest to pursue a university education, the Government is required to provide this exemption, and that is, in effect, the simple purpose of this small amendment this evening.

With those few words, I beg to move.

Question proposed.

6.25 p.m.

Miss Indera Sagewan (*Caroni East*): Madam Speaker, like the Member for Diego Martin Central, I do not propose to be very long. It is our position on this side that, in principle, we support the provision that is being made in this Corporation Tax (Amdt.) Bill. However, at the end of my contribution, I will propose an amendment as put forward by this side.

As the Member for Diego Martin Central has stated, this Bill clearly is a consequential bill which is based on, and goes together with the University Students (Guarantee Fund) Act, 1994. The first question I ask is: Why is it that this consequential Bill has taken so long to be brought to this House? This was before my time. I shall quote from the Member for St. Ann's East when that Bill was presented.

"In advance of this legislation being approved, the banks have seen the proposed draft bill; they have seen the Bill to amend the Corporation Tax Act so as to allow them to have the interest earned tax exempt and they have accepted these provisions."

My concern is that this legislation was taken to the banking sector before it was brought to the House, and I think, in that regard, Members of the Parliament were really treated with a certain degree of discourtesy. It was not that it was brought almost immediately after; it has been almost four months.

The subject of this piece of legislation is one that is very close to my heart, because I am a product of the education system that has been afforded to me by

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Trinidad and Tobago. I have spent a very long time in the academic institution of the University of the West Indies, and I think I am one of those persons who just barely missed having to deal with things like cess, tuition and payments. In addition to which, I am currently involved in lecturing at tertiary level and, therefore, I understand very well the kinds of constraints that individuals who attempt to certify themselves at that level meet. The constraints are very real.

In looking at the amendment that is proposed, our basic concern is that the Bill, when put together with the provisions of the University Students (Guarantee Fund) Act, really looks after the interests of the financial sector and does not, in a great and significant way, provide the kind of relief that we would want to be afforded to the student body whom this supposedly targets.

We on this side are not opposed to the introduction of fees for tertiary level education. This is something that obtains all over the world. However, our concern is that amendments of such a nature should take into consideration the realities that Trinidad and Tobago face. It should be sensitive to the realities and the kinds of constraints put on the individuals who are attempting to achieve that level of qualification. I do not think that this Corporation Tax (Amdt.) Bill really treats with this issue.

Sometimes we fail to remember that banks are really business entities. They are there for the purpose of making profits, and, therefore, will not really get into any activity unless it is profitable to them. A private bank is not a government. In addition to which, we are currently operating in a very liberalized environment. We all know of the steps taken recently with respect to liberalizing our entire financial sector, which then even further emphasizes the fact that there is very little control one can bring to bear on the private financial sector. We know clearly that the banks, which have agreed to engage in this scheme are not doing so out of the goodness of their hearts, but because there are profits to be made.

Recently—I am sorry that I do not have the article to quote—our Deputy Governor was explaining the mechanism being used by the financial banking sector to avoid maintaining the legal 20 per cent reserve requirement ratio. That, therefore, further emphasizes the point that banks are businesses and are there to make money.

I wish to quote again from the contribution of the Member for St. Ann's East when he presented the University Students (Guarantee Fund) Act. He said:

"We have had co-operation from the University and especially from the banking community."

I argue that the support from the banking community comes because it is in their interest and benefit to do so. I do not make such statements and leave them hanging. I will provide this House with an argument to justify what I am saying.

Let us look at the issue of interest rates. The Member for Diego Martin Central stated that the rates which will apply to these loans are much lower than would otherwise be the case. I have a problem with that because I am an economist by training, and I much prefer to deal with actual figures. I would have understood this much better if I was told it is five per cent below bank discount or below base.

Mr. Valley: It is five and a quarter per cent below base rate.

Miss I. Sagewan: Thank you very much for qualifying because that is something I would like to treat with.

Before I talk about this new Bill which talks about a guarantee fund and the new rate of interest of five and a quarter per cent below base rate, I would like to go back to what obtained before this new strategy—the cess loan. A programme was put forward as a mechanism seeking to bring financial relief to individuals wishing to pursue higher education.

It was argued that the cess loans were being provided at a concessionary rate of three per cent below base rate. The base rate is that rate which is set by the Central Bank. Before the termination of that particular facility, the cess loans attracted a rate of interest of 13.5 per cent, relevant to the prime rate which was 16.5 per cent. Let me make the point that that 13.5 per cent was at a rate of interest, in many instances, higher than the discount lending rates of many commercial banks. In effect, this meant that the students were paying a rate of interest higher than which they may have been able to negotiate on their own with commercial banks.

There is another aside I wish to mention. As a new Member of this House, I think what is really needed is some kind of legislative agenda where Members on this side of the House can have sufficient time within which to provide the arguments and be able to substantiate with figures and evidence, that is to say, to as large an extent as possible, verified evidence. Therefore, there are many arguments I can bring forward this evening, but I will refrain because of insufficient time in which to verify my information.

This information that I am about to bring to this House was verified with a leading commercial bank in this country. That brings me to another interesting

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issue with respect to this entire programme. In trying to get information, I attempted to call the different banks, the names of which are listed as part of this programme, but they did not have information to give to me as related to the programme.

6.35 p.m.

That, therefore, begs the question as to really who is going to be administering it? When students apply to these banks, what kinds of headaches are they going to have in terms of accessing loans?

Under the new arrangement which is called a student loan, I was informed by a senior official of a commercial bank that the rate is negotiated between the bank and the Government. It currently stands at 10.5 per cent which is 1.5 per cent below the bank discount loan lending rate which is 12 per cent. While it is very attractive to juxtapose 10.5 per cent to 16.5 per cent, what happens when one attempts to juxtapose 10.5 per cent to 12 per cent? In some instances there are banks whose discount loan lending rate starts at 10 per cent.

Mr. Valley: Madam Speaker, I am really confused. Miss Sagewan worked for me for quite some time. I wonder whether the Member could explain to me what is the discount lending rate of a bank?

Miss I. Sagewan: The discount lending rate of a bank is the rate that the bank decides that it will lend at. In fact, if one were to go to the bank to negotiate a loan that is the rate that would apply, not the prime lending rate. The bank discount rate as currently obtains in most banks is between 10—13.5 per cent. Again, this is verified. *[Interruption]* There is the other consideration, and this I verified with the bank in question.

The particular rate of interest which, it is argued, is a subsidized rate, applies for the duration of the student's life at university, in addition to which there is a student moratorium when this rate would apply. At the end of that period when the student goes to negotiate repayment, the rate of interest applicable is then renegotiated. I am almost certain, though, I cannot vouch for it, that the rate that will be negotiated will be market rate of interest.

We are arguing that this amending Bill which is consequential to the University Students Guarantee Fund Act is for the purpose of making higher education accessible, and I believe this was debated already in this House.

When one looks at the qualifying requirement that is asked for, certainly this entire system is biased towards those in the society who can afford and not those

in the society who cannot provide a guarantor, or the relevant kinds of securities that are required for the purposes of securing loans from commercial banks. The Government has made it clear that the objective of this entire process is to distance itself from such loans because of a history which shows that such loans have a bad repayment schedule. Therefore, it is putting the entire enforcement into the hands of the commercial banks. At the end of the day what would we have in this country? I am certain that if one were to visit the university compound it would be clearly evident.

We now have a system of higher education that is based not on qualifications but rather on ability to pay, to provide security for loan and ability to repay. Therefore, this would clearly have a negative impact on the quality of trained professionals that we turn out.

I need not go into expounding more on that. The result is very apparent and very clear. This Bill is about the business of looking after the interest of the banking sector, and we are not against providing security to the sector. Our argument is that the initial target group for relief was the university students who cannot afford under normal circumstances to access higher education and, therefore, this Bill, in addition to protecting those who are lending, should attempt to pass some of the relief to those who are applying for loans and whom it was initially meant to target.

Looking at the after tax profit position of a number of our key banks, we see: Royal Bank—\$63.7 million; Bank of Commerce—\$15.3 million; Republic Bank—\$64.3 million and that is as currently obtains without the benefit of the additional tax benefit that comes from this Bill. There is the additional concern that, as I have said, the objective of a bank is to make profit and, therefore, when a student goes to borrow from a bank, the bank would be concerned with the bottom line, his or her ability to repay. Where does that fit in with a scheme of a national policy and a national programme that is geared towards developing our human resource needs and our human resource skills, in a manner that supports and contributes in a more effective way to the national development programme that we have? Currently in this country private sector institutions have cropped up all over the place in terms of affording much more versatile programmes to individuals at the tertiary level. Our University is still dragging its feet on this entire issue.

It is the role of the Government to be able to direct our resources and how they should be developed, therefore, I think that the Government failed in its

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responsibility when it did not see it necessary to provide some kind of mechanism within the first Bill, and even now, towards creating some kind of incentive that would direct the human resource into areas that would be more supportive of the national needs of this country.

Madam Speaker, currently there are graduates of the University of the West Indies working as clerks in the Government service or driving taxis. Not that there is anything wrong with either of these professions, but one does not have to spend three years at university in order to be able to drive a taxi or to work as a clerk. What would happen to those people's ability to repay the loans they will be accessing under the current system? Our system, and this is a fact, is not generating job opportunities for people when they come out of tertiary level education. How do we expect them to repay loans? That is another issue that we can spend much time on.

Madam Speaker, as my colleague from Oropouche says, we are being asked today simply to rubber-stamp this Bill.

6.45 p.m.

On July 25, 1994, the Member for St. Ann's East, in his presentation on the University Students Guarantee Fund Act stated:

"On that understanding the banks have actually issued letters—after they have processed university students, they have issued letters of intent to the university, stating that upon completion of this legislation and its passage and so forth, they will, in fact, disburse funds in accordance with the letters that they have provided the university."

At this stage, so to speak, the university is holding a current receivable from the banks. Clearly, we are being asked to rubber-stamp something that as far as our colleagues on the other side are concerned, is a *fait accompli*. I think that we would not be carrying out our obligation to those who have elected us in office and to brothers, sisters, nieces and nephews who are attempting to secure tertiary education for themselves, if we simply put our stamp of approval on this Bill, as it currently stands.

This Bill is a double or treble whammy to the financial sector. On one hand this Bill proposes that interest accruing on loans disbursed should be exempted from tax; on the other hand, if these loans are repaid, the banks get back the interest and the principal from those to whom they have lent. If it is not repaid—and it takes a long time in order to attempt to use whatever mechanism is available to recoup the loan and if it is not recovered, it would be repaid from this

guarantee fund which is being financed by the Government, and therefore, ultimately being financed by taxpayers.

At the end of the student's university career, when he goes to repay, the rate of interest that would then apply to all that has been accrued, principal plus interest, would then be subjected to an even higher rate of interest. Therefore, what are we saying to young people who are now leaving university and attempting to start their lives? We are saying that they start off with such a burden on themselves that they cannot think of achieving other luxuries of life. Is this what we want for our young people?

Maybe we should attempt to see what kind of linkages there are to this kind of system and the rate at which young professionals are leaving the country. We need to look at and study data that is available on loans that have been disbursed to date in order to ascertain what level of income bracket the students who apply and secure loans fall under. We might be very surprised to find out that the groups that are actually benefitting from this facility are not really those we should be targeting, and are those who, maybe under normal circumstances, can afford to pay. I do not have that information available to me.

At the end of the day, while we on this side are willing to support amendments that would be in favour of assisting those who would like to certify themselves at a tertiary level, we have no problem with allowing those who are making that possible, whether for profit motive or otherwise to enjoy some kind of incentive. We certainly think that the benefit that is accruing from such a proposal should be shared because we think that we should be about the business of equitable distribution of the limited resources that we have.

Therefore at this time, in concluding, I wish to propose an amendment to the Corporation Tax (Amdt.) Bill. That amendment reads as follows: At the end of the proposal, after the words "that act" in line 5 clause 6(1), insert the words "provided that the interest accrues at a rate not exceeding 5¼ per cent—as currently obtains—below prime rate or commercial banks discount lending rate, whichever is the lower, and that such rate endures throughout the loan."

I trust that the caring nature of our Government would certainly come to the fore and they would act in the interest, particularly, of our young people, who are attempting and who have a great desire to make a national contribution to this country, but who need the Government and the Opposition to hold their hands in order to afford them the opportunity to do it.

Thank you.

Mr. Raymond Palackdharrysingh (*Caroni Central*): Madam Speaker, in the usual classical style, the Member for Diego Martin Central, gets up and moves a very simple amendment and it is consequential. I am sure that after you have heard the Member for Caroni East, you would ask what sort of treachery there has been by the Government!

One of the chief culprits in this matter here, and one who cries crocodile tears all the time about students' education is the Member for San Fernando East. He presides at inflicting the harsh burdens upon students. He decides on it. Today, in a society where there is so much inequity, students and the poor are made to bear more and more of the burdens. The only thing for people to do in this country, is like the prophet Jeremiah, put yokes around their necks and walk around the street, because the oppression and exploitation by the PNM Government is so great. It is so great that even though one has to be like a voice in the wilderness to speak out against this oppression, one must speak.

My colleague indicated in her presentation that banks were making tremendous profits. I just want to quote from the *Newsday* dated Sunday October 30, 1994. Page 3 states:

"Royal makes \$63M profit after tax

The Royal Bank of Trinidad and Tobago has reported an after tax profit of \$63.7 million for the financial year ended September, 1994.

This represents an increase in after tax profit of 47.6 per cent over the previous year and the bank's performance in 1994 reflected a substantial growth over its performance in 1993, according to a statement issued yesterday.

The bank's profit before tax was \$95.2 million representing a 45.8 per cent increase and the group's capital base grew by 49.5 per cent standing at \$421.7 million."

It can be clearly seen who is benefitting in this country. Then we must wonder what is happening. On the other hand, one has to make the comparison. The vast majority of people in this country are going down the poverty road.

6.55 p.m.

This was stated in the MacIntyre Report in 1993. I quote again from page 7 of the *Express* dated Friday, October 29, 1993.

"The MacIntyre study reports data indicated increasing poverty and income inequality. Over the period 1988 to 1992, it is estimated that in the latter year about 22.5% of households surveyed were below the poverty line as compared with two estimates for 1988 of 14.8% and 18.5% respectively."

By now, only heaven knows what is the trouble.

I would like to make, with your permission, extensive reference to a contribution made by the Member for San Fernando East in this House on Friday, November 11, 1988 regarding students' cess. I would like you to hear because it is important. It is the same Government which is increasing the burden, but when the Member was on this side he was saying something fundamentally different. He was crying out for compassion, for affordability, he was crying and asking the then government for reconsideration. He was asking it to look at cost. He was making statements to the extent that the government was wicked and even urged another Minister to go to his brother and confess.

Today we have a situation in which the Member for Caroni East has pointed out that the measure which is supposed to be consequential and to help students, actually will be mortgaging their lives for such a long time before they can stand on their feet. *[Interruption]* You shall not deter me.

I would like to quote from Mr. P. Manning's contribution on the Students' Cess Bill on Friday, November 11, 1988:

"What the Minister demonstrated was that he formed a part of a government that can only see dollars and cents; it does not see human compassion, nor does it see the social implications of any course of action that it is likely to take. And it came across very clearly indeed.

Whether it is one per cent, whether it is two per cent, whether it is ten per cent, or whether it is 100 per cent, whatever percentage it is, the question that arises in the minds of students at the University of the West Indies at this time, or students that are due to enter the University of the West Indies, or the Hugh Wooding Law School, or any tertiary educational institutions that are adversely affected by the particular provision that today forms the subject of deliberation before this honourable House, is not how much do I have to pay, it is can I afford to pay it?"

Is this Government asking that question today when there are so many students qualifying and cannot even make the first move because it is so burdensome? I would like to urge them to reconsider what they are proposing here in terms of

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that interest rate. He made the call for reconsideration in this instance and today, as my colleague from Caroni East pointed out, this rate which is over 10 per cent is extremely punitive and the fact is that it is not simple interest. I am told that it is compound interest. I am also told that after the moratorium year of study that the banks will renegotiate with students with the view, perhaps, of charging a different rate of interest.

It is unfortunate that the Government has not sought to justify any of its actions by bringing examples of the costing to students. Today I would like to do the same thing that the Member for San Fernando East did on that Friday. I quote again from his contribution:

"Permit me to draw to the attention of the hon. Minister and to hon. Members opposite that this too has an implication for social adjustment in this country, retrogressing many, many years of work that the PNM had put in place to ensure that education was available to as many persons as possible in our society, transcending all barriers so there can be social equalization in this country. And doing it in this way you have now raised the spectre once again of only those who are able to pay the now exorbitant rates that will become current as a consequence of this bill, will be able to benefit from tertiary education which will certainly have implications for the social fabric of our society. I urge the hon. Minister to reconsider."

Will you reconsider? These are your own words. I am asking the same thing because the burden on university students today is much higher and he is selling out this country to the big business sector, the banking sector and so forth.

Madam Speaker, the Students' Revolving Loan Fund was an extremely good idea and basically it was one which lent to students at the rate of 4.5 per cent, but there were some hitches. If after the reports went to Government it had taken the necessary action to streamline the functioning of the students' loans, it would have been quite a viable proposition. It was working quite well. My latest information is that the fund is still there, it is still servicing, it is still revolving and giving assistance, but there is an attempt to subvert that fund and put students in a situation where those who might be willing to pursue their education will not be able to do so.

I read in the newspapers recently about a student from Fatima College who had worked very hard and who wanted to study medicine. He gained, I believe four A' levels but he did not win a scholarship. Because of that, he had to lament that all his ambitions had to go down the drain because he could not pay the fees to go to medical school.

7.05 p.m.

Today, that is the case with a number of students. The competition, in a sense, has been great at the university because those who have been able to pay have been rushing it, but there are a number of students who are not even applying because they know they do not stand a chance, even if they are accepted, they will not be able to finance this course of study.

I wonder how this Government can take the education system and give it such a terrible blow. When you come down here perhaps you will see where the late Dr. Eric Williams was so much different from the Member for San Fernando East, because he treated education in a different way. Here again, Madam Speaker, we are going to look at the cost. Let me quote from the Member for San Fernando East's contribution dated Friday November 11, 1988. He says:

"The hon. Minister has spoken very glibly about the liability, the extent of the tax, in percentage terms of the economic cost of running a particular course. That is one way of looking at it. He also had a lot to say about the Government nobly taking the decision that all students who pay cess will no longer have to pay tuition fees. Let us look at Arts and General Studies—B.A.—Full time.

The tuition and examination fee was \$145 a year, so what the Minister is now saying is that as the cess is imposed the Government will now take up the \$145. What he did not say is that a large number of the citizens of Trinidad and Tobago, many of whom would not have access to a tertiary education had it not been for the low rates at which the fees were kept, will no longer be in a position to benefit from tertiary education because the fees have been, in the stroke of one pen, increased to significant levels. Over a three-year period that would have come up to \$435 to pursue a degree in Arts and General Studies, under a policy that was enunciated and perpetuated by the PNM. What would it now cost? Over the three-year period it will cost \$8,000. It is \$2,400 for year one, and \$2,800 for each of the two ensuing years. So, to look at this thing properly you cannot look at it in the context in which the hon. Minister has put it; not with the economic cost in relation to what you would have to pay. The way a parent will see it is in the context of, how much was I paying before? What will my new liability be and am I in a position to afford it? From \$435 over a three-year period to \$8,000 over a three-year period."

This is what the hon. Member said! Today, it is not \$8,000 that he lamented, how much is it today? It is over \$30,000 today for the same course at the

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University of the West Indies. *[Interruption]* What is the cheapest cost at the University of the West Indies today?

Mr. Imbert: It is \$15,000.

Mr. R. Palackdharrysingh: Well, if the hon. Member lamented at \$8,000, how can he be laughing at \$15,000, especially since real wages have fallen in this country and the standard of living has dropped significantly? That is a point that must be taken well into consideration. It is not as though we are earning an average of US \$8,000-\$9,000 per capita. That has been reduced tremendously. How does one expect students to complete their course or those who are aspiring to even think about going to university?

I do not care how agonized they are, how intolerant they might become, but I want to restate this position that was stated by the Prime Minister in 1988. They must echo to him and let him recognize whether or not he who criticized the Government then, is doing any better or any worse?

I am quoting again—

Madam Speaker: I am trying to understand the Member's argument. This is an Act to amend the Corporation Tax Act and actually one is granting interest accruing on loans. I would have thought the argument you are advancing at the moment was really better advanced in the original University Guarantee Fund Act. Today we are only amending this Act to allow it to be interest-free, the nature of your argument should be whether or not you ought to allow the banks to do that.

I do not know if your argument is relevant, if you persist I will have to rule on it.

Mr. R. Palackdharrysingh: It has to be linked to the corporation tax

Madam Speaker: That is what I was trying to follow all the time.

Mr. R. Palackdharrysingh: This is exactly the point I am making, that the corporation tax does not benefit the student, it benefits the banks. Therefore what I am showing, is what the Minister has said, I am just using his own arguments which he used against the cess in 1988. But I must take the point that I have made the point significantly.

Mr. Manning: I thank the hon. Member for Caroni Central for giving way.

Will the hon. Member not agree that if one passes a benefit onto the banks, what in fact one does is put the banks in a position to pass a benefit onto the borrower? Does he agree or does he not agree? *[Interruption]*

Mr. R. Palackdaharrysingh: Madam Speaker, I do not agree.

Having made the points I would now come to the banks. One cannot trust the banks in this country for the simple reason there is no truth in lending legislation in this country. That is something that has to be worked out. Do you know how often the banks say that they are lending at X per cent and really when one does some addition, it is 2X plus Y per cent that one pays at the end? That is the kind of flexibility—

Mr. Sudama: Madam Speaker, I want to tell the Member that this House passed a resolution piloted by myself, that we should have truth in lending legislation enacted since the previous regime, and up to today that has not been done.

Mr. R. Palackdharrysingh: Yes, Madam Speaker, we have thrown students to the wolves because there is no provision where the banks have to report faithfully to the citizens of this country, because there is no truth in lending legislation.

We know how many people have fallen victims. If one needs collateral and one anticipates that some of those parents who are desirous of their children going to university, may very well mortgage their homes to send their children to university. And one knows very well that there is fine print which many people do not read and one day they will find out that what they thought they were signing to had been so much different.

This piece of legislation to amend the Corporation Tax Act, to give the banks a sort of tax exemption will not only benefit them from the very obvious profits they will make from this, as was pointed out, but also in cases where persons might have not fully complied, they are going to suffer at the hands of those banking institutions, thanks to the PNM Government.

7.15 p.m.

I also want to indicate that in terms of studies and so forth—it was pointed out on the last occasion by one of my colleagues on this side, but has to be mentioned again—that our institutions like the University of the West Indies cannot cater for all the tertiary education of all our students, and many of them access their further education abroad, and there is no help whatsoever for those students. A pattern of discrimination has already emerged from this.

Madam Speaker, it is clear that the provisions in this Bill are the final nail in the coffin, for the average brilliant student who cannot afford these exorbitant

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fees. Therefore, I would like to second the amendment proposed by my colleague from Caroni East and I hope that the Government, in its wisdom, from hindsight and from its compassion, would look at it and do something to ease the burden of students at the University.

The Member for San Fernando East—you have to listen to him because he does not have to depend on the University of the West Indies anymore—he got scholarships probably for his own relatives and so forth. But there are many of us here, and maybe even some on the Government side, who might be finding it difficult even to send their own children to the University of the West Indies. Perhaps they are afraid of the Member for San Fernando East.

Madam Speaker, we cannot support this measure in this form, unless this amendment is given due consideration and some measure of compromise is reached in this situation. This is not a simple matter. When this is enforced, our students' lives would be mortgaged for a significant period and they may not be able to advance themselves in the way they thought they might have been able to do having attained a tertiary education.

Thank you very much.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, sometimes I wonder how it is possible to make something as simple as the legislation before us, as complicated and convoluted as the Members on the other side do. Let me start from stating the position from which the PNM is coming. In our 1991 Manifesto under Education, it says:

"The PNM will stand committed to the principle that no one be denied access to University or other forms of tertiary education, solely on the basis of inability to pay."

Madam Speaker, that is the position of the PNM in the manifesto.

The University Students (Guarantee Fund) Act is the implementation and the facilitation of that promise. By putting that in place we are ensuring that the promise we made in the manifesto could be fulfilled. I say that, because the Member for Caroni Central spent some time quoting the Member for San Fernando East when he spoke on the Students Cess Bill. There was a cess, but there was no loan fund. It was because of the representation made by the PNM in that debate that the then Government put in that loan scheme. That is the history. The loan scheme was as a result of representation made by the then Opposition, the PNM, and that is what it is.

Mr. Sudama: How many Members you had?

Mr. Valley: Three. And only three of us were able to achieve that. Could you imagine what this side here could achieve? Madam Speaker, we are coming from that philosophical basis, that yes, one may be brilliant at school, one may qualify for university, one may not have the wherewithal as it were to go to university, but that the Government would come in, not to give you a gift, but to facilitate your getting your fees for university, knowing full well that your earning potential would increase dramatically after university and that you have an obligation then to repay that loan. We wanted to take it away from the Students' Revolving Loan Fund system because, obviously, that had failed.

Coming after free secondary education, we know as a fact, students took loans from the Students' Revolving Loan Fund and the next thing you know they were in England and so forth. They did not feel that they had an obligation to repay the Government. In any case governments have no right lending money; they do not do that well: that is the reality. Banks do that; they know how to do that. We are putting some distance. In addition to this exemption under the Loan Guarantee Fund, we are providing that guarantee and we are funding 50 per cent of the loans made to the students. If that is not caring, I do not know what is.

My Friend and former colleague from Caroni East made the point, banks are in the business to make money. They have shareholders. They are not charitable organizations. And I think the Member is aware that in 1992 when the Government was faced with this situation, it set up a committee chaired by the Permanent Secretary in the Ministry of Finance—I think Mr. Frank Rampersad was on the committee—to talk with the banks, to negotiate with the banks, to come up with a system that it thought would have been fair to the students. And what was it?

This is the agreement between the Government and the banks, and I am reading clause 4 on page 6. This document was circulated in this House when the University Students (Guarantee Fund) Bill was debated in July of this year.

The clause says:

"Each loan made by the banks pursuant to this agreement should attract interest as follows:

During the length, of course, and up to the capitalization date, at the rate which is calculated to provide the same return to the banks...

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and I want Members to hear this and try to understand it:

"...at the rate which is calculated to provide the same return to the banks. Net of tax after the benefit of the tax concessions provided by the Act, at the average commercial base rate, namely present 5 1/4 per cent below the average commercial base rate now standing at 15 3/4 per cent."

Quite simply, what it says is that the banks would be making a net profit. Were it not for this concession, they would have to lend at a certain rate to make a certain return. They want to keep this return. What they are telling Government, "whatever you do, I want you to keep me whole. All I want to make is that. Therefore, if you give me a tax concession I am passing 100 per cent of that concession on to the student. I am not increasing that."

7.25 p.m.

This is what I want to earn and the concession you are giving me I am going to pass on to the student so that my return will be intact. That is what it is. It is this committee that negotiated that, Madam Speaker, and it is 5 1/4 per cent below the base rate. For my friend, really, the base rate is sometimes called the prime rate. I really cannot find it. In the *Quarterly Economic Bulletin*, Table 28—Commercial Banks—Interest Rates talks about "Loan Rates—Term, Demand, Overdraft, or Basic Prime Rate, Real Estate Mortgage Rate. The discount rate that I know about is if I have a bond and want to sell it on the market or to a bank, the bank will discount it. In other words, they will give me 80 cents on the dollar, or they may even pay me a premium depending on what is the interest rate.

Miss Sagewan: The prime rate referred to is that rate that obtains in Trinidad. The prime rate or the base rate is that rate that is set by the Central Bank.

Hon. K. Valley: No.

Miss Sagewan: Minister Valley, this is what I verified from the banking sector, and not from one commercial bank—from a number of them. As currently obtains, the base rate or the prime rate is that rate which is set by the Central Bank. It is a penalty rate that when commercial banks are forced to go to the Central Bank, as lender of last resort, it is that rate it will pay. Therefore, in setting its own commercial bank discount rate it uses that other as a measure below it. In the competitive environment in which we currently operate, recently we have had a lowering of commercial bank discount rates which is between 10 and 13 1/2 per cent.

Mr. S. Panday: Explanation!

Hon. K. Valley: Madam Speaker—

Dr. Rowley: You have failed miserably!

Hon. K. Valley: I know, I know. Madam Speaker, if the prime rate is the rate at which the Central Bank lends money to commercial banks, does it make sense that there will be a discount rate below that at which commercial banks could lend to some third party? Let me say, for example, in the Quarterly Bulletin, the rate at which Central Bank lends to commercial banks is the bank rate. The Central Bank will call it a discount rate because it is the rate at which the Central Bank will discount papers from the commercial banks. That is the bank rate, or a Central Bank discount rate. The rate that the commercial bank lends to its best customer is the base rate or the prime rate, which must be above the bank rate, otherwise the bank will be losing money. [*Interruption*] Sunday morning.

Miss Sagewan: No, it is from deposits.

Hon. Member: Listen, you cannot be a banker, you know.

Mr. Maharaj: Let him make his contribution. We will get a letter from the bank.

Hon. K. Valley: Madam Speaker, let me just touch quickly on a few points raised by the two Members. First, that the Bill was sent to the banks before bringing it here to Parliament.

Mr. S. Panday: From whom?

Mr. Sudama: Will the Minister give way to a question? I think the Minister read the agreement and said that the banks are obliged to lend to the students at $5\frac{1}{4}$ — $5\frac{1}{2}$ per cent below, $15\frac{1}{2}$ — $15\frac{3}{4}$ per cent. That makes it $10\frac{1}{2}$ per cent. That is the rate of loans to the students. Could the Minister tell us what is the average cost of money to the commercial banks? What is the average they pay on the deposits they have, which is their average cost in money, so that we could get a clearer picture as to whether the $10\frac{1}{2}$ per cent is a feasible rate?

Hon. K. Valley: Let me see whether it is available here in this listing.

Mr. Sudama: It cannot be more than five per cent.

Hon. K. Valley: That is not correct. [*Interruption*] I do not have it, but you can get it here, it must be here somewhere.

I was making the point, Madam Speaker, that the Member was concerned about the fact that the Bill was sent to the banks before coming to Parliament. We

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made the point that we were in negotiation. This is a negotiated position, and in any negotiation one must, obviously, come to some agreement with the other side before coming to the Parliament. It would really be bad to come to Parliament and pass a Bill and then go back to the banks. That makes no sense to us. Obviously, one would want the banks to say that it is fine with them and then we ask the parliamentarians to approve it. That is perfectly normal.

Secondly, the Member wanted to know how it is we took so long to come to the House. Let me make the point that the Guarantee Fund Bill was assented to on August 22 by the President. Members would remember that this House went on recess, I think, around September 9 and there was also other legislation. This is merely the fifth sitting of this session, Madam Speaker, since our return, and the fact that this Bill is here today, on a Monday—not a regular Friday—would suggest that Government understands the urgency of getting this through.

Mr. Sudama: You should have passed it last Friday.

Hon. K. Valley: The concept of the discount lending rate, I have dealt with that. On the last point, Madam Speaker, the Member made the point that the young people were starting off with loans as a result of this facilitation. We only have to look at two individuals—both with 'A' Levels, one opting to go to university, via the loan; the other deciding he would go and work. Look at the earning potential of the two persons—the fact that one had to finance one's education, having a loan at the start of one's career, which is quite normal, for example, in Canada under the student loan system, that after school you are faced with a bill and that is your first obligation. That is normal because one's earning potential improves significantly because of that university education and one is able to meet that obligation.

Mr. Sudama: If you can find work!

Hon. K. Valley: The other issue was that the Member thought that, perhaps, we should direct young people as to what to study, or provide incentives. Obviously, if the Government feels that there is a shortage in any particular area, I would think that the way the Government would deal with that is by offering scholarships in that area. I do not think one wants to tell young people whether they should study history or economics, for that matter.

My Friend, the Member for Caroni Central, quite quickly, was concerned about the banks' profitability—the fact that one bank made \$63 million and the other one made \$95 million. Madam Speaker, one sees quite clearly what the obverse of that situation would be. If banks make losses consistently, then it is not

simply a problem for the banks or their shareholders, it is a problem for the whole economy. We know that—we have seen it here in Trinidad and Tobago. Therefore, profits for a bank are healthy signs for the economy. The Government, first of all, gets its tax take, and it is an indication that things are happening in the economy [*Interruption*] I am no defender of any bank, Madam Speaker. I have about 17 shares, no I do not even have that—that bank is now one of three, so I do not even have that.

Mr. Sudama: Your Government is a defender of banks.

Hon. K. Valley: The other two points I got from the Member—the student cess, I dealt with that—education for only those who could pay. I made the point that this facilitation provides for the person who cannot otherwise finance his education, and the Student Revolving Loan went through quite some time ago, Madam Speaker.

Mr. Palackdharrysingh: Not true.

7.35 p.m.

The purpose of this Bill is simply to meet the obligation of Government, an obligation entered into with certain commercial banks in order that students may be allowed to receive financing for their education at relatively reasonable rates.

I commend this Bill to the House. 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.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Madam Chairman: There is an amendment to clause 3 by the Member for Caroni East.

Miss Sagewan: Madam Chairman, the proposed amendment reads as follows—it adds to what currently exists:

"After the words 'that Act' in line five of Section 6 (1) (*s*) insert:

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Provided that the interest accrues at a rate not exceeding 5 1/4 per cent below prime rate or commercial banks' discount lending rate, whichever is the lower and that such rate endures throughout the loan."

Mr. Valley: Madam Chairman, the fact that the Member has changed that 6 per cent to 5 1/4 per cent suggests that the amendment is no longer necessary. As I said, I do not know what is the commercial banks' discount lending rate. It does not exist as far as I know and, obviously, the 5 1/4 per cent as stated is a clause in the agreement. It says that already, so that it adds nothing. It is already in the agreement at clause 4 that the rate would be 5 1/4 per cent below the prime rate.

Madam Chairman: Do the words "that such rate endures throughout the loan" have any meaning?

Miss Sagewan: Unless those who operate within the commercial banking sector are not familiar with the relevant terms used and are not familiar with the rates that apply, then that is the only way it will obtain.

Mr. Valley: Madam Chairman, I will ask the Member to check with her sources again.

Mr. Sudama: What the Member is implying—

Madam Chairman: I was just enquiring whether having regard to the hon. Minister's submission, would the words "that such rate endures throughout the loan" have any meaning?

Mr. Valley: That has a meaning, Madam Chairman, but let me just say, as a fact the rate changes, as I have read, at the capitalization date. In other words, after graduation, the student is asked to pay the prime rate, but by agreement with the banks that is so and we cannot now entertain an amendment to change that.

Madam Chairman: That is what I am saying. We cannot do that. Will the Member wish to withdraw her amendment, having regard to the 5 1/4 per cent?

Miss Sagewan: No, Madam Chairman.

Madam Chairman: All right.

Mr. Sudama: Madam Chairman, let me just make a small point. If the Member does not understand, what is meant here is 5 1/4 per cent below the commercial banks concessionary lending rate.

Mr. Imbert: What is that?

Mr. Sudama: The concessionary lending rate is the rate that is negotiated as a concession.

Mr. Valley: Who negotiates that?

Mr. Sudama: The bank. Right now it is between 12 and 13 per cent. That is the rate.

Mr. Valley: What is the definition of prime? Prime is the rate at which you lend your best customer.

Miss Sagewan: No, Minister Valley. That is not so.

Mr. Sudama: But do you lend customers below prime? What we are saying is that you do lend customers below prime.

Mr. Valley: Years ago the Government used to get below prime.

Miss Sagewan: It is not so.

Madam Chairman: I do not know. Having regard to all that, I do not know if the Member wishes to reconsider her amendment. Are you withdrawing?

Miss Sagewan: No. I am not withdrawing it.

Madam Chairman: You are not withdrawing it.

Question, on amendment, put and negatived.

Question put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clause 4 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): Madam Speaker, I beg to move that the House be adjourned to Friday, November 11, 1994 at 1.30 p.m. I wish to inform Members that on that day, we want to take the Central Bank (Amdt.) Bill through all its stages, once it is passed in the upper House.

Madam Speaker: There is a Motion on the Adjournment but there is no time to do that today so that will have to be deferred.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.45 p.m.