

*Leave of Absence**Thursday, July 30, 1998***HOUSE OF REPRESENTATIVES***Thursday, July 30, 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 three Members of this honourable House who have asked to be excused from today's sitting. Leave of absence is granted to them. They are the Member for Oropouche, the Member for Port of Spain South and the Member for Arouca South.

**PRISONS (AMDT.) BILL**

Bill to amend the Prisons Act, Chap. 13:01, brought from the Senate [*The Minister of National Security*]; read the first time.

**PAPER LAID**

Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the year ended December 31, 1997 and on other selected audit activities. [*The Attorney General (Hon. R. L. Maharaj)*]

*To be referred to the Public Accounts Committee.*

**ORAL ANSWERS TO QUESTIONS****Ramdial Mahabir Housing Project**

**95. Mr. Fitzgerald Hinds** (*Laventille East/Morvant*) asked the hon. Minister of Housing and Settlements:

- (a) Would the Minister please indicate the date on which the unoccupied housing units in the Ramdial Mahabir Housing Project, Morvant, will be distributed to persons whose applications were approved?
- (b) Could the Minister indicate the selling price of these units?

**The Minister of Housing and Settlements (Hon. John Humphrey):** Mr. Speaker, the date on which the unoccupied housing units in the Ramdial Mahabir Housing Project, Morvant will be distributed has not been determined. However, urgent consideration is being given to the disposal of the units.

The selling price of the units as proposed by the National Housing Authority is as follows:

<u>Units</u>	<u>Cost</u>	<u>Proposed Selling Price</u>
Two-bedroom	\$248,107.00	\$100,000.00
Three-bedroom	\$315,136.00	\$125,000.00

On assumption of office in November 1995, the Minister of Housing and Settlements inherited the Ramdial Mahabir Housing Project, Morvant. This is comprised of eight two-bedroom and 40 three-bedroom apartments. It has been ascertained that the total cost of construction of the 48 units, including land and infrastructure, is \$14,590,296. The selling or valued price is \$5,800,000. The estimated subsidy if allocation disposal is pursued in accordance with pre-November 1995 practice by Government, is \$8,790,296. It is expected that Government's policy and the disposition of housing will soon be known.

**Squatter Regularization Programme**  
(Status of)

**96. Mr. Fitzgerald Hinds** (*Laventille East/Morvant*) asked the hon. Minister of Housing and Settlements:

Could the Minister advise what is the present status of the squatter regularization programme at:

- i. Upper Seventh Avenue, Malick, Barataria
- ii. Leotaud Gardens, and
- iii. Upper Leon Street, Laventille?

**The Minister of Housing and Settlements (Hon. John Humphrey):** Mr. Speaker, Leotaud Gardens and Upper Leon Street sites are considered as one site under the Squatter Regularization Programme.

Upper Seventh Street, Malick, Barataria/Leotaud Gardens: Construction commenced on July 2, 1994 and was expected to have been completed by January 2, 1996. However, during the contractual period, it was determined that the work carried out by the contractor was not up to the desired standard and a decision was made to terminate the contract. Subsequently, a request was made to the Central Tenders Board to invite tenders. The award of a new contract is expected shortly. There are 395 beneficiary households occupying lands within the project site and household surveys have been completed and arrangements concluded for the

householders to commence payment towards a \$1,000 downpayment to an approved bank. The total development cost for the project is \$13,649,729.

Upper Leon Street, Laventille: On September 1, 1996 construction began with a projected completion date of June 1, 1997. However, persons seeking employment on the project caused several interruptions and even threatened the contractor, sub-contractors and consultants on the job site. As a result of these site problems, the revised date of the completion of work is now expected to be August 1998. There are 53 beneficiary households on the site. Household surveys have been taken and householders have been informed to approach the approved bank concerning the \$1,000 downpayment. The total development cost of this site is \$2,183,252.

**Mr. Hinds:** Is the Minister saying in effect, that the people of the area who are seeking employment are the ones who have obstructed the continued work on that development?

**Hon. J. Humphrey:** Mr. Speaker, I really do not know if the people are from that area or some other area.

**Mr. Hinds:** Mr. Speaker, is the Minister saying that he is satisfied that the people who are seeking employment are the ones who are responsible for the project being incomplete today?

**Hon. J. Humphrey:** Mr. Speaker, I am satisfied on the advice I have been given, that the contractor had to stop work because of the behaviour of certain people who threatened violence, and that is the reason the project has been delayed. I do not know where the people came from.

#### **National Housing Authority Units (Repair of)**

**97. Mr. Fitzgerald Hinds** (*Laventille East/Morvant*) asked the hon. Minister of Housing and Settlements:

Would the Minister indicate whether the following National Housing Authority Units are to be repaired, and if so when:

- i. Paradise Heights, Morvant;
- ii. Leon and Dorata Streets;
- iii. Hironnelle Street, Morvant; and
- iv. Almond Drive, Morvant?

**The Minister of Housing and Settlements (Hon. John Humphrey):** Mr. Speaker, the apartment buildings situated at Paradise Heights, Leon and Dorata Streets, Hironnelle Street and Almond Drive, were constructed by the National Housing Authority during the following years: Paradise Heights, 1993; Leon and Dorata Streets, 1963; Hironnelle Street, 1963; and Almond Drive, 1965.

The expected annual rent income from these buildings was \$553,506.84. However, as of March 31, 1998, the arrears owing were \$926,027.81. In spite of the shortfall in expected income, the National Housing Authority, in keeping with its ongoing programme of maintenance, has carried out major repairs during the past two years and will undertake remedial work during the last quarter of 1998 as follows: Post-November 1995 to date, at Paradise Heights roof repairs cost \$750,000; Leon and Dorata Streets, electrical rewiring cost \$200,000; Hironnelle Street, electrical rewiring cost \$75,000; Almond Drive, nil, a total of \$1,025,000.

Last quarter 1998: Paradise Heights, repairs to skylight, \$50,000; Leon and Dorata Streets, repairs to roof and plumbing systems and electrical rewiring, \$315,000; Hironnelle Street, repairs to plumbing systems and electrical rewiring, \$425,000; Almond Drive, service to elevators, \$5,000, a total of \$795,000.

#### ARRANGEMENT OF BUSINESS

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, may I ask for this matter to be deferred for later in the proceedings?

**Mr. Speaker:** Hon. Members, we are now on the item "Introduction of Bills". I have been advised that there is a matter which is being finalized which is to come. With leave of the House, we will return to this matter at a later stage. I am sure you have no objection to this.

*Agreed to.*

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, today is not Private Members' Day. However, I beg to move that this honourable House now deal with "Bills Second Reading" under "Private Business" followed by "Government Business".

*Agreed to.*

#### INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS (ISKCON) TRINIDAD AND TOBAGO (INC'N) BILL

*Question put and agreed to,* That a Bill for the Incorporation of the International Society for Krishna Consciousness (ISKCON) Trinidad and Tobago and for matters incidental thereto, be now read a second time.

*Bill accordingly read a second time.*

*Bill referred to a special select committee of the House appointed by the Speaker as follows: Dr. Fuad Khan (Chairman), Mr. Chandresh Sharma, Mr. Razack Ali, Mr. Barendra Sinanan and Mr. Eric Williams.*

#### LAND ACQUISITION

**The Minister of Housing and Settlements (Hon. John Humphrey):** Mr. Speaker, since the Prime Minister made some adjustments, this item actually falls under the Ministry of Housing and Settlements.

Mr. Speaker, I beg to move,

That this House approve the decision of the President to acquire the land described in the Appendix for the public purpose specified.

If we refer to the Appendix, we will see that the public purpose for which the land is to be acquired is drainage improvement. The particular project is located on the Eastern Main Road in Arouca, in the constituency represented by the Member for Arouca North. It comprises 2477.9 square metres more or less, and is situated opposite Light Pole No. 454.

I am advised that this project was, in fact, completed and satisfactorily so through the Ministry of Works and Transport, Drainage Division, in 1994 at the prompting of the Member of Arouca North who told me it took him two years to be able to execute the project. I congratulate him for that because that is very good timing.

Mr. Speaker, it should be noted that proceedings for the acquisition of these parcels of land were, in fact, initiated in February, 1991. When a notice of intended acquisition under section 3 of the Land Acquisition Act, Chap. 58:01 was published in the *Trinidad and Tobago Gazette*, an authority to commence work under section 4 of the said Act was issued on February 22, 1991. Members are aware that the system of land acquisition existing then was very bureaucratic and was by nature, a slow and tedious process. Every effort is being made to address this problem. The proclamation of the Land Acquisition Act No. 28 of 1994 on June 17, 1996, has enhanced the efficiency of the process of acquisition of land.

The acquisition of these parcels of land was at the request of the hon. Minister of Works and Transport and is for the public purpose of widening Boysie Mohammed Ravine, Arouca for drainage improvement. As I advised, that was the then hon. Minister of Works and Transport and the Member for Arouca North was

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Parliamentary Secretary in that Ministry. So the project was properly executed in 1994 to the satisfaction of all. The hon. Member for Arouca North, very descriptively, explained why it was so urgent that the project be executed. He had gone to a wedding and the bride had to be lifted through the flood waters. It was on that basis he took the initiative to seek to improve the drainage in the area. In fact, it was so improved and now for future weddings, the bride would be able to get into the car and be driven in procession.

*Question proposed.*

**Mr. Jarrette Narine** (*Arouca North*): Mr. Speaker, I rise to support this Motion of land acquisition of what is commonly known as the Boysie Mohammed Ravine. The reason for that is that one of the largest upholstering centres in that area belonged to Boysie Mohammed. It started on the Eastern Main Road, and quite rightfully at Light Pole No. 454 which is obliquely opposite that ravine area.

I was elected into Parliament in December 1991. As the Member for St. Augustine said, in 1992 I was invited to attend a wedding ceremony at one Mr. Singh's residence at the end of St. Clair Road. Mr. Singh is the owner of a furniture shop in Arima. In getting there, I stayed halfway on St. Clair Road, Mr. Speaker—and you know that area quite well—and I saw they were transporting a bride on shoulders. I immediately started to inquire why this area experienced flooding. I was told that they had lived under those conditions for a number of years. Of course, that is south of an area called Five Rivers, Mr. Speaker, and you would know that area attained its name because of the number of rivers located there.

**1.50 p.m.**

As a matter of fact, I would like to compliment former Members of Parliament for the work done in that area, yourself included, Mr. Speaker, for a while being the Member of Parliament for that area. It started way up north, which was formerly the Milne Home Estate, but in developing the drainage to the north of the Eastern Main Road area, that ravine near Boyie Mohammed in Anguilla Village in Arouca became too small to take the large quantity of water that came across the Eastern Main Road.

Mr. Speaker, the development of Five Rivers has taken place over a number of years and I can say at this point in time, having been a county council representative for eight years in Opposition, that I know how to work in Opposition, and having come into Parliament in 1991, for those areas which were not represented by me in Arouca, I tried my utmost to have the flooding corrected.

Of course, I would not say that flooding is a thing of the past. Flooding is something with which you have to be very vigilant. As a matter of fact, in 1982, when the then Member of Parliament, Mrs. Marilyn Gordon, was in office, there was an overflowing of the Arouca River and 19 houses in Bon Air Gardens flooded. Since then, the Ministry of Works and Transport dredged the Arouca River from past the prisons and Golden Grove Road and every three or four years that river needs to be dredged. So that the Ministry of Works and Transport, Drainage Division at Curepe has a fair idea of the entire area where desilting needs to take place so that there would not be recurrence of flooding in these areas. I remember at that time the trauma of the 19 families who lived at the end of Bon Air Gardens near that Arouca River.

At that time, the former Member of Parliament, Mr. Rawle Raphael, had indicated in writing, because of the seriousness of the problem, that there was a need to acquire lands. Imagine, that was an election year so he wanted to rush into it and the Ministry of Works and Transport personnel actually told him that procedures had to be gone through.

When I inquired and sent my letter for acquisition for these lands and for the alleviation of the flooding problem in this area, I was told that the first thing was the complaint. So, I had my letter in and I was told that a letter was sent in February of 1991. And the “surverers” had to go in to survey the area.

**Miss Nicholson:** Surveyors.

**Mr. J. Narine:** You eat a dictionary or what?

**Miss Nicholson:** Yes. Yes. I am helping you.

**Mr. J. Narine:** All right. You are number one Minister.

The surveyors had to go in to put down the points where the water should pass and designs had to be done, so that the drain, when it was completed, would serve the entire area. Estimates also had to be done. That was the fourth phase—estimates. Approval then had to be sought for acquisition from the Solicitor General and the Lands and Surveys Department. All these things took time, hence the reason it took two years from 1992 to 1994 to have these matters gazetted. That was the next step. As it was gazetted, the notification was then sent to the owners, Mr. Ash and others, so that the Gazette number could be included in the notification. After that, the project could be started.

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Of course, the funding had to be available and I remember at that time that an excavator had to be on rent for approximately two weeks and this drain was dredged. It connected lands belonging to Home Construction which, at that time had not built any houses in that area although the lands were theirs. Subsequent to that, Home Construction now has houses in that area and has diverted the drain further down to Trincity Boulevard which takes the water back into the Arouca River.

At this point in time, while the residents feel comfortable, I am not saying that flooding is a thing of the past in that area, but the persons who got flooded out at the end of St. Clair Road are now located a good distance away from the drain, because that part of St. Clair Road with Mr. Richardson on one side and Mr. Singh on the other side, no longer exists. It is now filled.

But, what is happening is that Home Construction did proper construction to the end, whereas the part that the Ministry of Works and Transport has is unpaved drain and there is still land erosion in the area. So, I am appealing to the Ministry of Works and Transport to pave that area, so that it would link with the Home Construction drain which is already paved.

In 1994, the then Minister of Agriculture, Land and Marine Resources, Dr. Keith Rowley, the Member for Diego Martin West, came with a bill to Parliament. I remember there was lengthy debate here on that bill, Act No. 28 of 1994, and it was assented to on December 23, 1994. The owners of the properties along that area who were not paid then qualified to have interest paid to them at 9 per cent.

Mr. Speaker, there was another problem in that area—and I know you know the area quite well—in that one of the owners in particular did not have the title of his deed properly done and his lawyers are still working on it. Up to recently, he could not properly make the claim because of the land problem. Checking with him last week, I think he is now ready. Mr. Ash is the person who has given up more land than the others—the Bachus, the Richardsons and others—so that Mr. Ash has his matter ready and I hope that in due course he would be paid, because that Act, No. 28 of 1994, stipulates the areas to be done, especially for payment.

I am amazed to know that in 1992 it took two years to have these matters dealt with, then it took another two years before the Director of Surveys could have signed the required documents in his office on March 26, 1996. Actually, it took a further two years before this document was signed and it took more than two years for this Government to bring this here for payment.



In the other place, they said they were caring and we were not caring but I am saying that if something was started in 1992, was done in 1994 with the papers ready in 1996, of course, that should not have taken a two-year period to come to Parliament to have the lands acquired, especially when the PNM put legislation in place in 1994 to deal with these things. In December of 1994, that was corrected.

Today, I would like to say the type of the work which was done on that drain—and I paid particular attention to the work because I was hoping that when the work was executed that people would get relief—diversion of the watercourse in some areas had to take place and general improvement downstream. The reason for diversion was perennial flooding and erosion of properties on both sides; the acquisition actually was a natural watercourse but, at that time and even now, if it were left to the owners of the properties, they would build their fences close to the stream so that people could not get in close to clean the watercourse. With the acquisition of land, they are on the periphery of the actual watercourse so that equipment and workers can get in there to clean the drain from time to time.

The situation today, Mr. Speaker, is that land acquisition in Trinidad and Tobago has been a problem. All governments from way back have made a commitment to ensure that the poor people in this country who have to give up their lands, do not suffer for payment. I know of instances where people have died and up to this point in time, the families cannot get the money because the transactions of the properties have to be done according to the law, by will and so forth.

But, in the other place, the Minister of Works and Transport indicated that—and I do not know if he is the number one Minister, or the Member for Tobago West. There are two number one Ministers by two different surveys.

**Mr. Manning:** What about the Prime Minister at 3 per cent?

**Mr. J. Narine:** I think he was one of those who was zero-rated in the last strategic planning session, but he got 3 per cent according to the survey.

But, for the Minister of Works and Transport to go in the other place and say that after 40 years of PNM, we were owing \$45 million for land, is unacceptable. It was asked that they please bring for us a listing of the properties to be acquired and the areas. One Senator from Tobago got up and indicated that there were still lands that were acquired for the Claude Noel Highway and there were persons who were not paid.

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**2.05 p.m.**

I did some research and my understanding is that between 1980 and 1986 when the Claude Noel Highway was built, the allocation was also to include the payment for lands. In a number of instances persons did not have title to the property so they were unable to claim for it. At that time Colonel Mathur was in charge of that project—I could not get in touch with him, but maybe, he might have more information on the Claude Noel Highway in Tobago. One would remember that the Tobago House of Assembly was very much involved in the Claude Noel Highway. While some people were sitting in front of bulldozers and so forth, and cutting ribbons for every two miles of highway built, today they are saying the PNM did not pay the people. It is a situation that the politicians have to deal with. Blaming the PNM for not trying to alleviate flooding in Trinidad and Tobago is not totally true because, in many instances, while the PNM government at that time was trying to relieve the people of flooding, there was opposition to that.

In Tobago with the Claude Noel Highway and acquiring lands, we all know that there were difficulties, people sat or lay down in front of the equipment and it was not too long that the Government was cutting ribbons and laying claim for doing so.

When the Minister spoke about \$45 million owed, I am saying today that when the NAR took office in 1986, the People's National Movement after 30 years had owed less than \$10 billion in foreign debts. That was doubled by the time the PNM came back into office in 1991. I saw in today's newspaper that when the PNM demitted office in 1995 its debt was \$12 billion. The PNM has been a party for more than 42 years, either in Opposition or in Government and for a period of five years we left a debt of \$12 billion and in that period of time it has doubled itself in a matter of 30 months under the UNC Government. So, Trinidad and Tobago is now owing \$24 billion. If in half of one's term the Government has doubled the debt of Trinidad and Tobago, woe betide to the PNM when it returns to office in the near future. It would have to go back to the situation of 1991 where one would have to tighten belts to get this country out of debt. Thank God that PNM is here and it would do it.

Mr. Speaker, much has been said about the flooding in Central Trinidad and I compliment the Member for Diego Martin East who was the Minister of Works and Transport who initiated the works. We toured that area for an entire week. I remember the former Member of Parliament for Caroni East, now deceased,

coming along with us and identifying with the people what was the problem in the Caparo River. While we were negotiating for loans of \$400 million to alleviate the flooding problems in Trinidad and Tobago, one would find that many persons were sitting in drains when we were building drains in Central. Others were sitting on the highway; they were incarcerated because of that. So that the obstructionist was not with the PNM, it was always with the Government of today. They obstructed the progress of this country for a number of years. [*Desk thumping*]

Mr. Speaker, as a young boy I spent most of my vacation in St. Mary's Junction, Carapichaima. My eldest aunt lived there for many years and at the age of 10 going to that area, I remember there were no houses, there were rice fields, there was no highway. One had to use the old road. It was the PNM who built the highway near the "mang" that is now being filled—and one would remember even at that time there was a section of the highway on the north-bound lane and the Member for Couva South stopped the PNM government at the time from completing it. At that time there was the famous burning of the Constitution of Trinidad and Tobago. [*Interruption*] The cheapest type of meat for poor people to eat is \$5.00 per pound today. Is the Member proud of that? The Member sits over there and casts aspersions on the PNM, a non-Minister is what the Member is.

**Mr. Assam:** Do you know what it was when you were in office?

**Mr. J. Narine:** When I spent my vacation at St. Mary's Junction Carapichaima, there was an absence of houses but, it is the UNC who controlled the area at local government level for 40 years.

I remember being in St. George East in Opposition and there was a building committee; the Member for St. Joseph is quite aware of that. We visited every week and made sure that there was planned development in the St. George East County, we made sure that the drainage was done before provisional approval was given and the Member knows that. What was taking place in Central at the same time was that a council run by the UNC, whether it was DLP, PDP or whatever—they have changed names so often that we do not know what they are—whether a club or a political party. There was unplanned development of Caroni on the rice land which was lower than the sea level, or the river level. They have now developed the land for housing and filled most of it, and now there is flooding. Some people are afraid to say that. The "mang" was filled, the rice fields were filled.

As a young man in Central, I found it funny that in most of the yards in Central one could have seen the top of a motor vehicle tied up alongside a mango tree or

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something in the yard. I wondered why there was no vehicle but the top of a motor car could be seen on top of a tree. My inquiries revealed that when it flooded they took their children and put them into the hood of the motor car and pushed them out on to dry land to be taken to school. There is a history of flooding because of unplanned development, because of a council that was controlled by them ever since there was local government, and they are the people responsible for it. Today we are hearing about El Niño; admire the scenery: the arrogance coming from the Member for Couva North. When there is no water earlier in the year, I say pray for rain, when there is too much water later in the year, pray to stop the rain. What do you want?

**2.15 p.m.**

This is the situation, which has continued. More than that, there is a situation which was mentioned by the Member for St. Augustine, in Opposition: “We need to have retaining dams in these areas that will conserve the water and as the tide drops, it will be released to the sea.” When the sea backs up, the water cannot run off; and we know that there are only two tides for the day.

There was a minister who was second to none during that period—the Minister of Works and Transport, the Member for Diego Martin East. He negotiated loans, did surveys and had everything in place, in 1995, to do the Caparo River Basin. Instead, they did phase III of the project this year, after two and one half years. They straightened the river; they did not put the sluice gates; they did not dredge the part which goes out to the sea.

**Mr. Speaker:** May I suggest to the hon. Member, notwithstanding the latitude given in terms of the matter before us, which he is supporting, that perhaps he is widening it a little too much.

**Mr. J. Narine:** Mr. Speaker, I was responding to some of the comments which were made in the other place and which are more relevant to what we are saying here. As a matter of fact, in the other place, the Minister said that he received the documents at 12.50 p.m., and at that time he could not give much information. He said that this is about acquiring lands for drainage improvement and we have a problem in Trinidad with drainage, especially in the central and south areas. The Member for Naparima said some time ago, in Barrackpore, that he loves to see that because he can make it into a tourist attraction for Barrackpore. Barrackpore can have water sports. Why pray to stop the rain?

They are saying that the erosion of the hillside in the Arouca and Arima areas is causing the flooding which is taking place in certain parts of Trinidad. I say yes—unplanned areas of development.

Recently, I came to this Parliament with a matter on the Bye-pass Road in Arima because the “Minister for Distance Learning” was not around. The people called and said that the dust was affecting them because \$100 million worth of earthfill was moved to Piarco, via that road, from the lands there, which were bought by a party hack for the UNC. This created flooding in Piarco because a lake was supposed to be built in the first phase of the project.

The Arima River has damaged all the crops in Manuel Congo. There was not a single head of watercress after that flood took away all the earthfill. So, in acquiring lands, Mr. Speaker, especially in the north, to make drainage available, one has to be very particular. The same party hack was recently in Lalaha cutting trees and the Ministry of Agriculture, Land and Marine Resources said that he had permission until the end of the month. He is destroying the forest, denuding the hillside in the Northern Range and creating floods. [*Interruption*]

He has represented no one over the last few years. He came to this Parliament for nothing. Manuel Congo is an area south of Arima which floods every time rain falls. This is because earthfill was removed from the Bye-pass for Piarco.

While the PNM was negotiating loans and putting things in place to have flooding alleviated, they were eroding the hillside creating the silting problem that they now have. That river enters the Caroni River, which creates the problem lower down in Kelly Village and other areas.

Even with the squatters on Demarara Road, it was the Member for Couva South who told them not to move. Today, lead poisoning has reached a stage where the Soodeen child has died. I can tell you that the Members for Point Fortin and Arima wanted them to move. Now, they are very silent.

When people say that flooding can attract tourist, that *El Niño* is responsible, that you have to pray and that it is an act of God that there was flooding in Trinidad, I wonder why only the UNC areas were flooded.

Today we have found ourselves in a situation where drainage is very important. Acquisition of land is very important. I note that the Member for Diego Martin West is here. He brought Act No. 28 to Parliament in 1994, had it passed and assented to on December 23, 1994. We dealt with the matter in totality and the

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state had certain functions to perform. When lands were to be acquired, they were to use their powers, according to time, to pay these people.

Mr. Speaker, when the call came to tour my area for flooding, I did not have to talk because I have represented the people for 15 years come August 8, as an elected politician. I was elected in 1983. Throughout my career in local government, I tried my best to alleviate flooding in the Arouca area. In other areas of the constituency which I now represent, for example, Bon Air, they had no problem.

They say that they are now trying to acquire the land in this part of Arouca. In many areas of land development in Trinidad, there are no titles, therefore, the persons who own the lands cannot be paid unless they have proper deed of ownership. Saying that we left owing a sum of money is not true. There is no listing. They never came to Parliament to say where these lands are. I am saying that unless everything is in order, people cannot get paid.

In supporting this motion, I would like to say that other Members of Parliament should be vigilant in their areas and try to alleviate their flooding problems. They should not make statements like: "Flooding is a thing of the past", because they have cleaned two drains and used a backhoe some place.

**2.25 p.m.**

Flooding needs total vigilance. [*Interruption*] He was zero rated. We must start phased progress on flooding and must do those phases for retention dams, for sluice gates and dredging of the rivers instead of straightening the river which caused Edinburgh 500 to be flooded which never flooded since being built.

I had the opportunity to go to Central with my political leader. While we toured for the entire day, "Tiger Woods" was playing golf in Tobago. This is the type of thing we have in Trinidad. The parasitic oligarchy was playing golf in Tobago. So one can just imagine what took place. A Minister went on television and said they have \$100,000 to start a flood relief programme. The people said they got munch boxes. Do you understand what is taking place in Trinidad and Tobago? It is only talk. It is shop talk all the time.

**Mr. Hart:** Chicken went up.

**Mr. J. Narine:** Everything is going up. They came and said that crime is a thing of the past and flooding is a thing of the past; once put there, these things would not take place any longer. The people of Trinidad and Tobago are getting

fed up with the flooding, crime and corruption that is taking place. Within 30 months, \$12 billion has been accessed from the International Monetary Fund.

Mr. Speaker, I support this Motion but I am saying that this Government must put its act in order. Flooding should be tackled in a systematic way and persons should get payment for their properties in accordance with the Act. It must not take the length of time it took people in Arouca to get payment. At this point in time—it is about four years—I do not know how long it would take again.

I thank you, Mr. Speaker, for giving me the opportunity to speak on this Motion.

**Mr. Colm Imbert** (*Diego Martin East*): Mr. Speaker, the Motion before the House today deals with the acquisition of a parcel of land in the ward of Tacarigua in the constituency of Arouca North. The purpose we are about today, is to approve the acquisition of parcels of land which are related to a drainage improvement project. The Act which governs this acquisition was brought to this Parliament by the People's National Movement in 1994. That Land Acquisition Act of 1994 was a revolution in terms of legislation in this country because it imposed time limits on the state in making payments to persons for land acquisition. People have had their lands acquired in this country and have not been paid for many years.

The then Minister of Planning who was heavily involved in the drafting of that legislation, Dr. Saith, himself had been a victim of land acquisition where lands had been acquired that belonged to his family. I understand for almost 20 years payments were not made. He, therefore, was in a very valuable position to inform that legislation. As I said, that Land Acquisition Act now places obligations on Government to pay for land used for public purposes: to acquire the land, to go through the stages within a particular time period and to make the payments. That is a result of the very hard work of the People's National Movement government of 1991—1995. Mr. Speaker, it underscores the need for proper planning.

The Member for St. Augustine has made the point that the project was properly executed. I was amazed. I wonder what are the environmental circumstances at this time that would cause such sweetness and honey to flow from the mouth of the Member for St. Augustine, where he praised the then administration for its successful execution of this drainage project in 1994. Very strange coming from him. This was an example of proper planning.

Mr. Speaker, the whole question of land acquisition is critical as it relates to planning. It is essential for the construction of roads and drainage channels, for the widening and straightening of rivers, the construction of public facilities like Tent

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City for example, where that land was acquired, again, by the PNM administration in the 1991—1995 period to allow a permanent home for vendors in downtown Port of Spain. Land acquisition is also required for cemeteries, recreation grounds and highways.

Mr. Speaker, while I am on that and we are talking about the whole question of planning and land acquisition, I travelled to San Fernando a few weeks ago and had the misfortune—we diverted into the backroads of Preysal—of discovering that the drainage culvert under the Solomon Hochoy Highway had collapsed due to negligence. On returning to the highway I had the opportunity to observe firsthand, the scandalous waste of taxpayers' money that is taking place on the Solomon Hochoy Highway, where a project planned by the PNM, initiated by the PNM, all systems were put in place by the PNM, is now a scandal.

I am talking about the reconstruction of the Solomon Hochoy Highway between Chaguanas and Couva, where landfill, red sand or some other defective material has been used in an experimental technique by the present Minister of Works and Transport. It has failed. I believe it is the subject of an investigation by international agencies. The contractor has virtually demobilized his equipment. I am now calling for a public enquiry into that waste that is taking place on the Solomon Hochoy Highway. This is why when we deal with matters like land acquisition, where we want to straighten and widen highways, it is not just the land acquisition we must look at. We must not just come to Parliament using sections 3, 4 and 5 of the relevant legislation to make sure that land is properly acquired. We must also ensure that the public purpose for which the land is acquired is fulfilled.

Mr. Speaker, in this country, some of the Members of the other side are very good at public relations. We saw an opinion poll where a certain Minister got 36 per cent based totally on public relations, not on reality. Another Minister came second at 11 per cent—I believe it is the Attorney General. The Prime Minister came third at 3 per cent. *[Interruption]* It does not matter how many people were polled. Other Ministers were below 1 per cent.

The pollster was very careful to make the point that the 36 per cent received by the number one Minister was generally related to public relations. That is why I make the point that when we are acquiring land for public purposes and doing projects in the public's interest, we must ensure we do our job properly because public relations cannot last forever. It is going to run out of scheme sooner or later. That is what we are seeing on the Solomon Hochoy Highway, where public relations has resulted in millions of dollars of public land being wasted. That is why



I repeat my call for a public enquiry into that Solomon Hochoy Highway project. We must know what is going on. Was there a change in specification? Is it like the frogopper, the biological control agent that was used by the Minister of Agriculture, Lands and Marine Resources; a change from the normal use of pesticides? Have we had a change in specification on that project resulting in that tremendous disgrace on the way to South?

Mr. Speaker, I, in my tenure as Minister of Works and Transport, at many times had the occasion to approve the acquisition of land for public purposes. At the time we were engaged in a large number of projects; we had a large number of programmes in process. For example, the Agricultural Access Roads and Bridges Programme which is financed by the Inter-American Development Bank, where there was quite a bit of incursion on private lands by these roads. Therefore, we had to do proper surveys to ensure that whatever private land used for these access roads and bridges complied with the legislation that persons would eventually be compensated for the lands acquired.

Mr. Speaker, some people in this country have no shame. In October or November 1995, we awarded contracts under that Access Roads and Bridges Programme. Some of the bridges we awarded contracts for—I noticed in the newspapers recently—were opened by the UNC Administration. Contracts were awarded under the PNM, construction continued under the UNC and opened by the UNC Administration. [*Interruption*] I have no problem with that. Government is continuous. Even though parties may change, administration is continuous. For example, the Rural Access Roads and Bridges Programme was initiated by the NAR. I met Phase I of that programme in the ministry.

**Miss Nicholson:** I am pleased to hear you say that. I am glad.

**Mr. C. Imbert:** I said it before and I would say it again. I met it in the Ministry. The former Minister, Dr. Carson Charles, did a lot of the groundwork. During our tenure, the Minister of Agriculture and I—because it is an agricultural sector loan where roads and bridges are for the enhancement of agriculture in Trinidad and Tobago—did Phases II and III. Phase I was done by the NAR and Phases II and III—the selection of the roads, the design of the bridges, the preparation of the contract documents, the question of surveys and land accession—all the preparatory work was done for the then Minister of Agriculture, Land and Marine Resources, the Member for Diego Martin West and I. We awarded contracts for those bridges, then construction commenced and, subsequently, others in Phase III came in.

**Dr. Mohammed:** Including Paramin.

**Mr. C. Imbert:** Yes, including Paramin. Mr. Speaker, to my shame and horror in the opening of these bridges in the Southern Peninsula, I saw in the newspapers, where bridges and everything was done by the PNM and construction was completed by the UNC.

**Dr. Mohammed:** What a shame!

**Mr. C. Imbert:** I am not quarrelling about that. The Members on the other side are so politically ignorant, they are pre-empting what I am saying. I said governments are continuous. I have no quarrel with the construction under another administration. I am happy that these roads and bridges are being built. However, it is a shame listening to someone who used to be on this side, who represents that constituency, saying he had to cross the floor in order to get these bridges built. Shame! It is us on this side who designed the bridges and put everything in place for these rural access roads and bridges. The Member was in the Cabinet at the time. That is why we have to call them [*Off the record*] because if somebody could sit in a Cabinet and be fully aware that roads and bridges in his constituency were planned, programmed and everything—

**Mr. Speaker:** It is not permissible in the House that one should use insulting terms or refer to Members in such terms. Accordingly, such words would be expunged.

**Mr. C. Imbert:** I am very sorry, Mr. Speaker. It is just that that is the best analogy I could find. I withdraw the remark. I consider that type of action to be equal to treachery. I find it shameful that someone who had all the knowledge, sat in a Cabinet with us on this side, knows that the contracts were implemented by PNM, could sit and cut ribbon and say, “I had to cross to the other side to get these things done in my constituency.” It is a shame. It is like the Arima Boys' Government School. We turned the sod—I am not sure if we acquired land for that project but it is quite possible because it is in the heart of Arima—in February 1995 with that hon. Member for Arima.

**Dr. Griffith:** Do not call my name in your mouth.

**Mr. C. Imbert:** We changed government. Eight months later, the school was under construction and I have to come to this Parliament to hear the Member for Tabaquite. Poor fellow! He does not know any better. He is just reading—probably never went to Arima in his life—that this project was facilitated by the UNC. It is in *Hansard*. The Member for Tabaquite, the hon. Minister of Education,

came to this Parliament and said, “The Arima Boys’ Government School was facilitated by the UNC. Construction commenced in November 1995. We turned to sod in February 1995 and the Member for Arima was present and turned the sod with me.”

**Dr. Griffith:** I never turned anything with you. The only thing I want to turn with you is away from you.

**Mr. C. Imbert:** The Member sat in Cabinet and approved a declaration by the Minister of Education that the project was done by the UNC. This is why I have to say that type of behaviour is akin to treachery. I hope I am not being unparliamentary.

**Mr. Speaker:** I know that the hon. Member may want to get some points across, but we are losing sight of the issue which we are now discussing. Please, could we return to the question of the acquisition of land for the stated purposes?

**Mr. C. Imbert:** Thank you very much, Mr. Speaker. Having said that, I actually have spent far too much time dealing with those political non-entities on that side. Let me go on now.

Mr. Speaker, the land which is being acquired today is for drainage purposes. As the Member for Arouca North has pointed out, he was present at a wedding where the bride had to be carried over a flooded area.

**Dr. Griffith:** Tell the nation what you did with the suitcase of money.

**Mr. C. Imbert:** As a result of that, the Member for Arouca North came to the then Minister of Works and Transport and initiated a process for—

**Mr. Speaker:** Hon. Members, could we please have some order?

**Mr. C. Imbert:** Thank you, Mr. Speaker. I was in fact ignoring that.

Mr. Speaker, in 1994 the Member for Arouca North came to me then in my capacity as Minister of Works and Transport, and requested the construction of drainage works for public purposes. I understand that the drainage situation has now been resolved in Arouca and as we heard the Member for St. Augustine say, it was a project well executed by the then PNM administration. It underscores again—I come back to the point—it is all very well to put in place systems and procedures for land acquisition. After the land is acquired, rather than waste the money that is then paid for that land, we must have proper planning. Land acquisition cannot be divorced from planning.

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**2.45 p.m**

In this drainage project, proper planning was displayed as the PNM also displayed in its major national drainage development programme which it was negotiating with the World Bank from 1993—1995. Under that national drainage and flood relief programme, much land would have been acquired and I hope when that project gets off the ground in the year 2029—under the UNC which is so bereft of the ability to plan—we do not know when that World Bank funding programme would get underway. Under that drainage programme, a lot of land acquisition will be required because—a matter which the Member for St. Augustine has spoken about in this House, and I, as an engineer am very familiar with—in Central Trinidad, the state would have to acquire land for retention ponds. The only solution to the drainage problem in many parts of Central Trinidad like Caparo, is the construction of massive retention ponds. A retention pond for those who do not know, is essentially a large area of land which can be as large as 200 metres by 200 metres, three metres deep or more, and its purpose is to slow down the run-off from land and rivers and act as a catchment to prevent flood waters from entering residential areas, agricultural areas and other areas which are populated. It is a very simple device and the use of retention ponds in Central Trinidad is very necessary and is required.

The PNM had gone to the World Bank recognizing the massive expenditure required for land acquisition and other things. In fact, we had estimated that to deal with the flooding problems of Central there was need to spend in excess of \$100 million. It is not a quick fix solution in that part of the country and we had developed this programme, not leaving out South or North Trinidad. We had developed it where we would acquire land for drainage purposes throughout the length and breadth of Trinidad and Tobago from the Diego Martin River in the West all the way to Sangre Grande in the East. We were going to acquire land and I must say that at the present time, land acquisition would be more expensive because there has been an accumulation of land in the Diego Martin River. As a matter of fact, there is now seven feet of silt in the Diego Martin River since the UNC Government has come into office. We cleaned that river in 1994 and 1995 and from then to now, not one bit of work has been done on desilting the Diego Martin River. While they are running up and down with backhoe in Caparo and cutting out drainage channels and flooding out people's home, not one bit of desilting was done on the mouth of the Diego Martin River. It was done in 1994 and 1995 and prior to that it was done under the NAR administration.

As a matter of fact, the Member for St. Augustine got into trouble with a desilting project where he had to come to Parliament and introduce retroactive

legislation to legitimize the contracts which he had awarded for the desilting of the Diego Martin River, but we did it legitimately in 1994 and 1995. That is nearly four years now. The Member for St. Augustine lives in that area and he sees the trees growing in the Diego Martin River. He passes there every day on his way home to Glencoe and he sees the mangroves growing on the silt which the UNC has refused to clear out from the Diego Martin River and one wonders if he has any influence in the Cabinet. It is a good thing that he lives on a hill, he is on the top of Glencoe so he cannot be flooded out.

To return to the land acquisition that would be required for the National Drainage Programme. We were going to widen and dredge the Diego Martin River, the Maraval River, the St. Ann's River, better known as the East Dry River, the San Juan River, Aranguez, Vega de Oropouche all the way up and down the East/West Corridor putting in pumps into Port of Spain, sluice gates, flood basins, paved channels and so forth from Diego Martin to Sangre Grande and we expected to spend about \$100 million. In the Caparo region, in the Caroni area, another \$100 million—\$150 million. In the San Fernando and south area, the Marabella River, Vistabella River, Ciperio River, another \$100 million. We had gone to the World Bank for a loan in the sum of \$400 million for the purpose of drainage development and land acquisition and by 1995 all the basic components of that drainage programme had been worked out. We had decided on which rivers we were going to work, we were going to have a schedule for implementation and preliminary designs and we were on target to commence work in 1996. Again, to my regret, we now find ourselves in July 1998. I cannot say that anything has been done because I can find no record that between 1995—1998 whether that drainage programme has gone anywhere, whether the conditionalities have been met, or the management systems are being put in place at the Ministry of Works and Transport. Since 1995, all I have seen is water, flood and foolish utterances out of the mouth of politicians. One say flooding is a thing of the past, another one say that flooding is an act of God, a third one say pray to God, a fourth one say pray that there is no rain.

When we were in office I came here on many occasions and made the statement that flooding is a very complex matter while Members of the UNC would be carrying on and quarrelling about why no work was being done in Central Trinidad. We would tell them it is not a simple matter and it cannot be solved by acquiring an acre of land, running with a backhoe and cutting two drains, cutting a ribbon, bringing the press, the public relations machinery, and have one's picture on the front page of the newspapers. One cannot solve flooding like that and we

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kept telling them that is not the way to deal with this very complex flooding in Trinidad and Tobago. It needs a holistic approach, a long-term vision where planning needs to be done properly and that is why we initiated those discussions for the acquisition of land and the use of land for public purposes for a massive drainage and flood control programme in Trinidad and Tobago.

I repeat, I regret that since we have demitted office, all I am seeing are projects where we had either awarded contracts, or tender documents were in place for immediate award of contracts. Any programme where work was required—and I am talking about academic and intellectual work—and thought is required, I am not seeing it at all. Anything where intellectual capability is required to negotiate with international organizations such as the InterAmerican Development Bank, and the World Bank where brain power is required, I am not seeing it. Our programmes where tenders were ready to be awarded, or contracts were already awarded, those were the ones which are being implemented although they are two to three years behind schedule and they are not doing it well either. That is all I have seen with this administration.

I am wondering why today we are only debating one parcel of land. It is very unusual to bring a Land Acquisition Motion for one parcel of land. What is the priority that is being attached to this land acquisition? I would like the Minister to tell me that. Why this one? How come this has been plucked out of the box with all the other land acquisition matters and fast-tracked to the top? One has to ask what is going on. Is it favouritism?

We have seen situations where the state owes people a lot of money and suddenly the Minister of Finance would come into this Parliament and leapfrog his partner's payment and put it in the budget for payment while hundreds of other persons who are owed money by the state are denied their rightful payments, and it is going on in the Ministry of Local Government right now where the Minister is picking and choosing and deciding who to pay and who not to pay; and under what terms and conditions too. Even in the execution of prisoners one sees persons who were No. 6 on the list reach to No. 1. It is like the infamous advertisement for that programme in the Ministry of Agriculture, Land and Marine Resources where No. 7 was made first. It seems to be a trait with this Government and I ask the Minister to tell me what is so special about this parcel of land containing together 2477.9 square metres more or less, situate opposite Light Pole No. 454 on the Eastern Main Road. What about the other 10, 20, 30, 40, 50 parcels of land with 20, 30, 40, 50 odd-persons? Where is their Land Acquisition Motion?

Mr. Speaker, when we came to Parliament with Land Acquisition motions, we normally brought about 10 or 20 at one time unless it was a special matter such as the Tent City situation where we had a deadline to meet and if things were not done in a particular time, we would not have been able to acquire that land at Independence Square for the use of vendors in Port of Spain. I am certain that something funny is going on here, I am certain somebody is interfering with the machinery. I am not saying it is a Member from the other side yet, but somebody is interfering with the machinery and pushing this matter up to the top.

I want to know why the names of those people in Chaguanas, Maraval, Barrackpore, and Mayaro who have their land acquisition matters outstanding are not here. It demonstrates the typical behaviour of this Government. There is land acquisition all along the Uriah Butler Highway for example, of which I am aware, and they should be here before this. As the Member for Chaguanas is rightfully aware, people's lands in the Chaguanas area have been acquired 15—20 years ago and this one before us, work was done in 1994, the survey was done in 1996 and it is already here in 1998. What about all those matters on the Uriah Butler Highway that were done in the 1970s and in Tobago? What is going on, Mr. Speaker? I would like the Minister to tell me where are those other matters, when he intends to bring them to the Parliament, and when he intends to pay people for their land under the legislation of 1994. Let us know, because this Government is getting away with murder. It feels it could do whatever it wants, it has no regard for convention, for protocol and fairness; none whatsoever!

At least we were given a one-minute presentation by the Member for St. Augustine today which is 45 seconds more than his usual presentation, but he did not tell us what is so important about this land and how it is brought before all the other parcels of land.

Mr. Speaker, I urge the Government to stop the “mamaguy”. I urge those Members on the other side to have a conscience, to stop coming to the Parliament and “pappyshowing” the population of Trinidad and Tobago, stop going out there and “pappyshowing” the national Parliament. If something was done by others then say so, do not go outside and lie and say this is done by us.

I remember distinctly there was a health centre in Maraval which was initiated by the former MP for Diego Martin East, Mr. Smart, and was built under the NAR and could not be opened in time. It was scheduled to be opened sometime in January 1992, about a month after election, and the former Minister of Health, Mr. John Eckstein, said to me that he would not be involved in that opening ceremony

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because he did not build that health centre and thought it would be unethical for him to take credit for it and I learnt a lot when he said that to me. That was his principle.

**3.00 p.m.**

As a result, Mr. Speaker, the Permanent Secretary was sent to open the Maraval Health Centre. No politician went and that is the way, I think, it should be. We did not go there and say, “we built this”, like the police post in Valencia where everything was done: painted, door hung, wiring, plumbing and three weeks later I saw where the Minister of National Security and the Minister of Works and Transport opened the Valencia Police Post and said, “This is testimony to the UNC’s fight against crime”. I saw that on the newspapers in November 1995.

Mr. Speaker, I would ask Members on the other side to have a little shame, dignity and decorum. It is quite acceptable and I applaud the continuation of the work of previous administrations. As the Minister who was involved at the time—because it is really the work of the public servants in the initiation of all those programmes in the Ministry of Works and Transport: National Highways Programme, the EEC-funded reconstruction of the Solomon Hochoy Highway, the CDB-funded extension of the Solomon Hochoy Highway and all the rural access roads and bridges programmes all over Trinidad and Tobago—I am happy that there has been continuity; I am happy that these programmes have come to fruition; I am happy to see works being done in which I had a part to play, but I ask the Government to have a little shame.

I thank you, Mr. Speaker.

**ARRANGEMENT OF BUSINESS**

**Mr. Speaker:** Hon. Members, we had earlier deferred item (1), “Introduction of Bills”. We shall now return to this item before we continue the debate.

*Agreed to.*

**CONSTITUTION (AMDT.) (No. 2) BILL**

Bill to amend the Constitution of Trinidad and Tobago [*The Attorney General*]; read the first time.

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, in introducing the Constitution (Amdt.) No. 2 Bill, I wish to give to this honourable House an explanation of the provision of the Bill and the context in which it is being introduced.



The honourable House would be aware that following the decision of the Judicial Committee of the Privy Council of *Pratt and Morgan vs the Attorney General* for Jamaica, notwithstanding the fact that the death penalty is the punishment for the crime of murder in Trinidad and Tobago, inordinate delay in carrying out the death penalty constitutes cruel and unusual punishment, and is accordingly a contravention of section 5(2)(b) of the Constitution of Trinidad and Tobago.

Mr. Speaker, since assuming office the Government has taken steps to comply with the ruling in *Pratt and Morgan* to ensure that cases are dealt with expeditiously, and completed in the overall time-frame of five years set down by the Privy Council. In fact, the Government has gone further and attempted to meet a target time of three and a half years for the completion of capital cases.

It must, of course, be remembered that the time-frame set out in *Pratt and Morgan* is not rigid, but flexible and even within the three and a half-year period, execution, depending on the facts of the case, may still be unlawful. In order to give effect to the ruling in *Pratt and Morgan* in 1996, the Government agreed for the legislation to be enacted to authorize the Executive arm of the state to carry out the death sentence, notwithstanding delays which occurred when the convicted person exercised the right of appeal to different courts and international bodies.

Consequently, two bills were published for public comment. The first bill sought to amend the Constitution of Trinidad and Tobago by providing that delay in the appeal process in a capital case would not constitute cruel and unusual punishment, and operate as a bar to the death sentence being carried out.

The second bill sought to categorize the offence of murder into: murder 1—capital murder; murder 2—manslaughter; and murder 3—unintentional homicide. The latter bill provided that only persons convicted of murder 1 would be sentenced to death.

The public consultation held and the comments received in respect of the proposed bills, showed that the majority was not in support of those measures. Instead the public indicated a desire to have judicial delays removed from the system and to have compliance with the guidelines set out by the Judicial Committee of the Privy Council in the case of *Pratt and Morgan*.

In an effort to carry out the wishes of the public, the Attorney General, with the approval of Cabinet, instituted a number of measures to streamline the procedures in capital cases, with the objective of ensuring completion of the

appellate process within the shortest possible time consistent with due process of law. These included administrative, judicial and legislative reforms. These measures have resulted in expediting the process of appeals to the Court of Appeal and to the Privy Council.

Currently, appeal cases are being determined within the time-frame imposed by the Judicial Committee of the Privy Council. The Executive arm of the state has taken steps to ensure that death warrants which have been read, are read within the *Pratt and Morgan* time-frame. As a matter of fact, the two death warrants which have been read before today are within the target period of three and a half years. Nevertheless, constitutional motions have been filed in respect of the prisoners to whom these warrants for execution have been read, raising wider issues. New matters such as prison conditions, pre-trial delay and the legitimate expectation to have the prisoners' matters determined before the human rights bodies have now been raised before the courts.

The current position is, therefore, that after being convicted of murder by a judge and a jury and having had one's appeal heard and rejected by the Court of Appeal and by the Judicial Committee of the Privy Council, a condemned prisoner may, once the warrant for execution is read, seek a constitutional motion and thereby ensure that his execution is stayed, at least, for a period of time.

The Members of the public are getting frustrated that the law is not being implemented. Confidence in the administration of criminal justice is being lost. The death sentence is a mandatory sentence for murder in Trinidad and Tobago and reflects the national will. It is enshrined in the laws and it is pronounced by the judge, following conviction before a jury. Every effort must, therefore, be made to implement the death penalty as quickly as possible after the sentence is passed. In an effort to resolve these issues and to have these matters settled in accordance with the national will, this Bill purports to do so, recognizing that the death sentence should be carried out within five years from the date of the conviction.

The Constitution (Amdt.) (No. 2) Bill, in effect, divides those cases where the death sentence is imposed in two categories: those where the time since the imposition of the death sentence has exceeded five years, and where the time since conviction is within five years. In respect of a sentence exceeding five years, the Bill would prohibit the carrying out of the death sentence after the expiry of five years from the date of conviction. A death sentence that is not executed within five years of its passing would be commuted to a sentence of life imprisonment.

In respect of death sentences which have not exceeded five years since the conviction, once the conviction has been upheld before the Court of Appeal and the Judicial Committee of the Privy Council, no stay of execution, alteration, remission or commutation of the sentence may be granted by the court on any grounds and, for the avoidance of doubt, clause 5(2)(a) to (f) sets out some of the specific grounds covered by the provisions.

**3.10 p.m.**

Clause 3 states:

"...where a person has been convicted for a criminal offence in respect of which a sentence of death has been imposed there shall be no stay of execution, alteration or remission of the sentence by the Court on any of the following grounds:

- (a) the place where the sentence is to be carried out;
- (b) the time between the serving and the reading of the warrant of execution to the condemned person and the proposed time of execution;
- (c) the conditions of confinement of the condemned person;
- (d) the manner of carrying out of the sentence;
- (e) the time spent by the condemned person in prison from the time of his arrest and charge to the date of conviction and sentence;
- (f) the provisions of any Convention, Treaty or Agreement to which Trinidad and Tobago is a party, applicable Customary International Law or substantive rule or procedure under International law; and
- (g) any other grounds."

In respect of convictions within five years of sentence, therefore, once the conviction has been upheld before the Judicial Committee of the Privy Council, a condemned prisoner will not be able to use sections 4 and 5 of the Constitution to challenge his death sentence and thus delay its implementation.

In light of the circumstances, it is in the national interest to pass this Bill and give effect to the principle that the death sentence must be carried out as expeditiously as possible. The implementation of the death penalty should not be frustrated by a multiplicity of challenges on the grounds of cruel and unusual

punishment or prison conditions or pretrial delays. These matters are not part of the sentence; they are separate issues and must be treated as such.

Mr. Speaker, clause 4 of the Bill states specifically that:

"Where a person has been convicted of a criminal offence in respect of which a sentence of death has been imposed and—

- (a) the time for appealing against the conviction of death has expired; or
- (b) a petition or application to the Privy Council by the person has been refused, abandoned, withdrawn or dismissed,

and the death warrant in respect of such conviction has been signed by the President, the High Court shall have no jurisdiction to hear an application under this section against the execution of the death warrant, where such death warrant was signed by the President no more than five years after the date of the conviction for which the death warrant was imposed."

Mr. Speaker, clause 5 states:

- "(1) ...where a person has been sentenced to death by any court for an offence against the law of Trinidad and Tobago, that sentence shall not be carried out on the person after the expiration of five years from the date of the conviction for the offence.
- (2) Upon the expiration of five years after the passing of the death sentence on a person, that sentence shall be commuted to a sentence of life imprisonment."

The Bill also states in clause 4 that:

"Section 5A and subsection (5A) are deemed—

- (a) to have effect as if they have always been provided for in this Constitution; and
- (b) to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual."

The Bill also provides in clause 5 that:

"For the purposes of this section, time spent by a person, after the confirmation of his death sentence by the Privy Council—

- (a) in referring any question concerning that sentence or the related conviction to the Court or any other body; or

(b) in any proceedings, in any Court, in which he is a party, shall not be taken into account in calculating five years from the date of the conviction."

In conclusion, may I state that the Bill obviously purports to amend the Constitution of Trinidad and Tobago and, as such, the Government needs the Opposition's support for the passage of this Bill. The Government, in laying this Bill, will welcome the comments, not only of the Opposition, but of members of the public and interested groups.

Mr. Speaker, thank you very much.

#### LAND ACQUISITION

**Dr. Keith Rowley** (*Diego Martin West*): Mr. Speaker, I thank you for recognizing me and I thank my colleague from La Brea, the hon. gentleman, for giving way. I promise I would not be too long.

I just think, out of a sense of duty, that I should raise this matter this afternoon. Because, being the Minister who held the portfolio in the last administration where we sought to solve this problem, what I am seeing here today raises the question as to whether or not the problem is being solved or whether it is going to be solved. This issue about staying over there and shouting, "Why did you not do it?" does not help. That is why I would ignore the little one from Nariva.

What we had in this country before, which was debated at length in this Chamber, was a system of acquisition of private lands for public purposes which, in itself, had certain deficiencies. There was no malice on anybody's part in any of the previous administrations to acquire people's property and to penalize them by not paying for the acquisition. Mr. Speaker, you were in the government for a number of years and served with distinction. I am sure that no one can point fingers at you or your colleagues to say that during that period the lands which you acquired were done to penalize the people whose properties were required.

The system was such that the law permitted the state, by publication of the various sections, to access those lands and then there was a long drawn out facilitating procedure. By the time section 4 was published, the lands were being utilized, the acquisition got into the parliamentary business schedule, it got in their line-up of things to be done. Invariably, land acquisition motions fell behind other more pressing matters.

More importantly, the payment for the land under the old system was due when the process was completed. So while the old law permitted the state to

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access the people's lands and use them for public purposes, the payment was not due until this delayed process; a delay which was not one of malice or negligence, but one of administrative technicality and expedience. As a result of that, every year the Appropriation Bill would have a certain amount of money to deal with land acquisition matters. With each passing year as more land was acquired and the previous acquisitions were being dealt with slowly in the system, as the system permitted, one had a situation of the building up of a backlog and this injustice was taking place where people's lands were being used and they got no recompense in an orderly time-frame. That is what existed. We all in this Chamber acknowledge that.

So under the last administration, we changed the law with respect to the acquisition of private lands. So a new Land Acquisition Act was passed to take into account what I have just described. The intention was that the state would now make provision in the budgeting and the law commanded the Government to pay at an earlier time. So, as soon as the land was acquired, a certain payment was due to the beneficiary. That Bill was passed in this House and it was assented to in the early time of this administration. What we should have in effect now is a system which is being put to work to the benefit of the people whose lands have been acquired or whose lands will be acquired and, as it works, we should see a reduction or an elimination of the creation of a backlog and injustice to persons whose lands are being acquired.

Mr. Speaker, when the Minister responsible for this Motion comes to the House and brings one Motion like this for one piece of land and does not bring, under the current paying arrangements, those parcels of land which had been affected by the previous legislation, it makes me wonder whether, in fact, the Government is aware of the problem that it is supposed to solve. Because it did not fall to any previous Minister of Finance under the old legislation to do that. Fortuitously, it falls to this Government under the newly proclaimed legislation to take steps to pay off, once and for all, those persons whose lands have been there and payment was being delayed, to get them paid off, have the Motions brought before the House and, as the Government seeks to acquire new lands, the instant part payment will be due and the new process will kick in. So we will not have people's lands being acquired, a backlog being developed and a situation being recreated where for five to fifteen years the land is for public purpose and the people are not being paid.

What we are seeing here today tells me that something is wrong or, some aspect of the Government administration is not aware of what it is supposed to do.

I am calling on the Minister to say this afternoon whether, in fact, he is aware of how the new land administration is to work and whether his colleague, the Minister of Finance, is also aware that he has to provide adequate and available sums of money to pay people as soon as their lands are acquired, and not like the old system where the state could enter upon the land by publication of an early section and then wait for years to complete the process and pay at the end of a decade or so. If the Minister is aware of that, I think he would agree that bringing one Motion here this afternoon sends the signal that the new Land Administration Act, even though it was meant to remove the problem as experienced before, could, in fact, not be alleviating or eliminating the problems associated with land acquisition.

Therefore, I am calling on the Government to stop talking about who should have done what and why one did not do it, because all of that is very churlish and annoying to the public. What we are calling on the Government to do is to do what it has to do as a responsible administration. It has a new Land Administration Act, it has a backlog of people's lands to pay for; bring those to the Parliament, pay the people, and use the new Land Administration Act in the proper manner to prevent a recreation of the problem that we tried to solve here in this House at an earlier time.

I thank you, Mr. Speaker.

**Mr. Hedwige Bereaux** (*La Brea*): Mr. Speaker, I want to make a very brief intervention on this Motion to acquire certain lands in the constituency of Arouca North. I want to, in some way, congratulate the Minister for at least pointing out that the work was done under another administration and that we now come to the issue of the acquisition of this land. But when I look at the purpose for which the land is being acquired, I see it is drainage. In this particular instance, the Minister acknowledges that the drainage work was properly done in good time and is, in fact, serving its purpose, but when we talk about acquisition for drainage, we have got to look at what is happening with drainage elsewhere, the acquisition for drainage and to correct flooding.

I want, in particular, to refer to a question which I raised in this House some time ago about the works being carried out on Mosquito Creek in the South. It turned out that there also seemed to be a drainage problem. The hon. Minister or acting Minister at that time and Member for Fyzabad, went to great lengths to point out that it was to prevent flooding on the Mosquito Creek. Indeed, he gave me a long dissertation as to all the various things that were going to be done. What

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was interesting is that we also had another flooding problem in Central Trinidad in the Caparo River in that area. He indicated that they were going to spend \$5 million on the Mosquito Creek and another substantial sum of money was being spent in the Caparo area.

**3.25 p.m.**

There was one common denominator in respect of the work done in both areas, and that was a company called R. Mahabir and Sons. I say specifically, if we are going to come to this House to give approval to acquire lands for drainage, we have got to be certain that the proper, competent companies are given the work to be done.

I make the point again that R. Mahabir and Sons had a substantial contract in respect of the works on Mosquito Creek in the South and for drainage works in the Caparo River and Caparo River basin. We are talking about a few million dollars: one was a \$5 million contract. I know the big loan was \$400 million to do three or four areas. I do not have the numbers in respect of those contracts. I checked in the registry and the company had a capital of \$50,000, not all the capital had been issued, it had only \$4.00 worth of shares. Four shareholders, \$4.00 shares, \$1.00 each!

This Government is managing the affairs of the country in a manner which would give a \$50,000 and a \$4.00 paid-up capital company, these large contracts. I have to ask, and we must seek the answer: How could this be? What kind of management of the economy and the business of the country is this? Where is the Minister of Works and Transport who is alleged to be the best performing Minister? How could he do something like this?

Mr. Speaker, when the contract was issued for the Mosquito Creek and then the Caparo River, I asked myself, where is the nexus in this to the Government and to the Ministers or whoever is in charge? This calls for some kind of investigation because the next thing that might happen is the work would be improperly done. Already there are persons who are living in the Central area, like myself, who travel along the Mosquito Creek and who have had to undergo all the inconvenience, and all the contractors are doing is digging up the drains, moving the earth, bringing in sand, moving the sand, bringing back the earth, moving it, filling the earthen drain, digging it out again, putting the concrete drains and so forth. They are going about their business and in the process of doing that, they have a hazard in the road: there are no shoulders now on Mosquito Creek!



It is all right for us to come here and talk about land acquisition, and believe me I would like to see this Bill passed, but I must also take up the point made by the hon. Member for Diego Martin East when he said that these particular surveys were done in March 1996. I could recall in the days of the NAR administration, when they had just come into power, they removed people from the Uriah Butler Highway, and those persons are now in the constituency of Chaguanas. I could remember that the hon. Attorney General was instrumental in pleading their cause and making sure that they would not have to leave unless they were properly paid. The NAR came into power and the people moved. To this day they have not been paid.

This proves the point I am making, that this Government, regardless of all the protestations of assistance to the poor and downtrodden and of love for the people in Central, they ride their backs and do nothing for them. Otherwise, how would you explain that since 1987 those people were moved and they have not been paid; but because of somebody "big" in Arouca North—the surveys were done in 1996 and we are already here to move the Motion to acquire the lands so they could be paid, yet no money for the people in Guayamare. I have said it once before and I say it again: this Government discriminates in certain things, but when it comes to disadvantage of the poor—black, white, Indian or African—it does so with impunity. They ride their backs!

I know the Member for Chaguanas is a hard-working Minister, and I know how he must feel to see that the people in his constituency have not been paid. I felt on a day like this one, the final day before the holiday where we celebrate the emancipation of African slaves—although some of us still have mental shackles—I should bring this point. I am not going to call any names because I am in an expansive and friendly mood today. I feel so proud. I am not going to attack anybody, but I ask us—and we know those who have not been emancipated—to consider that.

Mr. Speaker, with those few words I wish you, the rest of this House and the entire country, a happy Emancipation celebration.

Thank you.

**Mr. Fitzgerald Hinds** (*Laventille East/Morvant*): Mr. Speaker, I feel obliged to pick up where my noble colleague from La Brea ended as he spoke of emancipation. I myself join with him in wishing the African community and, indeed, all members of the Trinidad and Tobago community a positive, inspiring and happy Emancipation celebration this week and in particular, on Emancipation day, Saturday.

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We are here today to debate, as we are already aware, the question of the acquisition of a few pieces of land, as explained by previous speakers, for the business of drainage. It is trite, but to acquire means "to take possession of", "to have and to hold", that sort of thing, and this is about the Government acquiring lands for public purposes. The purpose here, as I have indicated, is about drainage.

I represent the people of Laventille East/Morvant, and I have sat in my constituency office and had complaints from people who have had some of their land acquired. *[Interruption]* I have heard people speak of bits of land acquired from them and to date they have not been paid for the same. When I listened to the exposition given by the Member for Diego Martin West on the issues that led to the backlog and acquisition of debt by the state in respect of lands acquired, I understood fully. He went on further to explain that legislation was passed in this Parliament to redress that problem, but the situation remains the same.

We have the Malick River running through Laventille East/Morvant. Only recently, I toured the area and did my own layman's survey of the problems. There is a particular constituent living very close to that river, her house is literally collapsing into it. I advised her, and I myself wrote to the relevant Minister to highlight her problem. I have not had any positive feedback to date and I look forward to the same.

The point is this, if the state is moving to acquire these lands—what is interesting, as had been pointed out—this is a particular piece coming low down on the line, if I may use those words. There were many pieces of land acquired before this one, but no action has been taken by the state in terms of paying. I would like to know what is the Government busy about in terms of settling this issue with the previous owners such as Bachu, Shek Mohammed, W. Ash—

**Mr. Speaker:** This very point has been made before by at least three Members on this side. There is no problem with debating but I draw to your notice that the very point, in much the same way, has been made by three Members on this side already. It may be regarded in some quarters as repetition.

**Mr. F. Hinds:** Mr. Speaker, I do not know if anyone could read my mind. I know what I was about to say, but I will be guided by your sentiments as I continue.

The question is, drainage is a problem in the Malick River and it is bursting its banks in parts. The point I was about to make was that the Government is hastily

moving to settle a problem here for the purpose of resolving drainage problems, and in representation of the people of Laventille East/Morvant, I want to know, when they are going to resolve the problem of drainage in the Malick River.

**3.40 p.m.**

I do not represent the people of St. Ann's but, of course, the same could be said about the St. Ann's River which becomes the East Dry River as it passes through Belmont and the Diego Martin River. I drove by sometime ago and someone drew my attention to the fact that big trees are now growing in the middle of that river. I heard the Minister of Works and Transport promising that it would be desilted by a certain time and that work would be done.

**Mr. Maharaj:** But the tree is 10 years old.

**Mr. F. Hinds:** The situation is what it is.

Mr. Speaker, one must raise the question of urgency and while the Government is moving to raise this, there is another piece of land in the constituency of Tunapuna, the extension of Macoya Road, north of the bus route which, I am instructed, belong to private persons: Turban curry producers.

I would like to know—because I had a conversation with an interested party recently—whether those lands have been paid for and how much, and whether it has been paid in the usual or some unusual way because we have not seen it come before us for discussion or our attention in this Parliament. Maybe the Minister might want to say something about that. He has all the resources to be able to tell us in quick time.

The question of acquisitions, as I said, taking possession of, in Emancipation week is very relevant. I sat here a while ago and I heard some talk across the floor. I call on the Attorney General, the Member for Couva South; he having acquired what used to be certain property, notwithstanding that those from whom it was acquired no longer find that property necessary or indeed useful, in this week of emancipation I ask the Attorney General and the Member for Couva North if they can release that property.

Mr. Speaker, I am calling on the property to emancipate itself from slavery as I make the point. If the Government is unwilling to do that, then the previous owners might be prepared to purchase that property at a cost of \$5.00 leaving him with perhaps \$2.00 profit.

Mr. Speaker, I will not be distracted, we are speaking on this Bill. The Member for Diego Martin East called upon the Minister of Works and Transport who has

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the responsibility for reporting to this Parliament on the road improvement development fund. This Government has been in office for about two and a half years. It should have reported to this Parliament on that road improvement fund five times because there is a taxation on gas purchases designed to improve the roads and, I imagine, improve drainage and so forth. It has only been reported once.

We come today to speak about relieving a drainage problem in respect of the State's acquisition of a few pieces of land in the constituency of Arouca South.

**Mr. Maharaj:** We reported three times.

**Mr. F. Hinds:** One.

**Mr. Maharaj:** Three. I will find it for you.

**Mr. F. Hinds:** Now I am hearing the Leader of Government Business saying three times. Three is a significant number. Three dollars, three all kinds of things, three pieces of silver. That brings me right back to my talk about emancipation but I will not be distracted by the Member for Couva South. He was happy. He made a three dollar deal and it has paid off but time is longer than twine. I will speak of the Holy Trinity the One God.

Mr. Speaker, you have said, and I agree—and as he speaks about three it is important. The state will be required as it acquires this land to make payment under the Constitution to the previous owners of that land. I am trying to pursue this debate in a serious way and the Attorney General is telling me about three.

I read three articles in the daily newspapers recently. In fact, the *Mirror* of July 31, 1998.

**Hon. Member:** That is irrelevant.

**Mr. F. Hinds:** Irrelevant? Mr. Speaker, land acquisition. *[Interruption]* They do not want me to speak about the three articles I read. They are trying to disturb me. Mr. Speaker, I ask your protection.

Let me continue. The first article I read about on the front page of the *Mirror*, certain stories about UNC officials. It was not three in this case, it was eight. At the back of the paper, second article: "Visa Scam in the PM's office." Mr. Speaker, the Independent of July 25, 1998. This is the third article: "PM's aide in \$0.6 million deal." Mr. Speaker, you may wonder what is the relevance. Let me try to explain.

**Mr. Speaker:** You are perfectly right. I am sure the entire House is wondering how I could allow you to deal with those three things that seem to have absolutely

no bearing on the question of acquisition of this piece of land in Arouca for drainage. They seem far-fetched.

**Mr. F. Hinds:** Mr. Speaker, the simple point I want to make in conclusion is that this matter is a serious one; land acquisition for drainage. It is being brought to this Parliament by the Government. We have said what we had to say about it and I was simply attempting to make the point that when the members of the public listen to this debate they will question the seriousness of this Government.

There are so many issues. In fact, as has been pointed out, there are so many other acquisitions that are in the pipeline while this jumps the queue. They must wonder, and on behalf of my constituents I wonder aloud whether this Government is really serious; whether it is serious about land acquisition and drainage or whether it is not serious about sorting out its friends and family at the expense of the entire nation because all we are hearing about with this Government is issue after issue, one allegation of corruption leading to the next. The three articles that I pointed out a while ago show some element of those allegations. We are simply calling on the Government to take a serious approach to governing this country. We, Mr. Speaker, submit accordingly.

I thank you. [*Desk thumping*]

**The Minister of Tobago Affairs (Dr. The Hon. Morgan Job):** Mr. Speaker, I rise to give a little comment given the ideas I heard concerning land acquisition and the role of the state.

This Government is very concerned that problems of land acquisition, particularly in relation to my constituency, have a cultural origin. The three Bills that came to Cabinet today, the Land Adjudication Bill, 1998; Land Tribunal Bill, 1998; and Land Registration Bill will come to Parliament in the future.

It is important, hearing the comments of the people over there. They seem not to discern the fundamental linkage between these laws, land and culture. In the particular case of Tobago and, indeed, in Trinidad one may hear people talking things about “Jah” land. I have to make a comment on this in the context of the effusive words of welcome—which I want to join in sharing—to those people who are celebrating Emancipation. I discerned a kind of sourness in the tones of at least one speaker when he was talking about some of us who are in mental slavery; some of them or some of those. Indeed—

**Mr. Bereaux:** Mental shackles.

**Dr. The Hon. M. Job:** Mental shackles. Whatever that may mean, Mr. Speaker, I think it is right that I remind this honourable House that many of the problems we have, have to do with antecedent circumstances.

Culture is a very, very resilient thing and many of the patterns of behaviour with respect to land use and attitudes to land are patterns of behaviour which manifest heritages that have been handed on for thousands of years. There are some people who are more prone to say things like; “That piece of land is ‘Jah’

In the case of Tobago we have many problems with respect to communal property. I have been involved in family land disputes and bacchanal and confusion because of this idea that property is a communal thing.

I think that the acquisitions we are talking about today, it is very important that we not look at them in a partisan way. We are acquiring land for the betterment of the public and for public purposes. In that sense we have to link these acquisitions and the problems that have given rise to them to other problems like squatting which is in a large sense a consequence of land use that is predicated on these cultural perceptions of communal property. The state, throughout the recent history—I am talking about the last generation or the last 40 years since 1956—has not done as much as it needed to have done to instigate into the culture of Trinidad and Tobago an idea of private property and the benefits of private property. Therefore, many problems we are dealing with we must necessarily—if we are to solve them properly—not only look to legislation and litigation but also to cultural change, to ideas.

I want to support the issues that we are discussing here today. I also want to add, just for the benefit of my colleagues on the other side, if you will permit me, because the Member for La Brea talked about mental slavery. I think one of the problems we have in Trinidad and Tobago at these times of Tobago Heritage, Emancipation, Ramayan Conference and Ramleela—I did say, Mr. Speaker, at the Tunapuna Hindu School when they had Indian Arrival Day—and I want to repeat for the benefit of everyone here because very often they do not listen to what I say—that the Caribs were here, they arrived; the Spaniards came after them, they arrived; the French came and the Africans came, they arrived; and then the Indians came. Why should they alone have an arrival day? I said that. Nobody heard me.  
*[Interruption]*

I am dealing with my opinion. I am saying this in the context of the way they are throwing accusations, maybe to people on this side or people in the wider

public concerning Emancipation. I think we ought to emancipate ourselves from the kind of ignorance that forces us to try to unravel that kind of cultural belonging that every Trinidadian possesses.

We cannot separate ourselves into Africans and Indians anymore; neither can we separate ourselves, those of us who have African antecedents that are visible in our skin and hair from those things that are of Europe in us. That is what makes us different. Every single West Indian of any importance who has achieved anything that we might call greatness, be they Nobel Prize, Derrick Walcott; Vidia Naipaul, President Robinson, Hudson Phillips or Michael Manley, every single one of them—

**Hon. Member:** Eric Williams.

**Dr. The Hon. M. Job:** Eric Williams, and I am glad you called his name because Eric Williams is one of the most potent and valuable symbols to the children of this country concerning this question of identity.

Dr. Eric Williams did say that there shall be no mother India, no mother China, no mother Africa. All we have is mother Trinidad and Tobago and a mother cannot discriminate against her children. Dr. Williams was not thereby saying that Indian cultural retention in Trinidad and Tobago was not valid because it was under his ministry that we had Divali as a holiday. Never forget that. It was under his ministry Eid became a holiday. Never forget that. It was under his ministry that every Indian, every Hindu was allowed, according to the Constitution and the law, to develop Ramleela, Phagwa or whatever you wanted freely, as long as you did not break the law. [*Desk thumping*] It seems like I have many friends over there today. [*Laughter*]

**3.55 p.m.**

**Mr. Bereaux:** You should speak the truth.

**Mr. Hinds:** Would the Member give way?

**Dr. The Hon. M. Job:** No.

**Hon. Member:** Do not let them misunderstand what you are saying. You better put it in context.

**Dr. The Hon. M. Job:** The late Prime Minister, Dr. Eric Williams, would never have allowed any child in this country to have an identity crisis which permitted them to be warring against themselves. Mr. Speaker, you must

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remember old time days when one went to a police station and there used to be a picture on the wall of one jackass going this way to look for a bundle of grass and another trying to eat this bundle of grass. They are both starving to death because they would not unite to go for the bundle of grass. This is what Dr. Williams was trying to say.

We in Trinidad and Tobago have to unite even if there are differences that have antecedent circumstances. I want to be sure in my mind after I sit, that everybody in this country understands that emancipation is not about looking back to go to Africa to solve the problems of the Hutus and the Tutsies or the problems of the Yorubas or the Hausas and Fulanis. As a matter of fact, I have in my hand a little note from one of the famous Africans, Chinua Achebe, *Trouble with Nigeria*. We are talking about culture and land use. Many of our attitudes to land use have to do with the fact that we are so African.

It is not true as the propagandists have been trying to say, that slavery made us naked culturally and took away all we had. That is not true. I have lived in Brazil; I have spent time in Jamaica in the Dry Harbour Mountains; I have lived in Costa Rica, Peru and Venezuela, all places that have Africans, African culture and African-descended people. I have also lived in Africa for five years. Nowhere that I have ever been in the Western Hemisphere did I not see a massive example of existing African culture in all the people—language, food, dress, music, everything. So it is a lie, a propaganda, a blatant misinformation campaign to say that the Africans this part of the world were denied the right to have their language by white people and slavery. How do you have Yorubas here, Obatallah and all the gods, even the ones from the Ibo land—Chuku? They are still here. They are very much alive and well. They worship them every day right here in Trinidad and Tobago, as indeed they do in Jamaica, Cuba, Santeria, Candonble and all these things in Brazil.

So we have to stop this kind of propaganda which is seeking to suggest that little children in Trinidad and Tobago have some right, imperative or necessity to want to disentangle themselves from their Moravian, Catholic, Hebrew and Roman heritage, those ideas that make Trinidad and Tobago what it is today. I do not know, with respect to these Bills and in discussing land acquisition, why we should be here casting and throwing words about who is in mental slavery and who is not.

Mr. Speaker, I think that I have made my point and I suggest to you that we should go along with these land acquisitions and, indeed, for those persons who understand that emancipation is about recognizing every aspect of their heritage



and what makes us Trinidadian, they should enjoy the holiday with all of us celebrating together. As indeed, I said to Sat Maharaj and all the Hindus at Tunapuna Hindu School, that until we can celebrate Indian Arrival Day as a national holiday and everybody feel comfortable with it and not see it as a particular partisan parochial event, we are in for a great deal of trouble.

Perhaps, I should say the same thing to those persons who celebrate emancipation; those persons who do not understand that they need to tell children that identity is not about skin colour or pigmentation. I have lived in Africa and many of the people in Trinidad and Tobago who are celebrating emancipation today, tomorrow and the days to come, are people who used to show children local people—many of them looking like millions that live in Algeria, Morocco, Egypt—and say they are white people and want to beat them up and spit on them. They were there. For 5,000—10,000 years ago they were Africans. They are still Africans but the ignorance that is pushed in this country that destroys people and cause disunity is what I am utterly, irrevocably and unambiguously against.

I said we must seek God in every face, not race. If you unravel the genetic code of every human being in this Parliament today, stretch it out for 1,000 miles, only 6 per cent of the two miles which manifest themselves of ethnic differences will you ever see as skin and hair. That is how close we are; one people, one human race. Why this nonsense about if you look like me I must be your friend and if you do not look like me I must be your enemy? We want more national unity and harmony in this Parliament.

Mr. Speaker, I thank you.

**The Minister of Housing and Settlements (Hon. John Humphrey):** Mr. Speaker, a little drainage project opposite Light Pole No. 452 on the Eastern Main Road has taken us on an excursion by Members opposite to Piarco Airport, the Solomon Hochoy Highway, a World Bank loan of \$400 million and the Caparo River improvement. It has taken us to the flooding of Edinburgh 500, the deforestation of party hacks, certain schools in Arima, the frog hopper—obviously running from the flooding, seven feet of accumulated silt with new mangrove growth in the Diego Martin River, death row prisoners, Port of Spain vendors, a Maraval Health Centre was opened by public servants, a police post in Valencia.

Mr. Speaker, to be relevant to this Motion, they should have talked about the wabines in the river that are not there again and the children who used to catch the guppies, because now that they have paved the drains there are no longer the ponds where these little fish could be caught. That would have been relevant to

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this Motion. But we have gone all over the place. We have expended by now, if you estimated, \$100 million in Piarco, \$400 million World Bank loan—that is half a billion by itself—for a tiny project to fix a drain because a particular bride had to be carried across the flood waters by my good friend from Arouca North's constituents.

**Hon. Member:** He was the bride?

**Hon. J. Humphrey:** Mr. Speaker, I have to give him credit for that because the Member goes to a wedding, sees the difficulty and does something about it. That, to me, is the purpose of a Member of Parliament.

Mr. Speaker, this particular issue had its genesis way back in February of 1991. So it just shows how long it takes to get these matters dealt with under the system. When the Government of national unity came into being, very early the Minister of Agriculture, Land and Marine Resources came to Cabinet to seek to deal with the tremendous backlog of compensation for lands that had been acquired. In fact, it is not \$45 million we inherited as debt—it is \$55 million—for lands that were acquired over two decades before we came in. The Minister with responsibility at the time, did his very best to do something about it.

Mr. Speaker, it is quite true that under the previous government, legislation was brought to Parliament to, in fact, deal more effectively with the acquisition of people's land. That legislation was not proclaimed. It is Act 28 of 1994. I am not sure exactly what date it was passed in the House, but it was not proclaimed during the stewardship of that government. The reason it was not proclaimed is because it did not have the money to pay the compensation that accumulated over so many years; we are talking about over \$50 million. The Act was actually proclaimed by the Government of national unity which is the present Government, on June 17, 1996.

It is this Government that is seeking to do something about the compensation of citizens whose lands have been acquired. The matter of Tobago was raised. Tobago has a particularly difficult problem because people there have great difficulty in proving ownership because they do not have clear title to their lands. Unless one can prove ownership one cannot get the Director of Surveys to initiate the process for compensation for acquiring land. The Government cannot acquire land and compensate people if, in fact, those persons cannot prove ownership. That is why the hon. Member for Tobago East referred to three pieces of legislation that are crucial in resolving this issue. Only today, Cabinet accepted three Bills brought by the hon. Attorney General—the Land Adjudication Bill,

1998; the land Tribunal Bill, 1998; and the Land Registration Bill, 1998. These matters are being very carefully considered and will be brought to Parliament shortly.

Mr. Speaker, without the institutions that will emerge from these pieces of legislation, we are not going to be able to satisfactorily identify the legitimate owners of parcels of land, and in many cases parcels that have already been acquired and put to use. For example, the Claude Noel Highway was constructed many years ago in Tobago and many of those people have not been compensated as yet because they have not yet satisfied the Government that they own land. When there is a tribunal and a process of adjudication on the question of ownership it can be resolved.

Mr. Speaker, we are doing something about it. I am not able at this stage to give the entire list about outstanding acquisitions, but if a question is filed to get the entire list, I can then put the division of the Ministry to work to get that information and present it to Members of this House. That is going to require quite a considerable length of time. In fact, the Lands and Surveys Division at this very moment, is not producing because it is moving from one very inappropriate location to another that is being prepared for the requirements of that division. That is an orphan arm of the Government that long ago was virtually expelled from the existence of the administration by the PNM regime. No consideration was ever given to that arm of the Government, and we at long last have acquired a location for the division and we are preparing the location to meet the requirements of that division. So it is no longer going to be treated as an orphan. All of the data are being packed in boxes for conveying from the old to the new location. So Members, therefore, would have to wait until those boxes are unpacked and all the data are put in order, so we can access the data that would be required to answer some of the questions.

Mr. Speaker, since, in fact, on this particular matter, it has taken over seven years to reach this stage, but everything has been satisfactorily concluded within the law, I beg to move that the House approve the acquisition by the President of the land so described.

*Question put and agreed to.*

*Resolved:*

That this House approve the decision of the President to acquire the land described in the Appendix for the public purpose specified.

**APPENDIX**

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>1. The following parcels of land comprising 2477.9m<sup>2</sup> more or less, situate at opposite Light Pole No. 454, on the Eastern Main Road, Arouca in the ward of Tacarigua in the county of St. George described in the Schedule and coloured raw sienna on plan of survey signed by the Director of Surveys and dated March 26, 1996 and filed in his office are required for public purpose: Drainage Improvement.</p> <p style="text-align: center;"><b><u>SCHEDULE</u></b></p> <p>Six parcels of land containing together 2477.9m<sup>2</sup> more or less, situate opposite Light Pole No. 454 on the Eastern Main Road, Arouca in the ward of Tacarigua in the county of St. George and comprising as follows:</p> <ul style="list-style-type: none"> <li>(a) 5.3m<sup>2</sup> more or less said to belong now or formerly to Bachu;</li> <li>(b) 16.4m<sup>2</sup> more or less said to belong now or formerly to Bachu;</li> <li>(c) 1.6m<sup>2</sup> more or less said to belong now or formerly to Shek Mohammed;</li> <li>(d) 428.9m<sup>2</sup> more or less said to belong now or formerly to W. Ash;</li> <li>(e) 1422.3m<sup>2</sup> more or less said to belong now or formerly to Gerald Richardson; and</li> <li>(f) 603.4m<sup>2</sup> more or less said to belong now or formerly to Home Construction Limited.</li> </ul> <p>These parcels are more particularly shown coloured raw sienna on a Survey Plan filed as J.B. 135 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>Drainage Improvement</p>

*Visiting Dignitary (Hon. Monty Roberts)*

*Thursday, July 30, 1998*

**VISITING DIGNITARY  
(HON. MONTY ROBERTS)**

**Mr. Speaker:** Before we get to “Bill's Second Reading”, hon. Members, on your behalf I wish to welcome and identify a Minister of the St. Vincent Parliament, the hon. Monty Roberts, who is today gracing us with his presence.

**CONSUMER PROTECTION AND SAFETY (AMDT.) BILL  
[Second Day]**

*Order read for resuming adjourned debate on question [July 17,1998]:*

That the Bill be read a second time.

*Question again proposed.*

**Mr. Speaker:** Hon. Members, the debate on the following Bill which was in progress when the House was adjourned on Friday, July 17, 1998 will resume; a Bill entitled “An Act to amend the Consumer Protection and Safety Act, 1985”. I accordingly call on the Minister of Trade & Industry and Consumer Affairs and Minister of Tourism to continue his reply, and I wish to indicate that the Minister had already spoken for 21 minutes.

**The Minister of Trade & Industry and Consumer Affairs and Minister of Tourism (Hon. Mervyn Assam):** Mr. Speaker, I was on my legs when the adjournment was taken in the very wee hours on the morning of Saturday, July 18, 1998. I was attempting to respond to some of the issues and concerns raised by the two Members who spoke on the Bill—the Member for St. Ann's East and the Member for Arouca South. I think I had completed my treatment of some of the concerns of the Member for St. Ann's East, but it is most unfortunate that the Member for Arouca South who spoke at great length on this particular piece of legislation is absent today.

Mr. Speaker, the Member for Arouca South was once the holder of the office of Minister of Consumer Affairs. She made a number of statements in the House on that night that were misleading. I remember the Member for Laventille East/Morvant challenging me to rebut some of the statements which appeared at the time to have some measure of credibility. I told him that he was being very gullible. He reminded me of when I was a little boy reading the West Indian Primer by Cutteridge, a character called Rumpelstillskin who used to jump up all around his little house when he thought he had won, only to be deceived eventually and found himself piercing and going through the floor of his little hut.

**4.15 p.m.**

You see, Mr. Speaker, this Parliament must not tolerate people coming here and misleading it, because the record will speak for itself. But the Member for Arouca South did not realize that there is a little expression which goes like this: “He who laughs last, laughs best”. I really do not want to laugh at the Member and it is a pity she is not here, but I will tell you what happened on that evening.

I said, among other things, that within six months of assuming the office of Minister of Consumer Affairs, I had all the staff who were housed at several locations, under one building in suitable and appropriate accommodation. She attempted to “pooh pooh” this achievement. I also said that I was the first Minister of Consumer Affairs to bring a National Consumer Policy to the Parliament. Again, she attempted to contradict that statement. Moreover, she went on to assert that she had established consumer groups in a number of areas in the country and what had happened to them. “Have you ever visited any of these groups?”, and she thought she had won the battle, not recognizing that she must win the war. Although this was not, in my opinion, a *casus belli*, it certainly provoked a certain amount of internal disorder on that side by the Member for Laventille East/Morvant knocking away on his desk to give the lie to what was being said on that evening.

Let me put the record straight, because the press reported subsequently what I had said and what the Member had said and it gave the impression that this Minister was intending to mislead, not only the Parliament but the country by extension. Let me tell you precisely what has taken place.

This is a Cabinet Note dated June 1994, which was approved by the Cabinet of which that Member was Minister of Consumer Affairs. It says here that:

“the Report of the Committee appointed to develop a Consumer Policy for Trinidad and Tobago be laid in Parliament as a Green Paper.”

Now, the Member for Arouca South is, to all intent and purposes, an attorney-at-law and there is a fundamental difference between a green paper, a white paper and a national consumer policy. She laid a green paper in the House and misled the Parliament and, by extension, the national community, that she had laid a national consumer policy for Trinidad and Tobago.

That was the Cabinet Note, but it went on. This is the *Hansard*.

“Madam Speaker...”

Because the Speaker was a lady at the time—it gave her great pleasure to lay in the honourable House, a Green Paper entitled “A Consumer Policy for Trinidad and Tobago”. Not a national consumer policy.

It went on to say that they were asking for inputs from members of the public and other appropriate agencies so that they could now formulate sometime in the future a consumer policy for the country. Which this Minister did. But, she never laid a national consumer policy, so she misled the Parliament and it is a pity she is not here to apologize to the Parliament.

It went on to say that the report of the committee which she was laying in the honourable House was a Green Paper and she was asking the national community to make inputs into the green paper, not a national consumer policy, Member for Laventille East/Morvant, as adumbrated by the Member for Arouca South who misled this House.

**Mr. Valley:** Would the hon. Member give way? Could he inform us of the date of that statement in the Parliament by the then Minister of Consumer Affairs?

**Hon. M. Assam:** I do not have the date for that but I do have the date of the Cabinet Note preceding the statement which gave authorization for this, which is June 30, 1994.

She went on to say that she had formed groups.

**Mr. Valley:** Mr. Speaker, if the hon. Member would give way?

**Hon. M. Assam:** Oh boy!

**Mr. Valley:** I just want to know, Mr. Speaker, through you, whether the Minister checked to ensure that in 1995, after consultation, in fact, a white paper was not laid, as the Minister said in her contribution in the Senate?

**Hon. M. Assam:** I am not going to argue with the Member for Diego Martin Central because we all know there is a fundamental difference between a green paper, a white paper and a policy. I am amazed that someone who actually was a Member of Parliament, then a Minister and now, again, a Member of Parliament, is confusing the three things.

Mr. Speaker, she went on to say and I read from the *Hansard* of that night. Do you want to know the date of this *Hansard*. It is July 17, 1998. Do you want to know the time? 12.10—12.25 a.m. on Saturday, July 18, 1998.

“In 1994, when I was appointed Minister of Consumer Affairs, five pilot groups were established in St. George West, St. George East...”

*Consumer Protection (Amdt.) Bill*  
[HON. M. ASSAM]

*Thursday, July 30, 1998*

I want them to listen carefully.

“...five pilot groups were established in St. George West, St. George East, Victoria, Caroni and Tobago. These groups were called consumer action groups and were part of the Consumer Action Group Project.”

She asked rhetorically:

“Are these five groups still existing? Does the Minister know that they ever existed? Has he ever gone to visit any of these groups? Has he ensured that their works continued? Have other groups developed?”

It is extremely instructive to note another Cabinet Note emanating from the Cabinet in which she sat as a Cabinet Minister as Minister of Consumer Affairs dated January 26, 1995—very interesting. What the Minister did was that she misled Parliament on the evening and into the morning of both July 17 and July 18, 1998 but she misled her Cabinet and Prime Minister when she took this note to Cabinet on January 26, 1995. She misled her Prime Minister and her Cabinet colleagues and I will demonstrate now.

She said of her achievements. This is 1995:

“Circulation of a Green Paper entitled ‘Towards a Consumer policy’...”

That is one of her achievements in 1995. She went on to state in her contribution in the Parliament two weeks ago, Mr. Speaker, that she had some pilot groups. That is what she said and what I just read into the record quoting from her speech. Do you know what the Cabinet Note says of her achievements, Mr. Speaker?

“The establishment of Consumer Action Groups...”

Not pilot. She told her Prime Minister and Cabinet colleagues:

“The establishment of Consumer Action Groups in St. George East, St. George West, Caroni, Victoria and Tobago.”

I have here a report from the Ministry of Consumer Affairs on these groups. This is a report of senior officers in the Ministry.

**Mr. Hinds:** What have you demonstrated?

**Hon. M. Assam:** Mr. Speaker, I feel sorry for people who, even when in the face of evidence, they do not want to admit. It just shows how the society has degenerated and does not even have any longer a sense of sin.



This is a report from the senior officers of the Ministry—Report on the Action Group Project:

“A project was proposed for the formation of five (5) consumer action groups to be established in:

- County of St. George
- County of Victoria
- Tobago
- County Caroni
- County St. Andrew/St. David

Membership for these groups was to come from nonpolitical community organizations e.g. NGOs, village councils, PTAs.

Each group would be headed by a Consumer Liaison Assistant who would be trained by the Consumer Affairs Division (CAD).

The project was to have a life cycle of four (4) years. The first year would involve training of the Consumer Liaison Assistants (group leaders). The groups would then be inaugurated and operate under the guidance of the Division for three years. Thereafter the group should be able to operate with minimum assistance from the Division.

The short term objectives were:

- (i) to enhance consumer bargaining power by building solidarity among consumers;
- (ii) to develop both proactive consumers and skilled negotiators who are able to defend their rights;
- (iii) to develop linkages between the CAD and community groups.

The long term objective was to promote a more economically equitable environment in which consumers can maximize satisfaction.

The Action groups were inaugurated in January 1994. They were established in the following counties:”

And I have already named them.

“The leaders of the group...”

*Consumer Protection (Amdt.) Bill*  
[HON. M. ASSAM]

Thursday, July 30, 1998

Mr. Speaker, I want the House to listen:

“...had difficulties in encouraging persons to come to meetings. In many instances Consumer Liaison Officers found that only five (5) persons may turn up for a lecture.”

This is the *coup de grace*, Member for Laventille East/Morvant, by the Member for Arouca South.

“The project was eventually disbanded in 1995...”

Under her watch; under her stewardship; under your government’s stewardship.

CAD could no longer justify the allocation of stipends to the group leaders...”

They had to bribe them. The hon. Member had to bribe voluntary organizations to form into groups because the Ministry could not afford stipends to the groups.

“...since there was no discernible evidence of the formation of any group.”

This is a document from the Ministry of Consumer Affairs by officers of the Ministry of Consumer Affairs, but the hon. Member comes to the Parliament and misleads the Parliament by saying that she formed groups in all these areas, and asked me whether I visited them, when under her watch she herself disbanded them in 1995.

I do not normally like to do this kind of thing, but people come to a parliament and blatantly mislead a parliament, not realizing that the record is there for everyone to research and for everyone to read. As I had indicated, I read all the files of my predecessor Ministers even if I have to toil into the night and early morning hours, I read every one. So, do not come to the Parliament and mislead it, giving the impression that achievements were made when nothing was achieved and, on the other hand, giving the impression that this Minister is misleading the country.

But I want to report that we have, in fact, formed a consumer group. *[Interruption]* Oh no. This is a very vibrant group with a large following in Debe and that is a very significant start for us to get a group in Debe to start a consumer group. We have also started buyers’ clubs which is also significant in terms of addressing, in some cases, rising prices. I am not going to stand here and deny that we have not had an increase in prices in certain areas. A certain Member spoke about the price of chicken at \$5.00 per pound but those are seasonalities.

One must understand that during the wet season and during flooding, the hatchability of eggs goes down as a consequence of which, if you put 100 eggs in a hatchery, the normal hatchability rate is about 83 to 85 per cent. In the wet season, that dips to about 65 to 69 per cent, as a consequence of which the price rises because there are less chicks coming out of the incubators. It is only logical.

But, he comes here and he knows—because he is a country boy—the reason why chicken prices fluctuate, why the price of table eggs fluctuate and so forth. He knows it. More than that, there was a serious problem in the United States in terms of certain diseases with eggs and we had to buy eggs from Holland at a higher price, because the cost of the freight was higher. When the conversion was considered, the exchange rate with the guilder and the TT dollar is worse than that of the TT dollar and the US dollar and the freight rates are higher, as well as insurance, so that pushes up the price of a hatching egg, because we do not have sufficient breeder flocks in the country to sustain our local demand. That is the explanation.

One will see in time, that the price of chicken will go down again, but it fluctuates.

**Mr. Speaker:** Hon. Members, the sitting is suspended for half an hour.

When we return the hon. Minister will wind up.

**4.31p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**Hon. M. Assam:** Mr. Speaker, when we adjourned for the tea interval, I was attempting to indicate to this honourable House the many inconsistencies and contradictory positions of the former Minister of Consumer Affairs, the Member for Arouca South, in some of the matters she raised on another occasion. She is not here today, so I will not pursue the matter any further. There are many matters that she raised that I could obviously rebut, but I will not continue.

I must give her some credit because that is the nature of this individual. She made some valuable suggestions albeit minor, and we will be taking on board some of these suggestions when we move to the committee stage. Without further ado, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

**Mr. Speaker:** Hon. Members should have before them a list of amendments which have been filed. There are actually two sets of amendments before us. Firstly, a list of amendments from the sitting of the Senate on Tuesday, June 9, 1998 and another list of amendments to be moved by the Minister of Trade, Industry and Consumer Affairs, and Minister of Tourism at the committee stage of the Bill.

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Clause 3.*

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

**Mr. Assam:** Mr. Chairman, I beg to move an amendment to clause 3 as follows:

- “A. In the amended subclause (3), insert the words ‘each of the following’
- B. Delete the proposed subsections (4) and (5) and substitute the following—
  - ‘(4) the President shall appoint the members of the Council by instrument in writing in the following manner—
    - (a) the five representatives of the Minister, after consultation with the relevant Ministries;
    - (b) the representatives of consumer organizations and non-governmental organizations, after consultation with these Organizations; and
    - (c) representatives of the general public, in his discretion.
  - (5) Appointments shall be made for a fixed period of time not exceeding three years, on such terms and conditions as the Minister may think fit.
  - (6) The President shall also appoint one member to be the Chairman and another member to be the Deputy Chairman of the Council.
  - (7) The Ministry with responsibility for Consumer Affairs shall be responsible for the Secretariat to the Council.”

*Question put and agreed to.*

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clauses 7 to 15 ordered to stand part of the Bill.*

*Clause 16.*

**Mr. Assam:** Mr. Chairman, I beg to move an amendment to clause 16 as follows:

“A. Add the following paragraph (c).

(c) by inserting immediately after the words ‘In this section’ the following—

(a) ‘recalcitrant trader’ means a person who in the course of his business has engaged in conduct which is detrimental to the interests of consumers; and

B. Reletter the definition of ‘relevant association’ as paragraph (b).”

**Mr. Hinds:** Mr. Chairman, if I may. I have a note from an absent Member to seek clarification on this clause—I am trying to follow the note I received.

**Mr. Speaker:** I understand how difficult it is for one who has not been briefed on something to put it forward.

**Mr. Hinds:** Mr. Chairman, does section 44(2) deal with the publication of persons' names as recalcitrant traders? The suggestion is, that might very well infringe those persons entrenched rights in one way or another. Was that considered?

**Mr. Assam:** We did. A similar provision exists in the Standards Act which this Parliament only passed last year. In the first instance, the Member for Arouca South gave the impression that in this kind of work, an investigation would be undertaken by a Minister who is a politician and to use her words, 'there would be a witch-hunt'. This is to be undertaken by a public servant, the Director of the Consumer Guidance Council, and his or her powers are very restrictive in the clause which gives this person the power to do so. Moreover, if you are unable to publish the names of persons who are recalcitrant traders, it weakens the consumer legislation almost completely.

This provision would also be part of the Standards Act, so there is nothing inconsistent with the two pieces of legislation and, indeed, very desirable and in no way infringes anyone's human or fundamental rights.

This is very similar to the Credit Bureau. If there is someone who is a delinquent borrower, the Credit Bureau is free to publish the names of the persons or to offer information about them. That is not an infringement of their fundamental rights.

**5.15 p.m.**

*Question put and agreed to.*

*Clause 16, as amended, ordered to stand part of the Bill.*

*Clause 17 ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill, as amended, be reported to the House.*

*House resumed.*

*Bill reported with amendment, read the third time and passed.*

#### ADJOURNMENT

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that the House do now adjourn to Friday, August 14, 1998 at 1.30 p.m.

I spoke with the Opposition Chief Whip about the adjournment of the House to August 14, 1998. Members will receive a notice that on that day we would like to take, through all its stages, a supplementary variation bill.

*Adjournment*

*Thursday, July 30, 1998*

I also informed the Opposition Chief Whip that we would like to sit regularly for the remainder of the month of August and for the month of September: regular in the sense that meetings will not only be on a Friday.

**Mr. Boynes:** Mr. Speaker, is there a motion on the adjournment for today?

**Dr. Rowley:** [*Inaudible*]

**Hon. R. L. Maharaj:** Most likely. We will be flexible.

**Mr. Speaker:** No. There is none. There was notice of one, but it did not conform.

**Mr. Boynes:** It was deferred last time, Sir.

**Mr. Speaker:** You are right. I was not here on the last occasion and I did not realize that a matter to be raised on the Motion for the Adjournment stood over.

Hon. Members, before I put the question of the adjournment, I wish to advise that there was notice of a matter to be raised in respect of which leave was given. [*Pause*] Was it the matter that concerned Granfest?

**Mr. Boynes:** Not Granfest. The matter deals with the Minister of Trade & Industry and Consumer Affairs and Minister of Tourism upgrading beach facilities. That one was approved.

**Mr. Speaker:** Yes, I approved that, but what has just come to me is Granfest.

Hon. Members, leave has been granted for the Member for Toco/Manzanilla to raise a matter on the motion for the adjournment.

**Toco/Manzanilla  
(Beach Facilities)**

**Mr. Roger Boynes** (*Toco/Manzanilla*): Mr. Speaker, I do not intend to waste Members' time. Suffice it to say that my constituents have asked me to raise this Motion on their behalf. They are concerned about the upgrading of the beach facilities in the region and, in some instances, the installation of beach facilities.

Toco/Manzanilla is blessed with beaches both on the Toco side and the Manzanilla side. Whereas we do suffer from a higher unemployment rate than most of Trinidad and Tobago, we do have the resources and a sense of self-determination to fend for ourselves. We do not expect handouts, but insofar as we have the resources, we have the will not only to survive, but to succeed.

*Toco/Manzanilla Beach Facilities*  
[MR. BOYNES]

*Thursday, July 30, 1998*

To that end, I have been asked, through you, Mr. Speaker, to mention that the beach facilities did undergo some repairs recently. There is, however, a problem of management with that particular beach facility.

At the moment it is not managed properly, there is no management structure in place because whenever we launch carnival at the Manzanilla Beach Resort there are sometimes about 20,000 persons on the beach and when there is any East Indian festival on that beach there are also 20,000 plus persons. Normally, at the end of the carnival period there is a big celebration at Maracas, the Ash Wednesday Festival. We now have our Ash Wednesday celebration at the Manzanilla Beach Resort as well as in Maracas. People travel throughout the country and from abroad to come to this particular beach resort to ensure that they take in this particular part of the country and we are asking that it be managed in such a way that the people of the area could benefit in terms of employment and even upgrade some of the facilities which are there. There is need for a telephone service at the Manzanilla Beach Resort and we need to ensure that the lifeguard situation is rectified in that area as well.

**5.25 p. m.**

Mr. Speaker, this brings me now to the area of Toco which is the St. David region and the thousands of people—*[Interruption]* My constituency is on the left hand side which is where the Manzanilla Beach Resort rests. On the Toco side, the St. David side of my constituency has a tremendous amount of lovely beaches in that area. The Galera Road for instance, where one of the beaches is located near to the Toco Composite school, is one of the most beautiful beaches in the constituency and the Salybia Beach is another beautiful beach in that region as well.

Thousands of people over the weekend and sometimes on any holiday period travel in their numbers to this part of the country and there are no toilet facilities or change rooms available. There is absolutely nothing in that particular region to encourage tourism. I wish the Member for St. Joseph could utilize his good offices to see that TIDCO, or whatever agency over which he has control, could do the same thing as was done with Maracas Beach, which has tremendous facilities. He should take pattern from the former administration which invested in the Maracas Beach and upgrade the facility in the Toco/St. David region. We would be able to treat our tourists in the way we would like to treat them by having a cafeteria and so forth. So that Richard with the bake and shark could have a branch up there—even a local Richard could sell bake and shark—and the ferry service coming on



stream would be a vital link between Tobago and Toco. In former days, the transportation in that area was by coastal steamers which inextricably linked the population of Toco and Tobago.

We would like to return to that kind of situation so we are going to ensure that through the offices of the Minister of Works and Transport that the ferry service would establish a link, once more, between Toco and Tobago. With this coming on stream, there would be an influx of tourists into the Toco region and I dare say that we are not prepared at all for that, so I am asking if the Minister could look at the surrounding circumstances and ensure that we have the necessary facilities as soon as possible.

Mr. Speaker, there is another matter which I want to mention. We do have leatherback turtles in the Grande Riviere, Matura and Fishing Pond regions and I am asking if the Minister could use his good offices to establish some facilities because there are many tourists who come to Trinidad and Tobago to look at the leatherback turtles lay their eggs. Trinidad and Tobago was on CNN and was given an A-plus because nature seekers in that particular region have been protecting the turtles so we are No. 1 in Trinidad and Tobago with respect to that. If we have been given such free advertisement and the whole world knows that Trinidad and Tobago is the place where they can view leatherback turtles, I am simply asking that we have the type of facilities to cater for the tourists coming to that particular region to view the turtles. It is in the best interest of the people of the region of St. David and Toco/Manzanilla as a whole that we get these facilities. We are not rich, the agricultural estates have been closed down and we need our beaches to ensure that we attract the various tourists so that we can earn money.

Finally, Mr. Speaker, I would like the Minister to use his good offices to ensure that there are lifeguards in the region of St. David because over the weekends and holiday period, thousands of people come there to experience the wonderful scenery and the beaches and sometimes people drown. Each time there is a holiday, somebody drowns in the Toco region, and the reason is that there are no lifeguards in the area. The Toco Foundation has recently trained certain persons in first aid and life-saving techniques, and I am asking the Minister to use his good offices to employ them because they are people who are trained in first aid and saving persons and so forth.

I thank you.

**The Minister of Trade & Industry and Consumer Affairs and Minister of Tourism (Hon. Mervyn Assam):** Mr. Speaker, first of all, I want to thank the

*Toco/Manzanilla Beach Facilities*  
[HON. M. ASSAM]

*Thursday, July 30, 1998*

Member for Toco/Manzanilla for having had the patience to wait for this response because I had contacted him by telephone sometime ago and indicated that I would be out of the country and he immediately said that he was willing to postpone the discussion of this Motion.

Secondly, I am very grateful that he has raised the matter about lifeguards and beaches and provision of amenities and facilities because it gives me an opportunity to say a few words as the Minister of Tourism, having recently been appointed.

Thirdly—and I may have said this in the House before—my mother was born in Toco, L'anse Noire, so I have great affinity with that region. As a little boy I spent most of my August holidays in the Mission, Toco, L'anse Noire, Grande Riviere, St. Helena, and Matelot areas so I know that area very well and I know that they lack facilities and, as Minister of Trade and Industry, I have always been espousing in the industrial policy of my Government that we need balanced, integrated development so that all the citizens of Trinidad and Tobago could enjoy a good quality of life, so you are knocking at an open door.

Mr. Speaker, a major component of the Government's plans for project development in the tourism sector is the development and upgrading of all our beach facilities. A carrying capacity and land use study for the north and north/east coasts is presently being undertaken to determine the volume of recreational activity, tourism development and the density of visitor use that can be carried in this area which would bring optimum benefits to the area, the country and, of course, the users. It is intended that there would be an ongoing programme to upgrade beach facilities which may be managed by the communities through the regional corporations.

To date, the following projects have been undertaken at the Maracas Beach: the upgrading of beach, beach facilities and lifeguard facilities, the construction of car-parking facilities, additional vending facilities and a refreshment centre which have been given to a management group. There was also the upgrading of the Vessigny Beach and the lifeguard facilities.

In Manzanilla, which is the area mentioned by the Member for Toco/Manzanilla, refurbishment works were undertaken at this facility in 1997. Repairs to the lifeguard station and toilets; renovation of the cafeteria; plumbing and electrical works; roof works; repairs to the ambulance garage; provision of a generator; repair of the sewerage treatment plant; installation of a well water system for cleaning toilets; ground lighting and fencing were formally opened in January 1998. I do take the point that there is probably need for some kind of

management structure to be put in place to ensure that these facilities are properly maintained and the facilities would be opened to members of the public particularly on the occasions he mentioned like Karthic and Ash Wednesday and all the other festivals and occasions when so many people congregate to enjoy the beautiful beach of Manzanilla.

At Salybia, discussions have commenced with community groups in this area with regard to the establishment of lifeguard towers and change room facilities.

In the North/Oropouche Valencia area which is the river-bathing area, that is to be upgraded to provide basic amenities for visitors. A park is to be established along the river site and there will be joint management of the facility between the owners of the land and TIDCO.

In Mayaro we are trying to get some kind of arrangement with the Roman Catholic Church—because they own much land there—to see if we can put down a facility which can be jointly managed by the Roman Catholic Church and TIDCO. Such a facility would be undertaken in the very near future.

With regard to the lifeguard services, the Ministry of Tourism is responsible for providing lifeguard services at beaches in Trinidad and Tobago. The following is a breakdown of the number of lifeguards employed at the respective beach facilities.

Maracas Bay	25
Las Cuevas	16
Manzanilla	7
Mayaro	23
<b>Total</b>	<b>71</b>

The Salybia facility is one of the areas which has been earmarked as a priority for the provision of lifeguard services in the near future.

One of the interesting developments which TIDCO has been undertaking is what we call community tourism and one will see many of these projects established all over the country. There is one in St. James which has not been an entire success, but the project is being revisited with a view to seeing how we can incorporate a larger catchment area to make that project a success. We are going to be having the St. Joseph Renaissance Project where we are going to return St. Joseph to its pristine glory and beauty as the first Spanish capital of Trinidad and Tobago, San

*Toco/Manzanilla Beach Facilities*  
[HON. M. ASSAM]

*Thursday, July 30, 1998*

José. The designs are about to be completed and we should be launching it sometime in November this year.

We are doing one in Oropouche and attempting to use that beautiful piece of waterway in Oropouche to develop a tourist site there and it is also going to be a religious site. We are also helping the Toco Foundation with the Toco Lighthouse Project, as you know Member for Toco/Manzanilla, and this has been going well.

We are very mindful of the leatherback turtles and the number of persons who come to see them. In fact, there is another site in Grande Riviere where an Italian entrepreneur has invested in a kind of a hotel/motel situation which I understand is filled year round. Notwithstanding the fact that there is a season for people who come to look at turtles, this is also another attraction. We are very mindful that facilities need to be developed in that area where there are going to be people coming to watch the turtles.

Another area which has been developed is our famous Pitch Lake. Many facilities have been developed at the Pitch Lake and more would be put down there to attract people but, of course, we need to develop the road system to La Brea. I am hoping that the Minister of Works and Transport, in conjunction with the Minister of Housing and Settlements, will soon be telling us what is the status of that projected highway from San Fernando to Point Fortin going through to La Brea.

We are also looking at the Brazil/Arena area. I do not know if you know the famous history of the Capuchin monks who were assassinated in the forest of Arenales. We are attempting to develop that whole Arena area which is close to the Arena Dam in order that people can enjoy that great nature trail which is in the forest of Arenales.

We are hoping also to maintain the Cleaver Woods Forest trail which is in the D'abadie area. There are many plans afoot to develop the community tourism, to capture the pristine glory and beauty of some of our eco-spots in Trinidad and Tobago and I am sure that the Member for Toco/Manzanilla would see in the very near future all the things which he mentioned in his contribution become a reality.

Thank you very much.

*Motion made and question proposed, That the House do now adjourn to Friday, August 14, 1998 at 1.30 p.m.*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.41 p.m.*