

Leave of Absence

Friday, July 3, 1998

HOUSE OF REPRESENTATIVES

Friday, July 03, 1998

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from several Members of the House who have asked to be excused from today's sitting. They are excused and these are: the Member for St. Joseph, the Member for Naparima, the Member for Couva North, the Member for Oropouche and the Member for Tobago West.

**JOINT SELECT COMMITTEE
(MEMBERSHIP)**

Mr. Speaker: I also wish to advise hon. Members that I have received communication from the Vice-President of the Senate, dated July 01, 1998, in which he has advised that the Senate has appointed certain Senators to serve on the Joint Select Committee which was referred to in this House last week.

The Members who have been named by the Senate are: Sen. Wade Mark, Sen. Carol Cuffy-Dowlat, Sen. Brig. The Hon. Joseph Theodore, Sen. Prof. John Spence and Sen. Nafeesa Mohammed.

I wish to advise that these Members, along with the others from this honourable House who were named last week, would be contacted shortly by me so that there could be an inaugural meeting of this Joint Select Committee which is established to consider the Working Paper on the Reform of the Management Structure of the Parliament of Trinidad and Tobago and to report to Parliament thereon.

CONDOLENCES

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, my colleagues have asked me to speak on their behalf, and I do so on their behalf and on my own, to express to you our deepest condolences on the loss of your father.

Mr. Speaker, all of us who have lost a parent would appreciate what that loss means to you, because this is someone whom you have known from the time of

*Condolences**Friday, July 3, 1998*

[HON. J. HUMPHREY]

your birth until the day he departed this life. We know the vacuum that is left in the lives of the ones who are left behind.

Mr. Speaker, different cultures handle death in different ways. Some cultures actually celebrate them in the firm knowledge that this life is only temporal in any event, and that life does not stop; life is eternal. I am one of the people who believe, as I am sure you do, that what is left behind is just the physical, mortal remains. What carries on permanently is the spirit and life that actually generates the consciousness that we enjoy here on this earth.

Mr. Speaker, I know words of condolence cannot lessen what is felt by those who are left behind. I do not believe that we can, in fact, diminish what you are feeling now in the loss of your father. It helps, I think, when friends indicate to you that they do give you support at all times. I did not know your father, but if I am to judge him from his offspring, who I do know, I believe he must have done a tremendous job as a parent, because you must reflect what your father contributed to you and he must have been a gentile man; a man of grace, honour as his son is.

Mr. Speaker, with those words I just want to let you know that your friends on this side of the House support you at this time. Thank you.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, on behalf of the Members of this side, we join with the Government in offering you our condolences on the passing of your father.

Mr. Speaker, you know that they say a man should live to three score and 10, and given that your father exceeded that by 21 years, we feel certain that some of us would have to pay for that surplus that he has had. I think it indicates the blessing of the Lord, that he has given him that long life.

Though at this time you and your family would be mourning, I think one should concentrate on the fact that he has had a good innings as such. As the acting Prime Minister said, this life is merely a stage, and like the beautiful butterfly, one has to go through the cocoon before we can really fly. I think that is what your dad is now doing. On behalf of the Members of this side, we offer you our deepest condolences.

Mr. Speaker: Hon. Members, I simply wish to thank you very sincerely, on behalf of myself and my family, for the expressions of condolence and sympathy which you have just so very graciously made. I thank you very much.

Sugar Industry (Inc'n) Bill

Friday, July 3, 1998

**SUGAR INDUSTRY LABOUR WELFARE
COMMITTEE (INC'N) BILL**

Bill to amend the Sugar Industry Labour Welfare Committee (Inc'n') Act, brought from the Senate [*The Minister of Housing and Settlements*]; read the first time.

SUGAR INDUSTRY SPECIAL FUNDS (AMDT.) BILL

Bill to amend the Sugar Industry Special Funds Act, brought from the Senate [*The Minister of Housing and Settlements*]; read the first time.

PETITION

Unity of Trinidad and Tobago

Mrs. Eulalie James: Mr. Speaker, I wish to present a Petition on behalf of the Unity of Trinidad and Tobago.

I now ask that the Clerk be allowed to read the Petition.

Petition read.

Question put and agreed to That the promoters be allowed to proceed.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Sport and Culture Fund for the year ended December 31, 1992. [*The Attorney General (Hon. Ramesh L. Maharaj)*]
2. Report of the Auditor General on the accounts of the Sport and Culture Fund for the year ended December 31, 1993. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the accounts of the Sport and Culture Fund for the year ended December 31, 1994. [*Hon. R. L. Maharaj*]
4. Report of the Auditor General on the accounts of the National Institute of Higher Education (Research, Science and Technology) for the year ended December 31, 1994. [*Hon. R. L. Maharaj*]
5. Report of the Auditor General on the accounts of the National Institute of Higher Education (Research, Science and Technology) for the year ended December 31, 1995. [*Hon. R. L. Maharaj*]
6. Report of the Auditor General on the accounts of the National Institute of Higher Education (Research, Science and Technology) for the year ended December 31, 1996. [*Hon. R. L. Maharaj*]

Papers Laid

Friday, July 3, 1998

7. Report of the Auditor General on the accounts of the Committee of the San Fernando Carnegie Free Library for the year ended December 31, 1996. [*Hon. R. L. Maharaj*]

Papers 1 to 7 to be referred to the Public Accounts Committee.

8. Annual Audited Financial Statements of Trinidad and Tobago Mortgage Finance Company Limited for the year ended December 31, 1997. [*Hon. R. L. Maharaj*]

To be referred to the Public Accounts (Enterprises) Committee.

9. Annual Report of the Trinidad and Tobago Securities and Exchange Commission for the year ended December 31, 1997. [*Hon. R. L. Maharaj*]
10. Report of the Task Force appointed by Cabinet to consider Legal Education in the Caribbean. [*Hon. R. L. Maharaj*]

1.45 p.m.

LEGAL EDUCATION—TASK FORCE REPORT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, under the current system of legal education the post-graduate professional stage of legal education in the Caribbean is provided by two law schools, the Hugh Wooding Law School in Trinidad and Tobago and the Norman Manley Law School in Jamaica. Two courses are provided by these law schools. One course is for those who have graduated with a LL.B. degree and lasts for two years. At the end of the two-year course successful students are awarded the legal education certificate and are qualified to be called to the Bar. The second course is a conversion course for those already qualified as Barristers or Solicitors in Commonwealth states. This course lasts for six months and at the end successful students may be called to the Bar.

Mr. Speaker, the professional stage of legal education in the Caribbean is regulated by the Council of Legal Education. Article 3 of the agreement establishing the Council of Legal Education provides that the holders of LL.B. degrees from the University of the West Indies, of whatever classification, are entitled to automatic admission to the Hugh Wooding and Norman Manley Law Schools. Non-University of the West Indies degree holders from universities recognized as being equivalent to the University of the West Indies are only eligible for admission subject to the availability of space and such other conditions as the council may require.

Owing to the increased numbers of applicants for entry into the law schools, the Council of Legal Education, acting under Article 3, took a decision to conduct an entrance examination as a prerequisite for eligibility for admission to the law schools subject to the availability of places. This condition applies only to persons holding law degrees other than that of the University of the West Indies.

The University of the West Indies provides under-graduate academic training. However, the places available within the law faculty are limited and allocated on a quota basis among states. The results are that once the number of places allocated to Trinidad and Tobago are filled, no further Trinidad and Tobago students are admitted no matter how good their academic qualification. Unsuccessful students for places must either study abroad for their law degree or study as external students, usually within the University of London external programme. In Trinidad and Tobago a large number of students hold non-University of the West Indies law degrees or are currently studying at institutions other than the University of the West Indies.

The report of the Task Force points out that there were 462 students from Trinidad and Tobago registered with the University of London external degree programme for 1997. Conscious of the hardships that will be caused to holders of a non-University of the West Indies law degree, Cabinet agreed, upon the recommendation of the Attorney General, to seek to have a meeting of the Council of Legal Education convened in accordance with the provisions of the agreement for the purpose of reconsidering the council's decision which was to come into effect from the academic year commencing September, 1997.

In May, 1997 the CARICOM Attorneys General convened a meeting in Dominica and recommended that the council should meet in special sessions in June, 1997 to consider the question. A meeting of the Attorneys General was held in Trinidad and Tobago on June 3, 1997 to discuss the council's decision to impose the entrance examination. At that meeting Trinidad and Tobago recommended, *inter alia*, that:

- (i) an external division of the Hugh Wooding school be established;
- (ii) arrangements be made for students attached to the external division to be trained to pass the same examinations and undertake the same assessments as those attending the Hugh Wooding Law School;
- (iii) the legal education certificate be awarded by the council to successful students.

Mr. Speaker, at the same meeting the problem of limited places available at the law school again came up for discussion. It was recommended by the Attorneys General that:

- (i) the existing two-year programme leading to the certificate in legal education be modified to permit a system of attachment at law chambers;
- (ii) that these attachments should be monitored by the Council of Legal Education and replace the two years now spent at the law school;
- (iii) that students should be allowed to prepare for examinations through distance learning arrangements; and
- (iv) that CARICOM national trainees in the commonwealth jurisdiction should be allowed to practise in the region as long as they satisfy the court that they have been in practice for a minimum period of five years.

It was also agreed that the matter be considered at the Heads of Government meeting in Jamaica in June, 1997. A committee of experts was appointed by CARICOM to examine the question of legal education in the Caribbean. The proposals of Trinidad and Tobago were also made on behalf of the Attorney General at a meeting of the working group which met in Guyana in May, 1997 to consider the admission of non-University of the West Indies law students to the law school. Notwithstanding these representations, the working group maintained the view that the most suitable method of determining admission of non-University of the West Indies graduates to the law school was on the basis of an entrance examination.

A meeting of the Council of Legal Education was held in Antigua on June 27, 1997. At that meeting the Attorney General again raised the issue of the entrance examination and after much debate it was decided that the question of amending Article 3 be deferred to a later meeting and the recommendations made by the Trinidad and Tobago delegation be referred to the committee for further investigation and analysis, costing and possible effects on the legal system. In spite of the recommendations proposed by several CARICOM Attorneys General, the Council of Legal Education has refused to alter its stand on the issue of the entrance examination. As a consequence of this and upon the recommendation of the Attorney General, the Cabinet agreed to the appointment of a Task Force to consider legal education in the Caribbean with particular reference to the needs of Trinidad and Tobago with the following terms of reference:

- (a) to examine the present system of legal education in the Caribbean to ascertain whether it adequately equips lawyers to satisfactorily meet the

needs of Trinidad and Tobago, in particular, and those of the Caribbean region as a whole, now and in the future. Whether the curriculum should be broadened to include other disciplines and whether the training should be extended to meet the demands of the next century and to consider other matters connected therewith;

- (b) to consider the following recommendations of the CARICOM Attorneys General and the implementation of such recommendations:
- The existing two-year programme leading to the certificate in legal education should be modified to permit a system of attachment at law chambers. These attachments should be monitored by the Council of Legal Education and replace the two years now spent in the law school.
 - Students should be allowed to prepare for examinations through distance learning arrangements and CARICOM nationals trained in the Commonwealth jurisdiction should be allowed to practise in the region as long as they satisfy the court that they have been in practice for a minimum of five years.

The Task Force was also requested to consider all relevant documents and canvassed the views of interested organizations such as the Law Association and other organizations as well as interested persons to submit its report to the Attorney General. The members of the Task Force were: Justice Guya Persaud, Senior Counsel and Chairman of the Law Commission; Sir Isaac Hyatali, former Chief Justice of Trinidad and Tobago; Dr. John LeGuerre of the University of the West Indies; Mr. Karl Hudson Phillips, Queen's Counsel; Dr. Fenton Ramsahoye, Senior Counsel; Senator Martin Daly, Senior Counsel and a representative of the Hugh Wooding Law School. Mr. Speaker, I am disappointed to have to note that the Hugh Wooding Law School declined to send anyone to any of the meetings held by the Task Force.

After examining the present system of legal education in accordance with the terms of reference, the Task Force made the following recommendations:

- (i) in order to meet the future needs of Trinidad and Tobago and the Caribbean region as a whole, the curriculum of the law school should be broadened to include other disciplines relating to areas of the law of an international nature for example trade marks, patents and international treaties as well as information technology;

- (ii) the six-month conversion course at the law school should not be extended to one year;
- (iii) having regard to the shortage of suitable chambers to which students can be attached the two-year period now spent at the law schools should not be replaced at this stage by a system of attachment to chambers;
- (iv) distance learning arrangements will not, at the present stage of development of the law schools, provide a satisfactory means for the preparation for examinations for the legal education certificate but such arrangement should be made a medium term objective. There should be further examination of the organization of courses at the law schools with a view to liberalizing access by a larger number of deserving students;
- (v) admission to law school should be based on a merit system. The present system of admission is unfair to many students who, by virtue of their academic qualifications, merit admission to the law school subject to certain additional course requirements specified for non-University of the West Indies graduates. The minimum qualification for admission to the law schools should be a lower second degree whether University of the West Indies or otherwise with priority of admission based on an aggregate of marks. Preference for the filling of additional vacant spaces should be accorded to persons holding the University of the West Indies degrees.

Mr. Speaker, the Cabinet agreed that the contents of the report of the Task Force appointed to consider legal education in the Caribbean should be noted; the report be laid in the Parliament by the Attorney General and a statement be made in the House of Representatives when the report is being laid; the report be published for public comment, such comments to be submitted within three weeks of the invitation to be sent to the secretary of the Law Commission; and the comments, together with the report, be considered by the Attorney General and the Attorney General submit, within six weeks, the report with recommendations to Cabinet.

Mr. Speaker, it should be particularly noted that when Cabinet noted the report of the Task Force no decision was made on the contents of the report. This will only be done after the views of the public and other parties have been received on this important issue which affects the people of Trinidad and Tobago.

I would like to thank the members of the Task Force for their devotion to duty to our nation in providing their expertise and knowledge for the compilation of such a report.

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

HIV AIDS EPIDEMIC

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the HIV AIDS epidemic is having a devastating impact on the people of Trinidad and Tobago and while it is conscious of the fact that this situation is not one which can be improved or resolved by resort to legal means exclusively, the Government of Trinidad and Tobago joins with other state and social partners to put forward measures which it is hoped will stem the tide of this deadly virus.

To this end the Law Commission of the Republic of Trinidad and Tobago researched the matter and compiled a working paper entitled, *An Overview of HIV infection and AIDS in Trinidad and Tobago* exploring the need for legislation and proposals for reform. The Law Commission is a statutorily established body under the Law Commission Act, Chap. 3:04. It is mandated to provide a service to the people of Trinidad and Tobago which involves the revision, reforms and amendment of existing laws and also the identification, research, formulation and drafting of new areas of the law which require legislation in order to keep abreast of changing social reality.

The main focus of the paper is an examination of the epidemic from a legal perspective. An insight is provided into the ways in which other jurisdictions such as Canada, Australia and the United Kingdom have dealt with HIV AIDS from a legislative standpoint.

2.00 p.m

Mr. Speaker, the paper takes a look at the international debates surrounding the effectiveness of coercive as opposed to non-coercive measures in the battle to stop or curb the spread of HIV AIDS and the various approaches of different countries to this dilemma. The right of the victim to know the HIV status of an assailant in cases such as rape is also explored. The public health law approach in countries such as Australia, Canada and the United Kingdom is also examined and the paper looks at individual rights and the way in which anti-discrimination measures accompanied by information, education and counselling are being used in order to enable individuals to effect behavioural changes. The existing legal position in Trinidad and Tobago is also examined with a view to identifying legislative provisions to which consideration can be given for possible introduction or amendment.

Mr. Speaker, in addition to the legal analysis, the paper also gives a general overview of the devastating toll which the HIV AIDS pandemic is taking globally,

HIV Aids Epidemic
[HON. R. L. MAHARAJ]

Friday, July 3, 1998

drawing attention to the fact that in 1997, UN AIDS World Health Organization report estimates that 5.8 million persons were infected in 1997 at a rate of 16,000 new infections every day.

Mr. Speaker, according to the report, over 90 per cent of people with HIV live in the developing world where there are few facilities for volunteering testing and counselling. The UN AIDS Organization estimates conservatively that nine out of 10 HIV positive persons have no idea that they are infected. Many would probably want to know, provided they felt protected from stigma and discrimination. It is estimated that 2.3 million people died of AIDS in 1997, a 50 per cent increase over 1996. Nearly half of those deaths were women and 460,000 were children under 15 years of age.

Mr. Speaker, the Caribbean reportedly has the second highest HIV infection rate in the world, surpassed only by sub Sahara Africa. It is believed that the full impact of the epidemic in terms of AIDS mortality is only just beginning. One section of the paper is dedicated to the impact that HIV AIDS has on the children and juveniles of Trinidad and Tobago. The paper points out that in 1996, AIDS was the most common single cause of death amongst young males and if no massive prevention campaign begins soon in this country, there would be more AIDS-related deaths amongst children and young persons than all other causes combined by the year 2000.

A recent study revealed that 50 per cent of teens in Trinidad and Tobago were sexually active, and among teens between 15—19 years, there were five times more females infected with HIV than males. The paper also emphasizes the need to introduce comprehensive HIV AIDS education programme into the formal curriculum of our nation's schools; secondary schools, in particular.

Mr. Speaker, the prevalence of HIV AIDS amongst children, adolescents, and young persons is undoubtedly cause for great concern and unless something is done now to curb HIV transmission among the younger members of the population, Trinidad and Tobago faces the possibility of a much decreased adult population in the 21st Century.

Also examined, was the general impact of HIV AIDS epidemic in Trinidad and Tobago and the national response to date. It was recently reported that the incidence of HIV infection in this country is about one per cent of the population. This is a disturbingly high figure. Between the years 1983 and 1996, there were 2,524 recorded AIDS cases and 1,604 deaths from the disease. The paper points to

a Carec study which reveals that in 1996, there were 412 new cases of AIDS reported and that 256 persons died from AIDS-related complication.

Mr. Speaker, the incidence of the disease is more prevalent in men than in women. The male to female ratio reportedly being 2 to 1 in 1996. Data in the Carec's study on HIV AIDS in 1996 according to age and sex revealed that 79 per cent of HIV positive women and 57 per cent of men are younger than 40 years of age, and infected women are much younger than infected men, ten years on average. The data suggests transmission from older men to young girls.

The situation in Tobago is quite worrisome. It is reported that the rate of AIDS in Tobago is 100 per cent higher than the reported rate for the country as a whole. In 1994, 30 new cases of AIDS were reported in Tobago and this number increased to 52 in 1995, 66 in 1996 and by August 1997, 14 new cases had been reported for that year.

Mr. Speaker, the paper identifies the steps which have been taken at both the governmental and non-governmental levels by organizations such as the Family Planning Association; the Society of St. Vincent de Paul; the AIDS Hotline; the Ministry of Health's Queen's Park Counselling Centre and Clinic; and the National AIDS Programme to educate and inform the population about HIV AIDS to diagnose and monitor the disease to prevent its spreading. Also highlighted is the need for widespread availability of HIV/STD testing and proper counselling facilities.

Mr. Speaker, Carec had indicated that from an economic standpoint, the most productive age group, persons 20—49 years are those most affected by HIV AIDS. It is suggested that in the absence of intensified prevention efforts, a major disruption of socio economic development would occur in Trinidad and Tobago. This disruption would involve human costs in the form of suffering, fear, discrimination and human rights violation; indirect costs by way of loss of investments in education and of future productivity; and the direct costs because of treatment and prevention will consume a substantial proportion of the country's health budget. Also, reduction of resources available for managing other diseases and the increased dependency ratio—that is the number of dependants, orphans, children and elderly persons—versus a sinking number of economically active adults, and recent gains in child health will be reversed by HIV. The cost of efforts would increase with every year in which the opportunity for effective prevention is missed.

Mr. Speaker, the paper concludes by furnishing various recommendations which are intended to contain the spread of HIV AIDS in Trinidad and Tobago and these recommendations included *inter alia*, the inadvisability of the state

HIV Aids Epidemic
[HON. R. L. MAHARAJ]

Friday, July 3, 1998

introducing coercive legislative measures to deal with the transmission of HIV, enabling victims of rape, and sexual offences, where a real possibility of HIV transmission exists, to have the assailants undergo compulsory testing for HIV and the favourable consideration to be given to the National AIDS Programme Policy Document on HIV AIDS in the workplace, and the concerted adoption of multi-sectoral approach to combat the spread of HIV AIDS.

Mr. Speaker, the Cabinet has noted the contents of the working paper and has taken a decision to have it published for public comment. The Attorney General will receive and consider these comments and report to Cabinet. The publication of this working paper is intended to make available a document which would promote and generate public discussion and enable the Government to get a feedback on the views of the public which it would consider along with the recommendations of the working paper in an effort to arrive at a policy decision on this important matter which affects the lives of our people.

Thank you very much.

Mr. Speaker: Hon. Members, there is another statement to be made, which is not quite ready, so I believe it would be made at a later stage of the proceedings.

PLANNING AND DEVELOPMENT OF LAND BILL

Order for second reading read.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, I beg to move,

That a Bill to provide for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof, for the grant of permission to develop land and for other powers of control over the use of land and the design, construction and occupation of buildings; to confer additional powers for the protection of the environment, and the architectural and cultural heritage, and for the acquisition and development of land for planning; and to provide for purposes connected with the matters aforesaid be now read a second time.

Mr. Speaker, what we are doing today is the culmination of over 10 years of work which spans three successive regimes, and the Bill before us is designed to replace the Town and Country Planning Act which is legislation which was enacted in 1960 and proclaimed nine years later in 1969. That Act was based on the 1947 British Town Planning Legislation and, therefore, it has outlived its usefulness.

While the Act which governs Town and Country Planning that is in place today is very comprehensive in nature, it has become increasingly obsolete and it is unable to respond to modern development issues such as poverty, access to land, informal shelter, sustainable development, community participation and local government empowerment. The overall credibility of the planning system is low with as much as 70 per cent of construction taking place outside the development control process.

Mr. Speaker, I was in the NAR government and prior to winning that election in 1986, I participated in drafting the Manifesto for that election which contained a section which had promised to do what we are beginning to do in today's second reading of the Bill which is before us. I also participated in preparing the Manifesto for the 1995 election which is the one which guides this Government in its service to the people of Trinidad and Tobago and I crave your indulgence to read a relevant section of this Manifesto which deals with what we are doing.

Under construction it says:

“No physical development projects can commence without proper planning or proceed if obstructed by government bureaucracy. The Town and Country Planning Division will be reformed and decentralized to speed up the process of plan approval as well as to provide the capacity for controlling unauthorized development.

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

- Developing a Comprehensive Physical Plan for Trinidad and Tobago
- Developing a Code of Appropriate Standards
- Monitoring of the professionals who would be responsible for insuring adherence to both the requirements of the National Plan and the Code of Standards. Appropriate penalties will be applied to ensure compliance.

The three main priority areas in project formulation will be:

- Repair and enhancement of the existing road network
- Infrastructure for agricultural production
- Adequate shelter with emphasis on housing

It is anticipated that by directing and mobilizing all the resources of the nation's construction industry towards building an adequate infrastructure for

food production and human settlements, there will be massive job creation and an improvement in living standards.”

2.15 p.m.

We spelt out certain specific projects that we would wish to undertake.

“In this regard the UNC will adopt the following proposals:

- Roads and bridges will be constructed on a large scale basis, giving access to unutilised areas of the country. Two major highway projects will be undertaken. One is a link between San Fernando and Mayaro and the other is an extension of the Churchill Roosevelt Highway to Toco. A North Coast road will give access to the entire North for development—for settlements, tourism, agriculture and for fisheries. This North Coast road will give another much needed access to Chaguaramas.
- A Ferry Port linking Trinidad and Tobago will be made between Toco and Matura at the most natural location.
- A massive road maintenance and improvement programme will be initiated with an instant response division being established to prevent pot holes from becoming craters in the nation’s roads.
- New settlements and those that will be expanded and enhanced will be based insofar as it is feasible, on a philosophy where the land for development purposes is vested in the communities and organized in co-operatives.”

The other promise in the manifesto that impacts on what we are doing today is a very short section on housing, which reads as follows:

“The UNC recognizes that housing is critical to the development process in both social and economic terms. It would take steps to distribute, develop and make land available at affordable prices for persons to build their homes.

It would pass appropriate legislation to give to squatters on lands belonging to the State and those of State Enterprises security of tenure. Steps would be taken for loans at special rates of interest to be available to poor persons for them to build their homes.”

Mr. Speaker, we, in this Government that we describe as a Government of National Unity, during half of the term that the people of Trinidad and Tobago mandated us to serve them, have done many of the things that would enable the delivery of all of the promises of the Manifesto.

One of the things brings us here today. That is, to establish a national physical planning commission that will serve the country's physical planning and development needs and, Mr. Speaker, that commission will have some very clear guidelines on what it should accomplish.

“The commission:

- must prepare the National Physical Development Plan;”

Now, we do have in place a national physical development plan, but it needs to be updated and it needs, also, to be more comprehensively attended to, in terms of developing specific areas of Trinidad and Tobago. The commission, also:

- “- must develop national codes and standards;
- must ensure that all persons comply with the National Physical Development Plan and with such codes and standards as are adopted;
- must function as a ‘one-stop shop’ for projects of national importance or unique, first time or large scale projects;
- must ensure meaningful devolution of planning and development approval functions to local authorities and, therefore, must see to the preparation of local authorities for such devolution;
- must monitor and report to the Minister on the overall development approval process and make recommendations for improvements;
- must establish and manage programmes of public education and information about the objects and purposes of physical planning and the relevant laws;
- must prepare periodic evaluation and appraisal reports on the status of the National Physical Development Plan for submission to the Minister;
- must assist the Minister in preparing policy statements for keeping the planning policy framework up to date;

In summary, the Commission would manage all aspects of the National physical planning regime.”

What we are doing is consolidating several arms of the state and, I might add, the private sector, into one national commission for overseeing the physical planning process.

“For the effective management of the Commission business, a system of standing committees is established...”

Planning and Development of Land Bill
[HON. J. HUMPHREY]

Friday, July 3, 1998

There will be a committee for the national physical development plan which will assemble expert planners, that is, architects and city planners, urban planners and all the disciplines required in the physical planning process. There will be a committee for codes and standards; there will be a committee for development control; there will be a committee for a national land policy including the review of the statutory framework, policies respecting property taxation and land information.

Now, although these are the things that the commission will have, I advise this Parliament that I publicly acknowledge the work of the Interim National Physical Planning Commission, chaired by Mr. Asad Mohammed—who is a professor at the University of the West Indies in the Engineering Faculty dealing with land matters—and including many of our leading citizens with very high competence who, for two years, have given their time voluntarily and have stuck to the job that Cabinet asked them to do and, have in fact, seen this process through to where we are today. Without the work of these citizens, without reward and with lots of frustration—because I have been close to them and their work—this could not have been done. It is only because of a commitment to the welfare of our country that citizens of that calibre have given two years of their time on a very regular basis to assist in this process of enabling the country to control its development in a rational way. I really thank them.

“...the Commission will also be furnished with a cadre of senior technical and administrative officers ... including:

The Director of Planning
The Chief Building Officer
The Secretary
Legal Officer and
Chief Executive Officer”

These people will have the executive authority to carry out decisions that are taken by the commission and the Government of Trinidad and Tobago.

During the two years of the work of the Interim Commission, committees have, in fact, been functioning. We have a committee on codes and standards, the members of which have drawn from all the work done historically by the professional bodies, and they have started to prepare a comprehensive national code of standards for the construction industry.

The Town and Country Planning Division has been the development control committee virtually of the interim commission and the national physical development plan is actively being reconsidered. So, a lot of work has been going on and we have not waited for the passage of this legislation to put things in place to enable the rational development of our country to occur on a planned basis.

I am certain that every citizen who has an eye for quality will be very unhappy looking around Trinidad and Tobago at the untidiness of our living environment. We have a country that is very blessed in its natural endowments. The natural physical features of our country are absolutely beautiful and I am sure that people who have travelled to other parts of the world, on returning home, would see that for themselves.

Our Northern Range is an asset that a lot of countries would love to enjoy. It is one of our treasures. Those who have gone into the Caroni Bird Sanctuary would have seen another one of our natural treasures. Those who have visited the Nariva Swamp will see a unique eco-system and another natural treasure which the people of Trinidad and Tobago possess.

Tobago is an exquisitely beautiful island. It is a mix of the tropical rain forest and the corral, *et al.* It enjoys the clear, blue water of the Atlantic.

Our little country deserves to be properly managed and our development should be in harmony with the quality of the natural environment. Other countries have done it.

If one saw Singapore 30 years ago, one would have seen areas of Singapore that are no different from areas of our city that are backward and underdeveloped and very squalid in its living condition, but in 30 years with proper planning and with the mobilizing of the skills of the people of Singapore, they have transformed that island into a very beautiful part of planet earth and there is no reason why Trinidad and Tobago cannot do the same thing.

Cabinet has taken several decisions that will, in fact, fit into place under the working of the national physical planning commission, once it comes into being. One decision that was recently taken is that of consolidating all the agencies of the state that impact on the physical planning process into one ministry. I think that is an extremely forward step being taken.

Having done this, the national physical planning commission, that represents both state and private sector agencies, would then be in virtual charge of the physical development of Trinidad and Tobago, in terms of physical planning and

physical development that comes out of that planning. Some decisions have already been taken that foresaw the coming into being of the legislation that we are addressing today.

2.30 p.m.

Mr. Speaker, I might do this in a random way because I have not really had time to sit and put these in order. In October 1996, Cabinet took a decision on a strategy for development that establishes growth poles—there are 13 identified—which can be called different things. They are really centres of service in support of the requirements of those settlement areas which need to be modernized because they have grown without planning. What we found is that because there has not been planning, Port of Spain has become the centre of all the major services required by the entire population. Even the people of Tobago have to journey to Port of Spain for certain services that could be so easily established in the sister island for the convenience of the people there. This is true of other parts of Trinidad and Tobago.

Mr. Speaker, in identifying the growth poles, we drew from the existing national physical plan with the professional help of the Joint Consultative Council, which is the federal organization that represents all the associations which impact one way or the other on the physical development process—architects, engineers, land surveyors, urban planners and contractors. They are all assembled under one umbrella organization. The professionals within that organization assisted the Government in identifying the growth poles. Cabinet took the decision that once a geographical area for planning of a growth pole is identified, whatever land falls within that area owned by the state or its agencies, would be vested as equity in a private, urban development company for the development of the area.

Mr. Speaker, that decision would enable two types of shares to be issued for the formation of the respective development companies. One type is a share that is in kind. That is, land or resources can be invested in the company as shares. The other type is the conventional share of investment in cash. With the combination of the seed capital of the state and its agencies vesting land as shares, and with the investment that would come from the citizens—both corporate and individuals—and with the decision taken by Cabinet to sponsor the exercise of master planning the growth poles, these companies would have a tremendous advantage that most development companies have dreamt of but have never really experienced.

There are not very many examples of this approach to be found in the world, but there are some, and we have drawn on those so as not to waste time trying to

reinvent the wheel. For example, the capital city of Beirut in Lebanon which was once considered the Paris of the Mediterranean—was once the most beautiful city on the shores of the Mediterranean Sea—suffered 17 years of consistent civil war and total destruction of its entire infrastructure. A private company was established in Lebanon, marking out an area of the city centre. The state vested its land within that area in a company and encouraged the private owners of land to vest their land as shares and invited investment in cash for a private company called Solid Air. In a period of five years, they are transforming what was destroyed in 17 years of civil war into one of the most modern city centres of the whole world, and it is absolutely beautiful. I have had a chance to see it.

Mr. Speaker, in that 17 years a dump was established in the Mediterranean where refuse floated across the Mediterranean to as far as Egypt; a gigantic dump of building construction remains and human waste just piled many metres thick. They have planned and they are processing that waste so as to recycle and reuse all of the concrete and steel waste and to neutralize all of the other waste into a beautiful park, a marine boulevard, a sea defence system, mariners and a beautiful environment for the enjoyment of the Lebanese people. They have used a design where there are four floors of only underground parking. They have, therefore, made the streets user-friendly for the individual pedestrian. All of the streets are beautiful—green, beautifully illuminated and they are virtual parks.

Mr. Speaker, with a little effort, human beings can establish a beautiful living environment for themselves. This country has the resources to do this. Unfortunately, we have never had the political will to pull the resources together, especially our skilled people, so that as one national team we can take charge of the physical development of our country. Other countries having done it, it gives us a much easier task because the techniques are being developed.

Another decision that Cabinet took that fits into what we are doing today—and this was taken in December 1997—is that we would form a committee. We, in fact, appointed that committee which was chaired by the Chairman of the Interim National Physical Planning Commission, Dr. Asad Mohammed. It included Mrs. Victoria Mendes-Charles, Director, Town and Country Planning Division; Mr. Timothy Mooleedhar, Chairman of the Advisory Town Planning Panel to the Minister with responsibility for town and country planning; Mr. Hayden Allahar, Chief Executive Officer of Urban Development Company of Trinidad and Tobago (UDECOTT). That committee was mandated to assemble the resources for the preparation of a master plan for the development of the West Coast of Trinidad

Planning and Development of Land Bill
[HON. J. HUMPHREY]

Friday, July 3, 1998

from Chaguaramas to Cedros. This master plan was to include a technical component and environmental impact assessment and financing option.

Mr. Speaker, that committee has, in fact, been working. Again, people who have been co-opted to that committee have given their expert service and a lot of progress is being made in planning the West Coast of Trinidad. When the National physical planning commission comes into being under the new legislation, the work of that committee would be assembled and put into the framework of one structure.

Another decision taken is to allocate about one-third of the eastern end of King's Wharf for the headquarters complex of the Association of Caribbean States. Mr. Speaker, my friends opposite were the ones when in office, who negotiated with the newly formed Association of Caribbean States, to locate the headquarters in Trinidad. I think that was about four to five years ago. We have now reached the point where we have taken the decision of siting it on the waterfront. That decision is in the context of the first phase of a greater Port of Spain waterfront development plan. That in turn, would be in the context of the plan for developing Port of Spain as a whole.

Mr. Speaker, if you were in my shoes you would be aware of the tremendous work that has been done historically by government agencies and private sector institutions, and if that work had been applied in our development process, today we would not suffer the inconvenience of traffic jams, the unsightly nature of our environment, blocking and clogging of watercourses and drains. If governments had applied the proposals and plans of technicians which were advised over 30 years ago, today we would not be in the difficulty in which we find ourselves. We have got to remedy that, and this legislation will enable us to do so.

In fact, in all our planning exercises, we have gone into the archives and pulled out all proposals and plans that have been done in the past for the consideration of those of our professionals who are today engaged in the physical planning process. Some headway is being made. For example, by the end of this year the detail designs of the first leg of the San Fernando to Mayaro freeway would have been completed. By next year we would be able to start construction of it.

We are not making the mistake that has been made in the past, particularly by my friends opposite, of emptying the city of Port of Spain, spreading its citizens up an East-West Corridor, burdening the road network and putting tremendous burdens on our citizens. Had they instead focussed on the development of the capital city and keeping a residential population in the city, the lives of our people

in the city and up the East-West Corridor today would be convenient. They made that terrible mistake because they were motivated by the one consideration. I discern today, in fact, their thinking is no different because they suspect that the UNC Government is doing what they used to do. That is, to manage the demography of the country for electoral advantage. I want to give the assurance to the national community that that is certainly not what is being done. As long as I am Minister with the responsibility for physical planning, that would not be a consideration in the planning and development of this country.

Mr. Valley: You take away Trevor Sudama's portfolio already?

Hon. J. Humphrey: Mr. Speaker, the Bill before us is a very complex piece of legislation. To begin with, it is lengthy and as a result it is actually difficult to read and digest. What is normally done, is that you produce legislation and then follow with detail regulations that are lengthy. What we have done—and this is being done deliberately—is to produce a comprehensive piece of legislation that will require few or no regulations because the regulations are contained in the legislation.

Mr. Speaker, in order to facilitate the public, the Interim National Physical Planning Commission is already beginning to put in place the means of producing two handy booklets. One booklet gives precise guidelines for obtaining outline planning permission, which is the first stage in seeking to get planning approval for any development.

2.45 p.m.

However, Mr. Speaker, highlighted in that booklet would be the invitation of the developer and his team of professionals to meet with the experts in the new structure, the National Physical Planning Commission, so that from the concept through every stage of planned preparation, there would be consultation, advice and assistance. In this way, the professionals' time would not be wasted.

In fact, the Commission under this legislation is the sole authority for planning approval, but it has the power to delegate that authority both to local government—when local government is ready for it; we have to give them the human resource base to enable them to manage that process—and to practitioners who would be registered with the Commission. Those practitioners would be authorized by the Commission to prepare, stamp, sign and automatically approve development plans. They will be monitored by the Commission and there will be clear codes to guide their work both in the national physical plan and in the code of

Planning and Development of Land Bill
[HON. J. HUMPHREY]

Friday, July 3, 1998

standards. If those practitioners who are registered infringe the provisions of the code and the law, they will be deregistered.

In my experience, there are professional organizations of very long standing which police their members. Those organizations have developed codes of standards and ethics and we would be better placed if we have confidence in those practitioners. These are professionals who have done extremely good work. They have been trained in the best schools and universities and have come back to this country with a commitment to make it a beautiful place for us to enjoy. It is better that we trust those persons. That is what is being considered in formulating this legislation.

It enables as well the pooling and assembling of resources in the whole process of development instead of having a situation of “we the Government” and “they the people”. There will be one group working together to build this country.

I think I heard the Opposition Chief Whip suggest that this Bill be sent to committee. If he wants this Bill to go to committee, it means that he has not been doing his work as Opposition Chief Whip. When this Bill went out for public comment, there were consultations held between the Interim National Physical Commission and all groups, including the Opposition. They have already had their say. Those Members of the Opposition who refused to attend the sessions or who were too lazy to take the trouble to attend the sessions ought not to think now that the Government will create any committee to further delay this process. Parliament is not for delaying development. The Member for Diego Martin East may think so, because that is the way he acts in this Parliament—he is obstructionist.

This Bill had its first reading many moons ago. They will all have an opportunity to make a contribution. As you well know, Mr. Speaker, there is democracy in this House. You preside over it and every Member has an equal opportunity to make his contribution. We will not even consider referring this Bill to any committee. If they vote against it, that is their prerogative. When the vote comes, we know how we will vote.

Every one has a copy of the Bill and the explanatory note goes into it clause by clause, so I will not waste the time of this House repeating that exercise. That has been done with due diligence by the experts who had an input in this Bill. There are, however, two clauses on which I would like to touch. The first is clause 37, which deals with the application for permission to develop land.

Mr. Speaker, in the past there have been successive governments which either did not understand, did not appreciate the need for reliable data or were too lazy to

put the resources in place to enable the provision for reliable data for physical planning. There were, for example, loans negotiated with multilateral agencies and agreements reached for the financial resources to be identified for these extremely important exercises.

However, until this Government came in, no work had been done to bring us to where we need to be in terms of having reliable data for physical planning. The members of the Interim National Physical Planning Commission recognized that we were making the right efforts to enable the compilation of reliable data. In fact, they have been helping the Government in this regard.

Mr. Speaker: Hon. Members, it is not right, while a Member is making a contribution, that there should be, not just one comment from one Member to another, but continuous comments. It is not right. I ask you, please.

Hon. J. Humphrey: Mr. Speaker, this is spelt out in clause 37. I will read it for the sake of Members who might not want to do so themselves.

“(1) An application for permission to develop land shall be made in such form as may be prescribed and shall contain—

(a) information with respect to the exact location of the land.”

In that regard, when I took up the portfolio of housing and settlements, I sought to identify land owned by the state, for housing. There was no agency to which the Ministry of Housing and Settlements could have turned to identify state lands, far more state lands that were suitable for housing. I put a little agency in place called the Land Bank Division, which has been working for the last two years collecting all the data on state lands from the cadastral sheets of the Lands and Surveys Division and has now put into the computer, under a digital mode, all the data on identifying lands owned by the state, Caroni (1975) Limited and Petrotrin. They are now ascertaining the use to which the land that has been identified as belonging to the state is put and that is a meticulous exercise.

2.55 p.m.

We have recently taken aerial photography of the whole country and that, too, would be digitized. We will have a database of layers of information that would enable this country to properly plan for its physical development. Clause 37(1)(b) says:

“the name and address of the owner of the land.”

In that regard, under the Minister of Legal Affairs, we are actively organizing the land registry where records are kept for enabling the transaction of passing

land from one owner to another. I know that you are eager to have all other users of the Red House relocated so that it could be used for Parliament purposes only, whereby we could organize the business of Parliament. That, Mr. Speaker, is an act of rational physical planning but it seems as though acts like that were unknown to consecutive PNM regimes. However, the Minister of Legal Affairs is establishing the land registry in conjunction with other Registrars of Births and Deaths, Companies, Trade Marks and so forth, in a modern context, where paper records would be properly stored, easily accessed, and where all the data would be converted into the modern computer age of fingertip information gathering.

“(c) information with respect to the existing and the proposed future uses of the land;”

It is extremely difficult to know what land is presently used for throughout Trinidad and Tobago. Although there is aerial photography, no one has ever taken that data and put it in a format where one could inquire into the use of land in different parts of the country, which one is required to do. How does the Minister of Agriculture, Land and Marine Resources identify land for agricultural purposes, mark out and distribute that land to those who wish to work it to produce food, if it does not have the correct data? Mr. Speaker, the PNM was in Government for three decades and more and these basic things have not been done, but we are doing them now. With respect to information on the proposed future uses of land, there is no detailed planning for development and I will give an example. Many years ago, those of our brothers and sisters who had the foresight and vision of establishing an industrial estate in Couva at Point Lisas—

Mr. Hinds: We did that.

Hon. J. Humphrey: Did I hear some futile noise from a distance? Mr. Speaker, I know who did it, and it had nothing to do with the PNM regime. It was done by a group of very serious businessmen in San Fernando headed by Mr. Bobby Montano. Some of them are still with us and some are no longer with us.

An industrial estate was established; gas pipelines have been brought into that estate and a port has been developed. As a result of the combination of the port, the gas pipelines and the supporting infrastructure—water, electricity and so forth—a number of industries have emerged in the Point Lisas area and that is something of which this nation should be very proud. In recent times, more and more gas has been found which belongs to the people of Trinidad and Tobago, but gas is useless unless it could be made to produce other things. If one does not have the space and the infrastructure to accommodate the factories and industries that

could make that gas useful to the people of Trinidad and Tobago, then it remains there useless.

There is already one gas-based industrial estate with a port but the level of interest of investors to come and establish here in Trinidad and Tobago is so phenomenal, that it is urgent that we identify the space where these plants, industries and factories could be built to utilize the quantity of gas that is being found. That requires advanced physical planning, Mr. Speaker. But could one go anywhere and find the Point Lisas Industrial Estate expanded to include all these new industries, so that one could talk to the investor and say, "Here is a site for erecting your plant"? One cannot, because the work was never done by the Members on that side, even though their Prime Minister was a geologist. Mr. Speaker, he should have had an idea! There was also a Minister of Works who was a qualified engineer who spent all his time enriching himself. I do not think we should really object to that but we should at least recognize it.

- “(d) information with respect to the existing uses of all adjoining land;
- (e) information with respect to the availability and nature of any water supply, sewerage service and other utility service;”

I do not know if the Minister of Public Utilities would like to make a contribution on what he has found in terms of water and sewerage disposal facilities in this country.

- “(f) information with respect to all existing and proposed, natural and artificial features including, without limitation, buildings or other structures, railways, highways, watercourses, drainage ditches, wetlands and wooded areas or environmental hazards on, within or adjacent to the land.”

Mr. Speaker, we had a railway system in this country that was, in fact, a mass transit system that worked extremely well, but it was dismantled under one of the PNM regimes and was virtually given away as scrap. There was only one visionary PNM Minister who had the idea of converting the disused railway line in the East/West Corridor into a priority bus route.

Mr. Maharaj: Who was that Minister?

Hon. J. Humphrey: If I recall, Mr. Speaker, that was a Minister of Works named hon. Hector McClean. [*Desk thumping*]

- “(2) An application shall be accompanied by—

Planning and Development of Land Bill
[HON. J. HUMPHREY]

Friday, July 3, 1998

- (a) such plans, drawings, surveys, maps, diagrams, environmental impact statements and other information and fees as the regulations prescribe;”

Mr. Speaker, when an applicant needs to bring to the National Physical Planning Commission all of this data, that applicant should be able to access it. What the commission would do is to ensure that the data is easily accessible.

“(b) any certificate that may be required pursuant to section 38.”

One has to read section 38 to see what that is. However, that is to certify that the land which is to be developed has clear title; that there are no encumbrances; that, in fact, the owner is involved in the development.

- “(3) The Commission or planning authority may require the applicant to furnish or pay for such further surveys, consultations, studies, reports or information, prepared by persons whose qualifications have been approved by the governing body of a recognized profession in Trinidad and Tobago, as may be prescribed, to consider the application.”

The Member for Diego Martin East is a practising engineer and I would recommend to him that he seeks to be registered with the Commission.

3.05 p.m.

Mr. Speaker, we are still talking about what is required in an application for permission to develop land.

- “(4) The materials required pursuant to subsections (2) and (3) shall be sufficient to show—
 - (a) the location of all buildings and structures, and all facilities or works to be provided in conjunction therewith; and
 - (b) the plan, elevation and cross-section views for each building proposed to be erected, sufficient to display—
 - (i) the massing and conceptual design of each proposed building;
 - (ii) the relationship of each proposed building to adjacent buildings, streets and exterior areas to which the public has access; and
 - (iii) the provision of any interior walkways, stairs, elevators and escalators to which the public has access,

but such materials need not comprise working drawings prepared in such detail as would be required to ascertain compliance with the building code.”

Mr. Speaker, it goes on, and is very comprehensive. Any developer or prospective developer who wishes to invest his resources and develop something physical has the guidelines already established in the legislation. If need be, he can employ experts who can steer him through those guidelines. Any of us who have been in the profession in the past, realize that all of these things are required for rational development.

This legislation includes in detail, what is required so you are not going to get plans drawn on a piece of brown paper, submitted for planning approval. Everyone who wants to develop a piece of land for use for any purpose, must apply in this manner for permission to develop. Mr. Speaker, this will guarantee a certain standard and will enable us to improve the living environment of Trinidad and Tobago for everyone's enjoyment.

Mr. Hinds: Would the hon. Member give way? Merely for the benefit of the debate, I would like to know if the Member could inform this House how the procedure for the application just outlined would differ from what now exists.

Hon. J. Humphrey: It is very much more detailed. What we have in place at present is a tendency. Since the division is a development-controlled division, there is a tendency to block the development process and not to facilitate it. What this does, it enables the developer to come to the National Physical Planning Commission and its respective agencies and be helped in the process. So when a project has reached the stage of detailed planning—and a lot of expense is incurred because the professional input in any construction development is at least 10 per cent of the total cost of that development—money would not be wasted. Plans would not be done and details submitted and then not be approved.

Mr. Sinanan: I thank the hon. Minister for giving way. Can I understand you to say that a private developer can then access the expertise at the Ministry of Planning and Development for purposes of getting his plans approved? In other words, can a private developer get the help of the technical people at the Ministry in order to so put his plans together that he would not have delay and expense later on?

Hon. J. Humphrey: Mr. Speaker, that is exactly what is intended and all it requires is a will. The Government, under our Prime Minister, Mr. Panday, has taken the decision that it will be a partner with the people—the people individually,

Planning and Development of Land Bill
[HON. J. HUMPHREY]

Friday, July 3, 1998

the people in corporate structures—in development and a partner also with the foreign corporate citizens.

Mr. Speaker, that is now being manifested in what is seen happening in Trinidad and Tobago. For 30 years under the PNM government, AMOCO drilled oil, put it in their ships and took it away. They could not take the oil and add value to it at home. They employed a minimum of locals in the whole process and billions of dollars were taken out of this country. Since this Government has come into office, AMOCO has become committed to Trinidad and Tobago. Of course, they are going to continue to make the profits that they have organized their shareholders' investments to make. For the first time they have made a commitment to Trinidad and Tobago and they are locating a regional headquarters in Trinidad and bringing their top executives for the whole region of AMOCO's interest to Trinidad to operate out of Trinidad.

Mr. Speaker, they are doing something else. They are building a modern office complex in Mayaro. Additionally, they have already indicated a willingness to join with the Government of Trinidad and Tobago, to develop Mayaro into a modern township and to look at siting another industrial estate and assisting in the rallying of resources for doing this. This is something we welcome. We want people to come to our country and demonstrate that they have a commitment to the welfare of this country and to use part of the resources that they win through their own efforts, in the improvement of conditions in this country. It is in their interest to do it.

Mr. Speaker, the linking of San Fernando to Mayaro fits in beautifully with that strategy, because what is the point of developing a modern township in Mayaro if one cannot access it because the roads are so deplorable. We moved at the right time. As I told you, in next year's budget we will have an allocation to start the first leg of it, and it is being designed—a freeway. The Churchill Roosevelt Highway has great crossings; there are no overpasses. The modern approach to moving traffic is to avoid intersections where one has to stop one flow to allow another flow. That is how we are designing the link that would connect San Fernando to Mayaro; all overpasses—no great crossings, no need for traffic lights.

Mr. Speaker, while we are doing that, each of the towns along that route—first of all Princes Town which is an extremely important settlements area, and then Rio Claro before you get to Mayaro—is one of the growth poles that will be designed and developed through private initiative. We are, in fact, putting in place—despite

the fact that very little had been done to enable us to do it—all the facilities and services that will enable the people of Trinidad and Tobago to be facilitated in the physical development of their country, individually and by communities.

Mr. Speaker, there is another facet that requires planning; I have been talking about it for the last three decades. Under one of the PNM regimes, I actually had a meeting with the drainage engineers of the Ministry of Works in those days. They agreed with me that what this country needs is: to establish a system of reservoirs and retention ponds and lakes to hold the water in storage when it falls in abundance in the rainy season; to release the water at a controlled rate so there would not be flooding in the low lying areas; and to capture the water during the rainy season and to hold it through the dry season for all the purposes required.

Mr. Speaker, planning is needed for that. We will be putting the resources in place to plan the entire country for artificial lakes and reservoirs. These things would enhance the living environment like one cannot imagine. Anyone who goes to Pointe-a-Pierre and walks up to one of the reservoirs that was established for very practical purposes to support the refinery, will see nature areas that are absolutely beautiful, that support wildlife one cannot imagine. Unfortunately, the entire area is fenced from the people's enjoyment. It is a private compound, being part of the refinery. Most of the citizens of this country have never seen it and it is very unfortunate. If our citizens were encouraged to take their families to a picnic on a Sunday, at the sides of those beautiful artificial lakes, they would then get an appreciation of what that would do for the living environment of this country.

Mr. Speaker, if one flies over the Valencia area, for example, one would see what looks like a moonscape. It is unbelievable that they could, over the years, take gravel out of the ground and desecrate what the Almighty gave us with natural beauty, as they have done. We are doing something about that. We are going to plan very large lakes, because the amount of work that has gone on in that area over the years—there are many pits spreading over many square miles. In planning those lakes we would get more material than we ever imagined we would get because we would go deeper to get that material. We would automatically wash it by doing that. We would plan it and control it so that you do not get the adverse effect to the water supply, of all the mud and silt washing down in the system of rivers, into the Caroni River and polluting the Caroni Arena Water Project.

What would that do? It would give us the gravel that we need in abundance. It would give us beautiful areas eventually, where one can develop around one's

Planning and Development of Land Bill
[HON. J. HUMPHREY]

Friday, July 3, 1998

housing; for the expansion of Arima and Sangre Grande, water parks where the citizens can enjoy fishing, canoeing and a facility that would be created to go on the water's edge and catch a fish, do the cooking or take a duck, pluck and cook it, because these are family outings of the people of Trinidad and Tobago. Any Member of this House who has joined with any of their friends in that kind of activity would know how pleasurable it is. One would be doing something more.

3.20 p.m.

One would be establishing for all time the means of charging the nation's aquifers because that water, although you are collecting it, will be there for the visual enjoyment and enjoyment in recreation use for all the people and it will be charging the aquifers. Therefore, the water authority under the Minister of Public Utilities will be able to be assured of water for all time and they will strategically locate these lakes and one would kill so many birds by so doing. That is one of the undertakings. A whole broad network of lakes and reservoirs will be planned and, as the means permit, will be developed.

Mr. Speaker, when one puts the development of the growth poles in that kind of context, one begins to see in one's mind that we in Trinidad and Tobago can enjoy a country, perhaps, far more beautiful than Singapore has become. In fact, we have more natural beauty than Singapore has and that is why the efforts have been made.

In all that I have said in presenting this Bill to bring this piece of legislation for establishing the national physical Planning Commission, Mr. Speaker, I beg to move. [*Desk thumping*]

Question proposed.

Mr. Speaker: Before I call on the next speaker I will revert to a statement which is yet to be made. The Attorney General. [*Desk thumping*]

**BRITISH BROADCASTING CORPORATION
(ERRONEOUS REPORT)**

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I wish to make a statement on behalf of the Government about a report which the British Broadcasting Corporation made about this country.

The British Broadcasting Corporation this week in one of its World Reports stated that five persons convicted of murder in Trinidad and Tobago were denied their constitutional right to appeal to the Judicial Committee of the Privy Council

in London and, further, that the Government of Trinidad and Tobago was taking steps to execute them. The British Broadcasting Corporation published this false report, which is a serious libel on the Government and the peoples of our nation. This report has damaged the image of Trinidad and Tobago in the international community. The British Broadcasting Corporation's World Report was not only false, it was also unbalanced and partial.

The five persons referred to in the British Broadcasting Corporation's World Report had their cases considered before a judge and jury of the Supreme Court of Trinidad and Tobago. It was an open trial. They were represented by attorneys at their trials and they were duly convicted and sentenced to death. Their convictions followed a trial by a competent, independent and impartial court. They appealed against their convictions and their appeals were dismissed by the Court of Appeal. They were represented in the Court of Appeal by attorneys-at-law. The convicted persons then applied to the Judicial Committee of the Privy Council for special leave to appeal and their applications were dismissed by the Privy Council. The Privy Council, therefore, found that there was no miscarriage of justice in the convictions of these persons.

The British Broadcasting Corporation's World Report portrayed that one of the convicted men, Christopher Bethel, as an innocent man and the report claims that his British lawyers are insisting that his conviction was a clear miscarriage of justice. This is a clear unfounded attack on the legal and judicial system of our country. The court found this man guilty and both the Court of Appeal and the Judicial Committee of the Privy Council found there was no miscarriage of justice in his conviction. The British Broadcasting Corporation's Report went on to say that the police of Trinidad and Tobago extracted a confession by holding a gun against his head and whipping him for an hour and a half and yet the Government wants to cut short his appeal.

These allegations against the police service were not established by evidence in the case. His lawyers had every opportunity to establish this and to establish any reasonable doubt about the prosecution's case at his trial before a judge and 12 members of the jury; at his appeal before three judges of the Court of Appeal; and at his appeal before the Privy Council before three judges of the Privy Council. No such finding was made by any of these courts. Instead, the Court of Appeal and the Privy Council upheld his conviction as safe.

Mr. Speaker, the British Broadcasting Corporation has made an unfounded attack against our police service. The Government of Trinidad and Tobago wishes

British Broadcasting Corporaion
[HON. R. L. MAHARAJ]

Friday, July 3, 1998

to record its strongest protest against this attack upon our police service and our nation. The British Broadcasting Corporation's World Report went on to say that:

"Trinidad and Tobago wants to speed up hanging to put an end to violent crime, which has made it one of the most dangerous former British colonies in the Caribbean."

The British Broadcasting Corporation's Report went on to attack Caribbean governments for taking steps to execute people by stating that:

"What the governments of the Caribbean are doing by hanging people is showing that violence is the way to go, that's the way to solve disputes."

Mr. Speaker it is curious and astonishing that the British Broadcasting Corporation's World Report, after 36 years of Trinidad and Tobago's independence and after 24 years since it has attained Republic status, can refer to Trinidad and Tobago as a former British colony and refer to other Caribbean Governments as former British colonies. We ask the foreign media and other governments to recognize that Trinidad and Tobago, like 90 other countries in the world, retains the death penalty as an adequate punishment for murder; that is part of our laws. The Government and people of Trinidad and Tobago are not going to allow either the foreign media or other governments or international institutions to succeed in imposing and transplanting their legal culture and laws in our society.

The British Broadcasting Corporation's World Report went on to say that:

"The international protests have, so far, caused the Government to waiver and that they remain the best hope for those condemned men on death row."

I want to record that the Government intends to carry out the law of capital punishment. International protests have not caused and will not cause us to waiver in carrying out the death sentences imposed upon persons subject to the adherence of the principles of due process of law.

Mr. Speaker, it is astonishing and reprehensible that the British Broadcasting Corporation, which has a reputation for competence, reported the views of persons who support the plight of these convicted persons without getting the views of the Government or checking the accuracy of the views it published. The Government has, through its High Commissioner in the United Kingdom, lodged a protest with the British Broadcasting Corporation and demanded a retraction of the false statements and imputations which the British Broadcasting Corporation has levelled against the Government and people of the Republic of Trinidad and

Tobago and against our legal, police and judicial institutions. The British Government has also been informed of our protest. The Government is also considering whether legal action can be taken against the British Broadcasting Corporation for this false and unwarranted attack against our nation and its people.

Thank you very much, Mr. Speaker. [*Desk thumping*]

PLANNING AND DEVELOPMENT OF LAND BILL

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, in typical arrogance this afternoon the Minister of Planning and Development, who has taken on the responsibility for land planning, refused to present this legislation. We have here a Bill comprising 121 pages including in excess of 100 clauses and a number of schedules and the Minister indicated that he had no interest in going through the various clauses of this Bill, nor had he any intention of even considering a request from the Opposition to send this matter to a committee. Typical arrogance, Mr. Speaker, in dealing with a matter as fundamental as development of land and planning and the Minister refuses to present the legislation and tells the Members on this side that he is not willing nor interested to engage in the parliamentary process where it is conventional that complex legislation is sent to a committee.

That is okay, Mr. Speaker. I had a little bet with some of my Members before this session began. I bet them that—bearing in mind the presenter of this Bill who is one of the most stubborn and hard-headed Members of this Parliament; who refuses to listen to any point that is made about any legislation that he brings into this House; who is inflexible and intolerant of criticisms—any mention of a committee would send the Member for St. Augustine instantly into a rage and he would indicate that this is an attempt to block the legislation and he would just railroad it through. I did not believe that he would not present the Bill and since he has not presented the Bill, Mr. Speaker, it is incumbent upon us on this side now to go through the legislation.

One gets the impression that the Minister has not even read the Bill. One of the absurd statements made by the Minister was that one can develop legislation and have cumbersome and complex regulations and that this Bill went the other way and it is a Bill that requires very few, if any, regulations. That is the absurd statement that he made. It tells me he has not read nor studied this Bill, he has not looked at the clause in the Bill that gives the Minister the power to make regulations. That particular clause has 17 subclauses. I shall read clause 105 for the benefit of the Minister who shall now learn about that clause for the first time. Page 93, clause 105(1):

"The Minister may make regulations:

- (a) for prescribing the form, size and contents of any notice...;
- (b) with respect to the preparation and content of development plans;
- (c) with respect to the making of applications for permission to develop land...;
- (d) with respect to functions which may be performed in areas of special interest;
- (e) with respect to reparation areas;
- (f) with respect to the making and granting of permission under interim building ... orders...;
- (g) with respect to the preparation, content, consideration and acceptance of any environmental impact assessment...;
- (h) requiring payment of a fee...;
- (i) for any purpose for which regulations are authorized...;
- (j) with respect to matters constituting a material change of use within the meaning of section 35; ...
- (l) with respect to immediate compliance orders...;
- (m) prescribing activities which shall be engineering operations;
- (n) prescribing any substance or waste as toxic;"

There are (o), (p), (q), Mr. Speaker.

3.35 p.m

There are 17 subclauses under which the Minister could make regulations. It is the longest regulatory clause I have ever seen in any legislation presented in the history of this Parliament, but the Minister makes the absurd statement that this Bill does not require regulations and all are contained within. This is absurd! There are other clauses within the Bill which require and allow the Minister to make regulations.

It is often said that the road to hell is paved with good intentions, and one would have thought that the philosophy behind legislation of this nature would be to streamline the application process, remove the bottlenecks, remove ambiguity

and opportunities from public officials to block applications for land and building development. One would assume that is the purpose and intent of any such legislation.

I think the Members on the other side have a love affair with me. On the last occasion a particular Minister indicated that I was jealous of his success, on another occasion, a Minister said all I do is come into this Parliament and talk, and on this occasion, my colleague from St. Augustine says all I am interested in is in enriching myself. I wonder if he is referring to the fact that over the last two years I had constructed more houses than the entire United National Congress Government. Is that what he is talking about? The fact that I had built over 100 houses in the last two years? Maybe that is what he means, but those are the contradictions and the absurdities which come from Members on the other side in their inability to refrain from taking pot-shots and making snide remarks.

The fact of the matter is, I have an intimate knowledge of land and building development matters and there are a number of issues in this legislation which I would draw to the Minister's attention. He, too, has an intimate knowledge of land and building matters and I will accept that the Minister, like myself, has been engaged in construction for many years. One of the issues which I would like to bring to his attention is that the entire concept of the provisions, which were the subject of discussion, was to allow the professional organizations involved in the industry—the engineers, and architects—the power and right of authority to approve plans, process applications and so forth. This has been the process since I was at the university in the 1980s even before I was in politics, and now I see it in this legislation. This has been the process for many years.

Whereas the provisions of that section of the legislation are laudable and will allow facilitation of the approval process and so forth, what is missing in the legislation—and I want the Minister to consider this very carefully—whereas a 30-day period is given towards the end of the legislation for grant or revocation of approval, I have not seen any time period—and this is where the problem arises—for the initial approval under Part IV, and I am talking about the initial development approval. Time limits have been prescribed in this legislation for the building and engineering aspects and so forth, but I do not see any time limit in this legislation and I would ask the Minister to put one in. I can understand the philosophy and the rationale behind this Bill and the tendency of planning authorities—and I am talking about Town and Country Planning—to simply hold an application and sit on it for months and even years, in certain instances, and

people's applications can be lost in that division for three and four years. A developer cannot plan and operate under such an environment and I think it is mandatory that a time limit be put in this legislation for the grant of outlining planning permission. I would say a 30-day limit. I do not know what the Minister has in mind, but I think it must be done, because by leaving it out it allows the new planning commission the flexibility to hold somebody's application on a desk for six months or a year. I think we need to add a new clause to the legislation to limit the time-frame within which the commission can give out planning permission, or revoke, or refuse, to 30 days. This is one of the more annoying and frustrating aspects of this planning and application process.

The other thing that we need to do which will flow in regulations, is the one which the Minister said did not exist. We need to tighten up the definition of the criteria under which applications are either approved or refused, because the approval process, up to this day, is entirely subjective. One may have a situation where a developer may apply for the construction of a multi-family unit development in a certain parcel of land, and the planning authority can whimsically decide that only one unit per 5,000, 6,000 or even 8,000 square feet will be approved for that particular location, and in another area, again, whimsically, they can allow units on 1,000, 2,000 square feet and so forth. I have often posed the question to planning officers, why if one wants to build a town house development in this location, it is restricting the number of units to one unit every 5,000 square feet but over here, it is allowing it every 2,000 square feet? We need to define these things because these are some of the real problems which people have faced in the development and planning process.

Hon. J. Humphrey: Mr. Speaker, provision is made for detailing in the code of standards that would be published, so there would be a detailed code of standards to refer to. That does not need to be included in the legislation.

Mr. C. Imbert. Mr. Speaker, I never meant that it should be in the legislation, what I said is that it could be in regulations or any other document that flows from the legislation, but we need to develop those standards and remove from public officials the power to deny, block and frustrate applications on whimsical fancy or other reasons, and it is one of the things I did not see in the legislation and if the Minister is saying it is going to come in the building code we have to look at that.

The other problem which I have, is that we have moved over the years towards decentralization and devolution of power, yet this Bill centralizes everything to devolve. Yes, that is true, but it is still initially centralized. I see that we have a

one-year period, for example, with the Local Government Authorities and it revokes or repeals those sections of the Municipal Corporations Act with the passage of this Act, and I wonder what are the transitional arrangements. Perhaps the Minister can tell us what is going to happen during that one-year period?

At present, part of the approval process is devolved to local government projects and they have been making an effort to expedite the process and get involved in the planning process. This is now being removed from them. Where are you going to get the staff? These are the questions I must ask. You are creating a one-stop shop and there is nothing wrong with that, but where are you going to get those engineers, inspectors, architects, and planners? There is already a shortage of these professionals in Trinidad and Tobago. Where is the Minister going to get all these professional persons required for the functioning of this National Planning Commission where he wants to centralize planning and control. I think it needs to be looked into. I do not think it is practical for a commission to impose on itself all these powers, I think they need to be devolved immediately. I believe that the Local Government Authority should retain the power to grant approvals and process applications and so forth. I do not think all 14 Local Government Authorities should be taken away from them.

I look at the Chief Building Officer for example, what kind of an animal is that? This creature would now have power over all the building inspectors and engineers in all the planning authorities all over Trinidad and Tobago and can revoke permission given by the —

Hon. Member: Is that true?

Mr. C. Imbert: Yes. They are creating a creature called a Chief Building Officer who has ultimate authority to revoke any permission given by anybody, in any local authority and I wonder if we are going in the right direction. That is why I said the road to hell is paved with good intentions.

Hon. Member: That is the road to Paramin.

Mr. C. Imbert: No, the road to Paramin is paved with good concrete. And whereas it may have been the intention of the Minister to streamline the approval and regulatory process, I do not think that is what is being achieved here. Where is the Chief Building Officer, for example, going to get staff? He is just an individual, obviously he is going to have engineers and other professionals working for him. Where is he going to get all these architects, engineers, and surveyors? I really

Planning and Development of Land Bill
[MR. IMBERT]

Friday, July 3, 1998

think that the concept behind the Municipal Corporations Act which the Minister had a part in was a NAR piece of legislation in which there was a whole thrust toward decentralization and devolution of power. This is a retrograde step taking it back from the Local Government Authorities and putting it under the Central Planning Commission which really abolishes the Town and Country Planning Division through a very convoluted piece of legislation of 121 pages. What the Minister is doing is, in effect, abolishing the Town and Country Planning Division—making it a toothless bulldog. Under this legislation, the Minister can determine which authority has the power to receive applications and to issue approvals or rejections so that he can completely bypass the Town and Country Planning Division if he so desires, which is obviously his intention and I would have liked the Minister to present the philosophy behind this Bill.

[MR. DEPUTY SPEAKER *in the Chair*]

He has not indicated what are the problems experienced with the Town and Country Planning Division, nor the concerns of the Division—obviously he considers them to be irrelevant—and what this Bill does to deal with the issues. *[Desk thumping]* He has not told us what were the comments of the stakeholders in the development process. What did the builders tell him? What did the contractors tell him? What did the engineers have to say about the clauses in this Bill?

Mr. Deputy Speaker, I do not expect someone as experienced as the Member for St. Augustine to just come with something like this with 121 pages and say read it. There is no committee, no discussion, nothing. I do not expect him to do it and it is an insult to this Parliament. There are certain issues which I want to raise with the Minister. Since he has not presented the legislation, he is going to create a situation where a registered professional can prepare a plan, stamp it and automatically approve it, but also give the planning authority the power to revoke that approval which came from the registered professional.

3.50 p.m.

But, what are we really doing? We are speaking out of two sides of our mouth. If you read the Bill, Minister—since you do not seem to be familiar with the sections of the Bill at all, I will read for you.

Let us go to the section on professionals at the end of the Bill. The section on professionals, Part VI—“Listing of Professionals, Expedition of Construction Approvals and Co-ordination of Development Approvals”. Let us look at clause 86, Mr. Deputy Speaker.

I ask the Minister to pay attention and stop engaging in irrelevant discussions with those two on either side of him, the grim reaper on one side and the whatever on the other side.

Hon. Member: The grim reaper?

Mr. C. Imbert: Yes, the grim reaper.

Mrs. Persad-Bissessar: You are jealous because nobody will talk to you.

Mr. C. Imbert: You are jealous.

Mr. Deputy Speaker, under clause 85:

“...the Chief Building Officer may issue a building permit in reliance on the professional certificate of a listed professional and allow construction to proceed if—

- (a) not less than thirty days have elapsed after submission of the approval submission to all relevant agencies;”

What we have here, Mr. Deputy Speaker, is a situation where a registered professional issues a certificate indicating that plans have been prepared in accordance with certain codes and standards and the Chief Building Officer can allow construction to proceed after a period of 30 days. As I said, that is a very laudable provision. It speeds up the process and uses reliance on professional bodies in the country, which is what the Minister said, that they are going to work together with registered professionals. Who could argue against that? *[Interruption]* I cannot argue against that.

These are matters which have been discussed in the professional organizations; discussed with me during my tenure as Minister of Works and Transport, where agreement was reached with the professional bodies that this is the way to go. The former Minister of Planning and Development, Dr. Saith, also held comprehensive discussions with the professionals and this was the way we were going. Who could object to this?

But, what I see in clause 86, Mr. Deputy Speaker, is:

“Notwithstanding that any work was performed in accordance with the terms of a building permit issued under section 85, an agency may take all steps necessary to ensure that—

- (a) the plans or specifications filed in connection with the related approval submission are revised or amended so that said plans or specifications conform with the agency’s mandatory standards...”

Planning and Development of Land Bill
[MR. IMBERT]

Friday, July 3, 1998

What this is saying is that a registered professional may prepare, stamp and allow approval of plans and the agency may come afterwards and say, "No, that is not in compliance. You have to revise. You have to amend and so on." So, why is there reliance on the registered professionals? I have to ask the Minister what is really going on here? If authority is given the power to revoke what a registered professional has done, what will really be achieved? Is the process really being devolved to the professional organizations or not? I ask the Minister to consider that.

I also tell the Minister that the clauses that require professional indemnity insurance and the posting of bonds by registered professionals are very, very necessary clauses and, far too often, professional engineers, architects and so forth, prepare plans which do not meet even the minimum building standards, then absolve themselves of responsibility afterwards when incidents occur. I think it is a very useful provision in this legislation that in order to be registered with the board, certain bonds and professional indemnity insurance should be taken out. *[Interruption]*

I do not think the Minister understands. There are certain aspects of the Bill which I must support and there are certain aspects of the Bill which need further study.

Mr. Humphrey: Point them out.

Mr. C. Imbert: The point I just made was, if a professional posts a bond and takes out professional indemnity insurance and given the authority to stamp an approved plan, then a planning authority revokes that, what are you really seeking to achieve? What is the point? It is a recipe for confusion.

What the Minister has to keep in focus all the time is that we do not want to create a situation where public officials can whimsically block development. When the Minister spoke, one of the few things he said was that the main intent of this Bill was to create an environment which allows the development process to proceed smoothly and unhindered, in partnership with the Government. This is one aspect of the legislation that needs careful consideration. That is why we would like to hear the comments of the stakeholders in this industry. *[Interruption]*

Mr. Deputy Speaker, I am sorry. If the Minister is trying to tell me that everything in this piece of legislation was the result of representations made by various stakeholders, I cannot accept that. We have seen legislation from this Government come to this Parliament, time and time again, where professional

associations were not consulted and where submitted memoranda were not considered by the Government.

It happened with the Land Surveyors Bill which had to go back for amendment. It is a fact. But, with the Land Surveyors Bill, the land surveyors were not consulted and it was admitted by the Government. Am I expected to believe now that the architects, engineers and planners were consulted? I do not accept that.

Mr. Deputy Speaker, I shall now deal with a number of clauses in the legislation on which I would like information from the Minister.

[MR. SPEAKER *in the Chair*]

Mr. D. Singh: You were not at the meeting last night.

Mr. C. Imbert: That is correct.

One of the issues raised in the development control provisions was the whole question of environmental impact assessments and I have had experience over the last two years or so, where a simple application for a one-storey building in the Point Lisas area was refused because of a requirement of an environmental impact assessment. Where do we draw the line? I need the Minister to tell me. Who determines whether an environmental impact assessment will be required or not? [*Interruption*]

This is the whole point. As I said, I have had experience with a simple one-storey building where an environmental impact assessment was required and I considered the entire objection to the process to be quite trivial. That was my view. This is one of the problems that developers face, that when they submit an application and it is refused for trivial reasons, they cannot get any information out of the system. One cannot determine in which areas environmental impact assessments will be required, for what reasons, where they will not be required, and so forth.

I also notice the provision for development control which is really the meat of the Bill, in my opinion. The other parts of the Bill which deal with the development of a national physical development plan are standard. A mechanism is set out for the development of such a plan which will be laid in Parliament and subject to affirmative resolution and will be debated. One of the matters which I would like the Minister to consider is, I notice that the plan can be amended by negative resolution and I really wonder what is the reason for that? Why, when the plan is

brought, there is a debate; but when the plan needs to be amended and that could be a significant or major amendment, there is no debate on the matter? Perhaps the Minister could explain why that is subject to negative resolution of Parliament.

Mr. Hinds: Good point.

Mr. C. Imbert: When one looks at clause 37—application for permission to develop land—could the Minister tell me, and I will give way, what provision is there in this legislation for the securing of outline approval? Because when I look at clause 37, I see a number of subclauses that deal with what I consider to be the detailed application. I do not see provisions in this Bill for the granting of outline approval. What are the requirements? What kind of information is to be provided?

Mr. Humphrey: Clause 43.

Mr. C. Imbert: Clause 43(2) states:

“An outline application shall be made in such form...as may be prescribed.”

This is the point I am making. Clause 37 is quite detailed and requires provision of the location of the land; use of the land; use of adjoining land; services; natural and artificial features; plans; drawings; surveys; *et cetera*. Clause 43(2) simply indicates “in such form...as may be prescribed.” That is for an outline application.

At the present time, the information required for an outline application is quite simple. The information that one has to provide when making an application for outline approval is quite simple—a simple sketch of the property, simple details. I ask the Minister to give us some information on this and confirm that the simplicity that now exists with regard to outline applications will continue with this new environment.

Mr. Humphrey: You have that assurance.

Mr. C. Imbert: No problem.

The other matter that I ask the Minister to explain is clause 39 dealing with the publicizing of certain applications. It is being required that if one wants to develop land of special interest, for example, a listed building where one wants to store toxic waste; to construct a cinema, a dance hall, a pan yard, a used car lot, an abattoir, a zoo, a service station, an auto shop and so forth, one sees now that one has to have an advertisement. I ask the Minister: Is it really necessary for all these categories to apply? For example, is it really necessary for someone who wants to construct an automobile body repair shop to go through this rigorous advertisement process?

4.05 p.m.

That is not the point, Mr. Speaker. I think an automotive body repair shop is a fairly simple operation and I believe the planning authority should be able to determine that application without requiring the potential developer to go through all of this—publishing in at least one daily newspaper; affixing and maintaining in a secure manner on the land concerned; notice paying the cost of the commission, *et cetera*. Why do you have to go through all of this for an auto repair shop; a little mom and pop two-person auto repair shop? Mr. Speaker, I ask the Minister to look at that because this is certainly an area where development can be blocked when one requires all of these cumbersome procedures for what I consider very simple types of structures.

The other clause I will ask the Minister to look at is clause 40.

“In considering the application under section 37, the Commission or any planning authority shall take into account—...”

It goes through the National Physical Development Plan, disaster mitigation plan, policy, certificate of environmental clearance. I come to clause 40(2)(d) which reads:

“the availability of alternative sites for the proposed development;”

This again, is an example of what I mean by the road to hell is paved with good intentions, because one can see a situation where the only place available for a particular type of development is a particular location. So this clause could operate in favour of the developer and against him. Someone may submit an application for development and a planner in the planning authority may say, “There is alternative land available for this development; you cannot develop there.” This may be the only piece of land the person has in his possession.

Therefore, Mr. Speaker, this again introduces an element of subjectivity into the issue where a planner can say, “There is alternative land available for this. I want to build something in Westmoorings.” Another fellow may say, “No, there is alternative land available for this in Chaguanas. Go and build in Chaguanas.” This is the level of subjectivity that has operated within the planning authorities over the last 15 to 20 years. It comes back to the point that I made that one may apply for townhouse development in a particular area and a planner will say you can only get six townhouses per acre here. Another planner will say you can get 20 townhouses per acre here, and there is no nexus between the two.

Planning and Development of Land Bill
[MR. IMBERT]

Friday, July 3, 1998

Once you introduce these areas of subjectivity into legislation, then you give persons the opportunity to block the fellow's path. If one goes to (e), it says:

“any economic or social costs or benefits to the community which are likely to be generated by the proposed development;”

What does that really mean, that in considering an application a planner can determine, yes, there would be economic and social benefits here; no, there would be no economic and social benefits over there? Again, it introduces an element of subjectivity. Why do you want to have this in legislation?

Mr. Speaker, the point is, one can have legislation which is very tight and precise and one can have legislation like this, where an attempt is made to spell out everything and you lose sight of the forest for the trees. In spelling out everything in 121 clauses, what you have done is introduce 121 areas of ambiguity. I do not expect the Minister to listen. Look at this one. Again, how can he as an architect, allow this to be in a Bill that he has piloted? Clause 40(2)(f). [*Interruption*] He never went to school but he has designed houses.

“the quality of the architectural design...”

What is that? So I submit an application using a Turkish motif with a minaret and so forth, and the planner decides they do not want that; they want a Gothic column. They do not like the quality of my architectural design so they reject my application. What is this doing in legislation? Why should the quality of architectural design be a criteria for refusing or denying an application? It is absurd. I ask you, Mr. Minister, please take that out of this. The Minister does not want to take it out.

Mr. Humphrey: That stays so engineers do not design.

Mr. C. Imbert: The unqualified architect, the Minister, would now determine architectural design in planning applications. Very interesting. Mr. Speaker, it is almost fascist. Freedom of expression and freedom of thought, someone is going to tell me they do not like my architectural design. [*Interruption*]

Mr. Speaker: One member at a time, please. We cannot continue where one Member is speaking and it is being echoed from immediately behind. That is Woodford Square. Please.

Mr. C. Imbert: Mr. Speaker, thank you. I am sorry I cannot take responsibility for that.

Mr. Speaker, clause 40(3)(h). Again this determines whether a planning authority can refuse or approve an application.

“the need to provide a variety of forms of housing for the inhabitants of Trinidad and Tobago.”

Exactly what does that mean? They want a one-storeyed house here and a two-storeyed house there. It must be pink over here and peach over there and purple down the road. It is absurd. What is this doing in legislation? Why are you giving someone the opportunity to say, “I only want one-storeyed houses in Chaguanas and two-storeyed houses in Woodbrook”, so when I submit my application variant to that it is refused?

Mr. Speaker, I am amazed. The Minister himself has submitted applications to the various planning authorities and is well aware of what can happen. This has absolutely no place whatsoever in this legislation.

Mr. Hinds: Teach them.

Mr. C. Imbert: Mr. Speaker, the Bill also at clause 41, institutes even more controls on developers that they can only proceed, for example, in clause 41(1)(d) where the commission can provide that the development of land shall proceed by stages and setting out those stages. So you must tell me now, if I want to build 300 houses, I must build 50 this year, 50 more next year and 50 more the year after that. What is going on? What is this doing in legislation? That is my point, Mr. Speaker. Nonsense!

Mr. Speaker, the Minister indicated what if one does not have water. It does not have to be spelt out in a Bill. It does not have to be put in a Bill, that an authority can require development to take place in stages. That has no place in legislation; that is an administrative matter. It is put in a Bill and the planner is given how to block development because in his opinion, something must take place in stages.

I would now turn to a matter which I consider to be very useful. The Minister has this view that when we on this side are supportive of a certain aspect of legislation, we should not say so. We should just sit and say we support a Bill. I would not do that because the Minister did not present the Bill. If one looks at clause 41(1)(m), this is a very contentious matter.

“for the posting of a bond as security for the satisfaction of any condition subject to which permission to develop land is granted;”

This is a very important clause in this legislation. What this would allow the commission or the authority to do, is to make a land or property developer post a bond. In the case as happened in Diego Martin where a particular developer stripped the hillside and created a siltation of water courses and so forth, the local government authority had to incur costs to clear drains and desilt roads and so forth, and eventually, through a process of moral suasion, was able to get a particular developer to accept liability for the cost of some of those remedial works. We are now putting into legislation something that has been long overdue, that developers should post a bond so that if they are not in compliance with any of the conditions, if they cause damage to local roads—I see it all the time. People drive bulldozers and excavators up and down residential streets, destroy the streets, pavements, water lines, take off and it is you to catch after that. If a bond—

Mr. Speaker: Hon. Members, the speaking time of the Member for Diego Martin East has expired.

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

Mr. C. Imbert: Thank you, Mr. Speaker. As I said— [*Interruption*] No, no. It is a very useful clause and I think it needs to be put in place immediately. One of the things I would agree with in this legislation, is that I do not agree with the removal of the authority of the local government bodies. I do not think that should happen. I believe they should keep it. I believe that the Bill should give the Minister the power to remove it at some point in time, but I do not think on coming into effect of this Bill that the local government authority should be automatically stripped of the present powers with regard to planning, applications and so forth. I do not think that responsibility should be removed from them immediately.

However, I agree with the posting of a bond and I think this is something that is long overdue. I have had the personal experience where I live, where a developer did not comply with the planning approvals; he went beyond the area of forest cover and caused massive damage to property. In fact, eventually we got an enforcement order. That is another aspect of the Bill I will talk about in a little while—the cumbersome process for obtaining compliance with enforcement orders and lodging them and the fact that these have to go to the Magistrate's Court. I think we really need to look at the penalties in this Bill for non-compliance with enforcement orders and that sort of thing.

That is why we on this side indicated that this Bill should go to a committee. Not to kill the Bill; that is not our intention. Our intention is not to bury the Bill because it is long overdue. However, there are certain aspects of the legislation that need further study. At the present time when the Town and Country Planning Division needs to act with regard to a developer who is in breach of planning approval, it is a convoluted process. When matters go to the Magistrate's Court and there is a line up with murders, rapes, robberies and so forth, a magistrate is not going to give priority to an enforcement notice that the Town and Country Planning Division may wish to serve on someone. There are many instances where developers get away with murder and nothing can be done about it because of the complicated and cumbersome regulations enforced at this time.

4.20 p.m.

We need to look at what they are doing in this Bill. I have looked at it and I am not sure that the whole question of enforcement and what can be done, if a developer does not respect the compliance order, is strong enough. What are the powers of the commission? What sort of action can be taken if a developer is in flagrant breach of planning permission? Does a person have to go through the courts? We need to determine whether the provisions in this Bill have achieved the required intent.

I notice also that there are provisions in this Bill where, if permission is already granted, it can be revoked. This is an unusual provision in legislation. If an authority is given powers to review applications and grant approvals, why are they now giving themselves the power to revoke approvals? There are a number of clauses which deal with the revocation of approvals. If there are professionals, a Town and Country Planning Department, local government authorities to which power has been given, why now revoke approvals? Are they saying that they are incompetent? Are they saying that they need these powers in the event an error is made or policies are changed?

This is an area where people can be victimized and negatively affected by planning authorities. In clause 50 and others where, it says:

“in the opinion of the Minister...it is advisable that any permission to develop land...be revoked, the Minister may by order revoke or modify the permission or outline development approval”.

I find a very loose area where people can be victimized because their rights are not as strong as they should be.

At the end of the Bill, an area which the Minister did not read, if persons have been granted permission to develop land and it is revoked, there is a clause that says that no court can award compensation and only the Commission can determine what the compensation should be. I see that as a breach of my rights.

Let us go to the specific clause, clause 97. This is a situation where someone has appealed a compliance order and a decision has been made in his favour.

“(1) No court shall order any damages payable to any appellant who has been successful or partially successful in an appeal against an immediate compliance order,...but the Board shall have sole and exclusive jurisdiction to decide whether any compensation, representing actual loss suffered...ought to be paid...”

We go to clause 98—“Appeal to Court of Appeal”:

“(1) The Commission, a Planning Authority or a person entitled to appeal to the Board...may, with the leave of Judge of the Court of Appeal...appeal a decision...on a question of law.”

I can only appeal to the Appeal Court on a question of law, but I cannot appeal to the court on the question of damages. There may be a whimsical Minister of Planning and Development who belongs to another political party and who feels that I am too successful; that I am enriching myself and am building too many developments and he decides to revoke my planning permission. If I would like to go to the court and receive judgment, why am I being denied the right to go to the court to have my damages processed? Why are they creating a class of authority? Why can the court not assess damages if he, as a UNC Minister, victimizes me as a PNM developer? Why must I go to the board that he appoints to determine the damages? I do not agree with that.

This is something we need to look at very carefully. We must study clauses 95, 96, 97 and 98. I ask the Minister not to dismiss the points I am making, in his usual flippant style.

We have “Mr. Human Rights” in the persona of the Member for Couva South, who has come into government and is now “Mr. Human Wrong”. He is bringing legislation to this Parliament denying people their fundamental rights. It is a pattern. My view is that this Government stands for nothing.

We have “Mr. Squatting” himself, “Mr. Disorderly Development” in the persona of the Minister of Housing and Settlements, the man who has resisted

orderly planning in Trinidad and Tobago. He is the man who would stand in front of a bulldozer if development was taking place to create a better environment for people in Trinidad and Tobago. He comes to Parliament and tells me that I must believe that he is bringing legislation for the orderly development of Trinidad and Tobago, when he is responsible for all the squatter settlements along the bus route—in St. Joseph, Barataria and so forth. He comes to this Parliament today in true schizophrenic style and wants me to believe that he is for the orderly and progressive development of Trinidad and Tobago. I do not accept it. *[Interruption]* They do not want us to separate the person. We must separate the person.

When I look at Part VIII, I have to remind Members on the other side of what they did in their past lives. I have to remind the Member for Couva South of his double tongue—trying, at 12.00 midnight to keep people from being hanged. Now, he is the grim reaper. The Minister of Planning and Development was blocking Town and Country Planning all over Trinidad and Tobago. Now, he is “Mr. Planning”. I have to remind them. They have no credibility.

When I look at a Bill that gives a board ultimate powers to determine compensation to developers such as I; that gives powers of entry to any person authorized by the Minister, at any reasonable time, to enter upon any land to do certain things, and power to demand information—this is what we are getting from this human rights government. We are getting all kinds of legislation conveying all kinds of powers on all manner of persons, all appointed by the Minister to seize, enter, demand and so forth. This is why I look at it very carefully.

4.30 p.m.

I am not saying that every clause here is not warranted. I am not saying that persons should have the right to inspect documents and so forth. I am saying that we need to look at these things, because the sting in the tail of this legislation is in those clauses where the Minister is affecting our fundamental rights, *[Desk thumping]* where he is creating a category of persons who could victimize people in this country and who could use subjectivity, where UNC sympathizers would be allowed to move dirt from the Arima Bypass and sell it to persons at the Piarco Airport and destroy the forest in Blanchisseuse. The UNC sympathizers could do that but PNM people could be denied and victimized in the legitimate conduct of their business. That is what is going on in this country today. That Minister is supporting persons who are destroying the environment, giving persons the right to destroy the Blanchisseuse forest in the constituency of the absent Member for

Planning and Development of Land Bill
[MR. IMBERT]

Friday, July 3, 1998

Arima, but wants me to believe that he is for the orderly and progressive development of land in Trinidad and Tobago. I have a serious difficulty, Mr. Speaker.

There are several other clauses in this legislation that we need to look at very carefully, such as clause 106 which says:

- “(1) Any person who—
- (a) assaults, molests, resists, obstructs, threatens...or uses indecent, abusive or insulting language to any officer or other person acting under the authority of this Act;
 - (i) is guilty of an offence and is liable on summary conviction to a fine of up to twenty thousand dollars or imprisonment for six months...”

So this UNC activist who comes on my development and tells me, “Stop now!” I would say, “Who do you feel you are?” He says, “Right, \$20,000 fine for that.” Mr. Speaker, we need to look at this Bill. What is this about using insulting language? So I cannot use insulting language to somebody who comes on my property and interferes with me. Since when it is a crime to use insulting language to anybody in Trinidad and Tobago? Is that a crime? So I am guilty of a crime right now, when I say that the Minister is schizophrenic and the moon affects his moods, I am guilty of a crime! I am using insultive language!

Mr. Speaker: The Member for Diego Martin East knows better than anybody else in this House that the use of insulting language to or about any Member of this or the other House is forbidden under the Standing Orders. As to the law, that is something else, we could talk about that outside. But certainly with respect to what he just said, he knows that is not right and he should not do it, even if he is permitted to do it at some times.

Mr. C. Imbert: Thank you, Mr. Speaker, but I want to assure you that I was simply using it as an analogy; this is an example of insulting language.

Mr. Speaker, if a building officer came on my land where I am doing my development and told me, “Stop now, Humphrey told me to tell you to stop now!” And I say, “You mad!” That is insulting language, Mr. Speaker. We need to look at clause 106 very carefully to see whether there are not too many words inside there. *[Interruption]* I am not finished, if you want to adjourn, Mr. Speaker, I have no problem with that. I do not mind going for tea now as it is after 4.30 p.m.

Mr. Speaker: Hon. Member, you do have seven more minutes, if you care to finish now—

Mr. C. Imbert: Thank you, Sir. I was unaware of the time-frame, Mr. Speaker. I thought I had more time than that.

I would ask the Minister to look very closely at clause 106(1)(a). Clause 106(1)(b) states:

“wilfully destroys or defaces—

- (i) any official notice or a notice displayed pursuant to this Act...
- (ii) any document, permit, drawing, plan...”

is subject to a fine of up to twenty thousand dollars or imprisonment for six months.

There are other areas in this Bill with which no one could argue. If anyone supplies false information, for example, fine! I have no objection if someone is corrupt in making an application. I say, “Yes, jail them, fine them \$20,000” but not some of these other things, where, really this is part of the culture of Trinidad and Tobago. Using insulting language, I am afraid I cannot accept that? What is the definition of insulting language? Who defines that?

Hon. Member: The UNC!

Mr. C. Imbert: I do not think there is a definition in law of insulting language. What constitutes insulting language? The usage of words change over time. Words that were insulting 20 years ago are now quite ordinary and commonplace. As the Attorney General said, “Words that used to be obscene are no longer considered obscene, they are now common language”. I think we need to look at clause 106 very carefully, Mr. Speaker.

I would also ask the Minister to give me some information with regard to clause 109:

- “(1) Where outline planning permission was granted or deemed to have been granted under the former Act it shall, unless such outline planning permission provides otherwise, be deemed to have been granted subject to the condition that application for approval of any matter reserved for subsequent approval must be made not later than the expiration of one year from the commencement of this Act.”

What is the situation with full planning permission? Is it that the five-year period that the Government wants to introduce would now apply to previous applications where someone had been granted full planning permission? We need to clarify that because it was not clear to me in the legislation. There are clauses here which refer to a five-year period for the applicability of a planning permission. We need to look at where full planning permission was previously granted under the present Act. As it stands right now, I believe that permission is in perpetuity; if one gets final approval it may be for a perpetual period of time. Now, however, there seems to be an introduction of a five-year period where, once full planning permission is granted it is only valid for five years if one does not commence the development. Where there is a transition process for outline planning permission, I need to see some sort of clause that removes all doubt in terms of permission already granted; full final planning permission, that, too, has a transition into this new regime of regulations.

In addition, I now see that the commission is going to be involved in the listing of historical buildings and so forth. Although they say that, notwithstanding the provisions of the National Trust Act, what is the planning commission really doing in the listing of historical buildings? Is that not the responsibility of the National Trust? What business does the commission have listing historical buildings? Is that not an area of ambiguity and confusion? Should not an authority as the National Trust be designated as the sole authority for declaring a building to be of historical significance? Or, is the Minister saying that the National Trust does not have the competence to establish whether a building—*[Interruption]*

I do not agree with that. Why should there be a trust, on the one hand, which has the responsibility to list historical buildings and a board on the other hand, doing the same thing. The Minister is saying that they work together but I do not agree, I think they work against each other. No, it cannot work and I think one needs to look at that and see whether this is in conflict with the National Trust Act. I do not see why we need to have two bodies listing historical buildings at all. I see that theme throughout this Bill where this planning commission would be some sort of super commission that has powers onto itself to supersede approvals and decisions made by other legal bodies in Trinidad and Tobago? Why are we creating, what some people might call, a monster that could arrogate all powers onto itself and dispense with other established authorities such as the National Trust, the Town and Country Planning Division and so forth?

4.40 p.m.

This is why I am very disappointed that the Minister did not present this legislation. He did not explain why he wants to centralize everything and give such

power to such an all-embracing commission. That is why we ask again, that the Government consider or request that this Bill needs further study. [*Interruption*] I am asking the Minister to consider the fact that this Bill needs some study. I am asking him not to be flippant, just like the regularization of squatters where he raised a number of issues. At least on that occasion the debate was deferred for a suitable period and we were able to come back and deal with a number of issues and, at least, reached some sort of consensus.

If the Minister wishes to be flippant and trivial, no problem. If he wants to say, "Fine, there are 121 clauses; take it or leave it", no problem. That is not democracy and that is not what this Parliament is all about. I am of the view that many of the issues that I have raised are relevant and pertinent, so I ask the Government, again, let us create the opportunity for further study of the Bill. We on this side have no intention of blocking it or barring it. We want to assist the Minister in making this legislation practical, workable and realistic.

Mr. Speaker, I thank you.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I say that there would be an extra week to look at it.

Mr. Speaker, I beg to move that this House do now adjourn to Friday, July 10, 1998 at 1.30 p.m. when the debate on this Bill will continue and we expect to have it completed on that day. Thank you very much.

Mr. Speaker: Hon. Members, before proceeding further, I wish to advise that there are two matters to be raised on the motion for the adjournment. By agreement of both sides, these will be taken next week. The matters were both to be raised by the Member for Toco/Manzanilla.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.43 p.m.