

**HOUSE OF REPRESENTATIVES**

*Friday, December 07, 2018*

The House met at 1.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, Mr. Fazal Karim, MP, Member for Chaguanas East has requested leave of absence from today's sitting of the House. The leave which the Member seeks is granted.

**PAPERS**

1. Audited Financial Statements of the National Maintenance Training and Security Company Limited for the year ended December 31, 2017. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]  
*To be referred to the Public Accounts (Enterprises) Committee.*
2. Ministerial Response of the Ministry of the Attorney General and Legal Affairs to the Eighth Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Examination of the Perceived Inequality Faced by Single Fathers in Trinidad and Tobago with specific focus on Custody Matters, Policies and Access to Programmes and Services. [*Hon. C. Robinson-Regis*]
3. Ministerial Response of the Ministry of Education to the Eighth Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Examination of the Perceived Inequality Faced by Single Fathers in Trinidad and Tobago with specific focus on Custody Matters, Policies and Access to Programmes and Services. [*Hon. C. Robinson-Regis*]

Ministerial Response of the Ministry of Social Development and Family Services to the Eighth Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Examination of the Perceived Inequality Faced by Single Fathers in Trinidad and Tobago with specific focus on Custody Matters, Policies and Access to Programmes and Services. [*Hon. C. Robinson-Regis*]

4. Response of the Personnel Department to the Eighth Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Examination of the Perceived Inequality Faced by Single Fathers in Trinidad and Tobago with specific focus on Custody Matters, Policies and Access to Programmes and Services. [*Hon. C. Robinson-Regis*]
5. Criminal Procedure (Amendment) (No. 2) Rules, 2018. [*The Attorney General (Hon. Faris Al-Rawi)*]
6. Civil Proceedings (Amendment) Rules, 2018. [*Hon F. Al-Rawi*]

## **PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE REPORTS**

### **(Presentation)**

**Dr. Tim Gopeesingh** (*Caroni East*): Thank you, Madam Speaker. I have the honour to present the following reports:

#### **National Commission for Self Help Limited**

Fourteenth Report of the Public Accounts (Enterprises) Committee into the Examination of the Audited Accounts, Balance Sheet and other Financial Statements of the National Commission for Self Help Limited for the financial years 2008 to 2015.

#### **Youth Training and Employment Partnership Programme**

Fifteenth Report of the Public Accounts (Enterprises) Committee into the Examination of the Audited Accounts, Balance Sheet and other Financial

Statements of the Youth Training and Employment Partnership Programme for the financial years 2008 to 2014.

### URGENT QUESTIONS

#### **Incident with Airport Security Officer (Details of)**

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Thank you very much, Madam Speaker. To the hon. Minister of Foreign and Caricom Affairs: Could the Minister indicate whether he was returning from travel abroad when the recent incident involving himself and an Airports Authority of Trinidad and Tobago Security Officer occurred?

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dennis Moses):** Thank you very much. There was no incident, per se, between any Airports Authority guard and myself at the Piarco Airport recently. I would assist the hon. Member for Caroni Central by proffering, offering, information that hopefully would be useful. On the 20<sup>th</sup> of September, I, as part of a national delegation, returned from Guyana on the occasion of the signature of a memorandum of understanding between Guyana and Trinidad and Tobago. So, I did return and transited through the airport on that date.

**Dr. Tewarie:** Would you be able to say the reason why you were approached by the security officer when you were in process, while you were walking in the compound of the Airports Authority.

**Sen. The Hon. D. Moses:** Madam Speaker. I will be liberal in offering more information. We returned from Guyana and as is the normal custom, protocol officers would have extended courtesies to members of the delegation, inclusive of processing the members of the delegation through Immigration. Subsequently, we were guided through the airport as is usual and through the Customs area, all the while following the protocol officers who would have had the documents and did

the processing and guided to this gate, as would have been the normal practice; and all of that forms an integral part of courtesies extended to us. No different and indeed in a much more pronounced fashion in my recent travels as recently as last month in facilities, airport terminals in other jurisdictions.

I trust that this expansive response would help you. [*Desk thumping*]

**Dr. Tewarie:** Were you in any way seeking to avoid Customs, Minister?

**Sen. The Hon. D. Moses:** The answer is patently, categorically, unambiguously, no. I was merely guided protocol-wise, followed as I would have done habitually—[*Crosstalk*—]please.

**Dr. Moonilal:** Then why was the man suspended?

**Sen. The Hon. D. Moses:** The gentleman, Oropouche East, needs some attention.

**Madam Speaker:** Hon. Members—[*Laughter*—]hon. Members, a particular question was asked of the Minister and he is seeking to respond. I would like to hear his answer. You have one more minute. Yes Minister, continue.

**Sen. The Hon. D. Moses:** One more minute? I would entertain all questions.

**Madam Speaker:** No, no, no. In terms—[*Crosstalk and laughter*—]All Members of this House know that we are under Urgent Questions and only two questions are allowed. So that if the Minister has completed his answer, then it means that we move on to the next urgent question.

***Galleons Passage***  
**(Circumstances of Incomplete Journey)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): Thank you, Madam Speaker. To the Minister of Works and Transport: With regard to reports indicating that the *Galleons Passage* doubled back upon completing half its journey to Tobago, could the Minister outline the circumstances which resulted in the vessel not completing its journey as scheduled?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):**

Thank you, Madam Speaker. On Wednesday, 5<sup>th</sup> December, 2018, the *Galleons Passage* due to rough sea conditions changed its course en route to Scarborough and returned to Port of Spain. Sea conditions were recorded at 3.5 metres when the average measurement is usually 1.5 metres. During the unfortunate sea conditions, two panels on the car deck became dislodged and in the interest of safety the captain decided to return to Port of Spain to have the panel system fixed. This was successfully addressed and sailing resumed as scheduled on Thursday, 6<sup>th</sup> December, 2018. Thank you.

**Dr. Moonilal:** Thank you very much. Minister thank you. Could I ask the hon. Minister if he is at all concerned by statements by officials of the Tobago Chamber of Industry and Commerce that that vessel, the *Galleons Passage*, is unfit for purpose, as a result not only of its frequent breakdown?

**Sen. The Hon. R. Sinanan:** Thank you, Madam Speaker. The Tobago Chamber of Commerce is not the certifying body for the safety of vessels. [*Desk thumping*] We are guided by the Maritime Service Division and the international brokers, Lloyds, and they have guaranteed the safety of the vessel. I thank you.

**Dr. Moonilal:** Minister, you mentioned earlier about the panels—could you give more details as to what panel is this, where is it located, and how did it fall down?

**Sen. The Hon. R. Sinanan:** Thank you. Madam Speaker, my information is this is two ceiling panels that got dislodged with the severe sea conditions and they were repaired in house at the Port Authority. Thank you. [*Crosstalk*]

**Dr. Moonilal:** Not the tarpaulin fall down.

**ORAL ANSWERS TO QUESTIONS****The Minister of Planning and Development (Hon. Camille Robinson-Regis):**

Thank you very kindly, Madam Speaker. Madam Speaker, there are three

questions for oral answer. We will be answering all three. Madam Speaker, there are no questions for written answer.

**Grant for Moruga Hill Rice Project  
(Details of)**

7. **Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of Trade and Industry:

With regard to the grant disbursed for the research and development of Moruga Hill Rice, could the Minister state:

- a) the criteria for selection; and
- b) the number of grants that were distributed for fiscal 2018?

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):**

Thank you Madam Speaker. To part (a) of the question, criteria used to assess the Moruga Hill Rice project: market research, the degree to which surveys, polling interviews, competitor analysis and market testing are done. Local management, that is local input, search undertaken for local competence, transfer of knowledge, owner management of the company, business competence, that is the education, the experience, the team expertise and cohesion, past success in a related field, the systems, the procedures, and the policies, business sustainability and continuity.

The strategic plan fit: how the project aligns with the strategic direction of the business, the market plan including the marketing plan, the organization structure, inward and outward supply logistics, production capacity and reliability of raw materials supply, human and technical resources.

The financial viability, that is the cast flow projections, the sensitivity analysis, strength of assumptions. The degree of innovation, which is the newness of the market, the value added, the product service differentiation, the significance of product, process improvements. The costing basis for internal research and development.

The impact on local economy, which is the foreign exchange earnings, the unemployment, the business revenue growth and the export potential which is the size of the market, the barriers to entry and the export capacity.

With regard to part (b) of your question, for fiscal 2018, five applications were considered and of those five, three were approved; of those three, one grant was disbursed.

**Mrs. Gayadeen-Gopeesingh:** Hon. Minister, what is the sum of money given under that one grant?

**Sen. The Hon. P. Gopee-Scoon:** Are you speaking to the—

**Mrs. Gayadeen-Gopeesingh:** For the Moruga research.

**Sen. The Hon. P. Gopee-Scoon:** Okay, the approved amount was \$317,500. It has not yet been disbursed, but it has been approved and there is an agreement, but additional information has to be provided before disbursement.

**Mrs. Gayadeen-Gopeesingh:** Hon. Minister, why would a sum of \$317,000 be granted—I believe it is for a private citizen—to do R&D, research and development, when there is a research and development section or department in the University of the West Indies, at CARDI Sugarcane Feeds Centre. Why would a private person be given that purview to do R&D?

**Sen. The Hon. P. Gopee-Scoon:** Research and development cannot be done only through CARDI, CARIRI and the University of the West Indies—these institutions, they would be stymied. We are about making progress and assisting companies in progressing their different organizations. This one in particular is export oriented, it is also the development of the agricultural sector. The product, if I could tell you, is one that will satisfy a niche market. So you cannot confine research and development only to institutions, you will not be keeping pace with the pace of development out there in terms R&D and product development, et

cetera.

We have to be in tandem with the international market and therefore you have to work with companies; research and development is key to innovation and development of products, and development of our exports. [*Desk thumping*]

**Mrs. Gayadeen-Gopeesingh:** What were the criteria used for that particular person to be granted? What were the criteria?

**Hon. Member:** She just said that.

**Mrs. Gayadeen-Gopeesingh:** I am asking for that one grant.

**Madam Speaker:** Member, I think you have already asked in respect of the criteria for selection, I think that is part of your substantial question. I will not allow that.

**Mrs. Gayadeen-Gopeesingh:** Okay. What is the name of the company or person?

**Sen. The Hon. P. Gopee-Scoon:** The application was made in the name of Caribbean Sea and Air Marketing Limited.

**Los Iros Farmers  
(Compensation for Earthquake Damage)**

**8. Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of Agriculture, Land and Fisheries:

In light of the recent 6.9 earthquake which severely affected over 40 farmers in Los Iros, could the Minister state:

- a) the expected date for a proper structural assessment of damages; and
- b) the time frame that farmers will be compensated?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Thank you very much, Madam Speaker. The Los Iros Food Crop Project comprises approximately 270 hectares with 149 plots divided in three phases. The August 02, 2018 earthquake damaged a section of phase one.



Madam Speaker, with respect to part (a), the engineering division of the Ministry of Agriculture, Land and Fisheries in collaboration with other agencies immediately began assessing the damage and identified work to be done for site rehabilitation. Damage included deep-land settlement caused by major disruption of certain sections of the roadway. Actual movement of entire sections of the road off its original alignment, destruction of farm ponds, substantial movement of cultivated lands in farm plots, land movement affecting shed and yard and land movement along the coastline.

Nine farmers were affected; these farmers were Kashwar Basdeo, Balchan Singh, Dhanraj Sagar, Iswar Dwarika, Kumar Dwarika, Ramoutie Samaroo, Sunil Balsingh, Lady Pierre and Selwyn Karim.

Madam Speaker, I am pleased to advise that the entire project is now accessible by vehicles; relocation of affected farmers to locations in close proximity remains an option. But it is conditional upon the expert advice sought from the University of the West Indies with respect to future stability of the site and upon the farmers ceasing all cultivation activity on the permanently affected plots.

Madam Speaker, with respect to part (b), the Government's objective is to mitigate immediate and long-term losses facing affected farmers. The Ministry has done that by rendering immediate assistance to affected farmers. Rehabilitative works on affected plots commenced days after the earthquake and involve repair of the access roads, drainage systems and levelling of the farmers' plots. These works have brought immediate relief to the farmers. Restoration of the ponds may be another form of assistance rendered to affected farmers.

Madam Speaker, I thank you.

**Mrs. Gayadeen-Gopeesingh:** Hon. Minister, I have been in contact with the Los

Iros Hill View Association farmers and up to this morning they have said that the access roads—

**Madam Speaker:** Question, question, Member.

**Mrs. Gayadeen-Gopeesingh:** Is it then that the access roads, or are the access roads accessible to the farmers at this point in time, leading to their farms?  
[*Crosstalk*]

**Hon. Member:** He said yes.

**Mrs. Gayadeen-Gopeesingh:** To their farms. [*Interruption*] “Why don’t you comport yourself?”

**Madam Speaker:** Member for Oropouche West, please. Member for Oropouche West and all Members. I will not allow that as a supplemental question.

**1.50 p.m.**

**Port Authority of Trinidad and Tobago  
(Details of Replacement)**

**9. Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of Works and Transport:

With regard to the Minister’s budget contribution related to the Port Authority of Trinidad and Tobago (PATT) in the House of Representatives on October 09, 2018, could the Minister state:

- a) the estimated time frame for the replacement of PATT by a private firm with respect to sea bridge responsibilities; and
- b) the selection process for the private firm?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):**

Thank you, Madam Speaker. Madam Speaker, the question is, the estimated time frame for the replacement of PATT by a private firm with respect to the sea bridge. Madam Speaker, in my contribution to the budget—and if you permit me to just quote from that budget speech from the *Hansard*:

“...Madam Speaker, this is something that, in my opinion, I will be pushing very firmly for, the removal of the responsibility of the sea bridge from the Port Authority of Trinidad and Tobago, placing it under a new company with

a separate board. This new company will have the skill set required to have an efficient and effective and reliable sea bridge, and interisland ferry sea transportation system. This new company will also be responsible for the water taxi traversing the San Fernando to Port of Spain route.”

Madam Speaker, there was no mention made of any private firm, so part (b)—as I just mentioned, there is no mention of a private firm therefore, there was no selection process on which to report. I thank you.

**DEFINITE URGENT MATTERS  
(LEAVE)**

**Worsening Refugee Crisis in T&T  
(Failure to Address)**

**Mr. Rodney Charles** (*Naparima*): [*Desk thumping*] Thank you, Madam Speaker. In accordance with Standing Order 17, I hereby seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Government to address the worsening refugee crisis in Trinidad and Tobago. The matter is definite because it pertains specifically to the Government’s treatment of Venezuelan, Cuban and other asylum seekers. The matter is urgent because there are no refugee laws at present, and there are claims that up to 60,000 Venezuelans may have already entered our borders. The matter is of public importance because it may pose a threat to this country’s international standing with multinational agencies, and may potentially overburden our economy. [*Desk thumping*]

**Madam Speaker:** Hon. Members, I am not satisfied that this matter qualifies

under this Standing Order. I advise that the Member pursue this matter under Standing Order 16.

**Madam Speaker:** Member for Pointe-a-Pierre.

**Disposal of Assets of Petrotrin  
(Lack of Transparency and Accountability)**

**Mr. David Lee** (*Pointe-a-Pierre*): [*Desk thumping*] Madam Speaker, I hereby seek your leave to move the adjournment of this House today under Standing Order 17, for the purpose of discussing a definite matter of urgent public importance, namely the hasty, deliberate and rushed actions of this Government in seeking to dispose of the assets of Petrotrin, to handpick persons and entities without any transparency, accountability or adherence to proper public procurement practices. The matter is definite because it pertains specifically to the actions of the Government in disposing and seeking to dispose of the assets of Petrotrin. The matter is urgent because the actions of the Government indicate an intention to dispose and dissipate the assets of Petrotrin with haste. The Government has signalled its intention to dispose of the Petrotrin refinery within 30 days. The matter is of public importance because the assets of Petrotrin are part of our national patrimony and the disposal of these assets without adherence to proper procurement practices will result in a loss to the people of Trinidad and Tobago that will be irreparable, immeasurable and unsustainable. I thank you, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Hon. Members, I am not satisfied that this matter qualifies under this Standing Order. I advise that the Member pursue this matter under Standing Order 16.

**MISCELLANEOUS PROVISIONS (PROCEEDS OF CRIME, ANTI-  
TERRORISM AND FINANCIAL INTELLIGENCE UNIT OF TRINIDAD  
AND TOBAGO) BILL, 2018**

Bill to amend the Proceeds of Crime Act, Chap 11:27, the Anti-Terrorism Act, Chap. 12:07 and the Financial Intelligence Unit of Trinidad and Tobago Act, Chap 72:01 [*The Attorney General*]; read the first time.

### ARRANGEMENT OF BUSINESS

**Madam Speaker:** Hon. Members, there is one more matter to be dealt with under this item, that is the Finance Bill, 2018, and this item will be introduced later in today's proceedings.

### PLANNING AND FACILITATION OF DEVELOPMENT

#### (AMDT.) BILL, 2018

*Order read for resuming adjourned debate on question* [November 23, 2018]:

That the Bill be now read a second time.

*Question again proposed.*

**Madam Speaker:** Member for D'Abadie/O'Meara. [*Desk thumping*]

**Brig. Gen. Ancil Antoine** (*D'Abadie/O'Meara*): [*Desk thumping*] Good afternoon, Madam Speaker. Thank you for this opportunity to contribute to this Bill, which is the Planning and Facilitation of Development (Amdt.) Bill, 2018.

Madam Speaker, the Bill seeks to amend the Planning and Facilitation Development Act, No. 10 of 2014, and to consequently amend the Environmental Management Act, Chap. 35:05. This Bill is meant to reform the Town and Country Planning laws, a system for preparation and approval of national and subnational development plans, planning and development approvals. Madam Speaker, national development is dynamic, evolving, and an ongoing process. And the People's National Movement, since our Independence in 1962, took us from Independence to Republicanism, and now will be introducing us to local government reform.

This Act was passed in 2014 by a previous Government to replace the Town and Country Planning Act. But, before it can be proclaimed we found it necessary to make certain amendments to the Act. And this is all part of our plan to bring good governance to Trinidad and Tobago. As a state, as a nation develops—and as it happened in the case of Trinidad and Tobago—we move from small to large, from micro to macro, and when we had simple towns, we now have cities like Port of Spain and San Fernando; we have boroughs, Arima, Point Fortin, Chaguanas; we have corporations, and we have the Tobago House of Assembly. And all these various forms require for good governance, public officials to interact and make it work for the citizenry. So we must evolve and adapt.

The present situation requires us to have public servants in the form of public officials, in the form of city engineers, town superintendents, engineering and surveying officers, building inspectors, some of whom are contracted. And they all operate out of the centralized offices in Port of Spain with some sub-offices in Tobago and other cities. And not everything works well when you have this kind of centralization. And I am sure that we have lots of stories about the problems that citizens face when dealing at local government level with a centralized system.

I have in my constituency, constituents who complain about problems in terms of buildings. For instance, there is an area in D'Abadie where—and it is called Millie Gardens—a hardware store has expanded. And as all things tend to expand, but it has expanded to the detriment of the citizens who live in Millie Gardens, so much so, that the hardware was allowed to build a building right up to the curb, taking part of the broad walk, part of the area that the citizens can access their homes. And on the other side of the road the hardware has expanded to put in panels and shelves holding steel, overlooking the road, and the citizens would

bring these matters to the attention of myself, to the matter of attention to the corporation, but to get action seems long, drawn-out because of the situation involving centralization of Town and Country.

So, we need reform, and this Bill puts certain provisions that we felt it necessary to tweak, to amend. And one area is the area of simple development, and the amendment that we are making to the term “simple development” is to reform, is to expand the meaning of “simple development” and taking it out of the clause in which it was placed, which is clause 9 in section 73, and to bring it into clause 3 of this Bill, and put it in part of the definition of “simple development”. And the “simple development” speaks about billboards, advertising signs, outline on the final planning permission without certificate of environment, change of use, and it also involves residential or building developments, 500 square metres, up to land subdivisions of 20 plots. So we have tweaked and amended “simple development” in the Bill.

And the other area that we are using to tie in the “simple development” is to amend the National Planning Authority and the various committees that it is allowed to have. And the Development Control Committees and other standing committees would be restructured so that they can better serve the citizenry, because the idea is to transfer a lot of the centralized activities that take place in planning and development in Town and Country, and bring it down to the corporations, so that the corporations can better administer their citizens, and administer what goes on in the corporations. Because we must admit that what takes place in the cities of Port of Spain and San Fernando is a lot different than would take place in, for instance, Sangre Grande Regional Corporation or Tunupuna/Piarco, Siparia Regional Corporations. And, we need to move away

from city planners and city engineers and bring a more commonality, a common appointment, common committees, and common public officials that can act and react to situations that are taking place at the local government level. [*Desk thumping*]

So, we are looking to tweak the Development Control Committees and other standing committees. And the way we plan to do this is by making amendments to certain new appointments, or change old existing appointments at the regional corporation and at the city level. So, the Director of Planning—we will now have a Director of Planning in the corporations who would deal with the issues of small development, small buildings as the case may be. And that is needed at the local government level, because the implications of development in one area do not really affect other areas. And the Director of Planning would be able to supervise what goes on in the regional corporations, with the cities and the boroughs, and the THA as well.

It means that there will be employment available, because additional staff would have to be hired to carry out the process of applications and investigation of reports. So, it would mean that instead of everything going to a centralized area, that the corporations, the boroughs, the cities, the THA would be able to deal with a simple development in their respective areas. But there would still be the National Planning Authority where, when it is necessary matters can be sent up to the National Planning Authority, to the headquarters as the case may be.

So, we are looking to introduce the Director of Planning. And there are other officials like the enforcement officer, because one of the areas that we found needs a lot of attention is complaints by citizens about housing, building of houses, additions to houses as the case may be, that are not enforceable. The case of Millie



Gardens comes to mind where the citizens are crying out for someone to enforce the code, the building codes that we believe, and we know, are supposed to be necessary for the construction of buildings in communities.

And we are aware, as we experienced a few months ago that Trinidad and Tobago is part of the earthquake belt, and that from time to time we get a little shaking that gets a lot of us very religious and very prayerful [*Laughter*] in our whole attitude. But, as Trinians, we respond for instance, like having an earthquake party and so forth after the fears have subsided and the shaking goes away.

But, I must say that Trinidad and Tobago survived a 6.9 earthquake recently—and I heard the Minister of Agriculture, Land and Fisheries just speaking about a response of the Government to the farmers—and the damage that I saw, for instance, that took place in Anchorage, Alaska with a 7.0 earthquake, Trinidad and Tobago really and truly, it seems that we are doing some things right in terms of our building codes and so forth. And we would like to enhance that by putting things in place, and that is what this Government is about. This Government is about good governance. And the good governance means that when the other side passed a law that I would not say is bad law, but that it is not as we would like it to be, we in the PNM feel it is necessary for us to make amendments to those laws so that it can benefit the citizenry in a much more meaningful way. [*Desk thumping*]

So, we are making amendments to this Act and we are also amending in terms of the qualifications for the various officers, Director of Planning, the Chief Enforcement Officer, et cetera, so that it becomes more accessible to the citizenry. For instance, we are changing in terms of the qualifications so that more people are at the postgraduate level, would be the ones who are required to have the necessary qualifications in planning and development, and in terms of engineering and so

forth. But at the postgraduate level—at the first degree level they would be—they could have different core competencies, and then at the postgraduate level then they can get the necessary qualifications. So, we are broadening the scope because a lot of “students” tend to go to university—

**Hon. Member:** Who tend to go?

**Brig. Gen. A. Antoine:** Students, yes—and get their first degree and then afterwards they realize that the job market is not as they would like, but now they have an opportunity to pursue their education and get the necessary qualifications that they can get into Town and Country Planning, and to get involved at the local government level where they can work within their communities as the case may be.

So we are looking after the citizens. We are looking after those whose career paths may need a little changing as we go along. The days when you become employed in a particular area and you spend your entire lifetime in that area—like myself, I spent 38 years in a military—the days of that seem to be changing where people can change careers based on where they can take their family and where their job opportunities lie. So this is an opportunity for citizens to get into the area of housing, and planning, and engineering as the case may be, postgraduate, when they have settled and they now can think in terms of how they are seeking their future.

So, we have taken a law passed by the other side in 2014, and we are amending it, bringing it more in line with the needs of today. We are bringing it in line with the opportunities available to our citizens so that they can develop their lives as the case may be. And at the same time, answering the problems that we have in terms of buildings, in terms of construction, in terms of problems that we

have with people who overextend their authority in terms of where they build structures, and how they build structures, and how it affects the citizens.

So, Madam Speaker, I support these amendments to this Act. I think that they are needed both at the level of the public officials, creating jobs, and at the same time getting good law passed in this Legislature.

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

**Dr. Surujrattan Rambachan** (*Tabaquite*): [*Desk thumping*] Thank you very much, Madam Speaker, for the opportunity to join what I consider to be a very important debate, although it is a small Bill in terms of the intention which is to amend the planning and development of land, and to repeal and replace the Town and Country Planning Act, 35:01.

Madam Speaker, let me begin this afternoon by doing something that I think is necessary to be done, which is to declare my interest as a developer of land and housing in Trinidad. It is not something that I just started. I entered the construction business at age 18 in 1968, and it is a very long time, and I also would tell you that I am a registered housing and land developer by letter from the HDC, dated the 9<sup>th</sup> of March, 2017. So I work within the confines of the law, and therefore I declare my interest in this way because—for important reasons. You see, in this country people very much misinterpret people's actions, but I am an entrepreneur, and I believe in creating jobs, and I do on a regular basis, on a weekly basis, maybe put food on the tables of about 30 to 40 families, and I think that is important. [*Desk thumping*]

Madam Speaker, in this House, of course, the Member for Diego Martin North/East is also known as a person in the construction sector, and I am sure there are other persons in the Parliament like me. Some of the points therefore I am

about to make could be construed as self-serving, but you will see that they affect the construction sector, and development in general and have a bearing upon the points I want to make with respect to these amendments.

Madam Speaker, the construction sector is extremely important in this country for employment of our skilled and unskilled labour, but I think, more importantly, with a demand for over 180,000 houses as is touted by the HDC, there is a demand therefore for affordable housing to our people, and I will show in my contribution that it is important that the amendments made under “simple development” be further looked at in terms of ensuring that affordable housing comes about as a result of these amendments.

Madam Speaker, everything therefore that can be done to positively impact upon the productivity of this sector will add value to the economy, the social environment and the quality of life of our people in this country. It is unfortunate that the Government is taking too long to implement this Bill. This Act was first assented to, and parts of it, of course, implemented on the 1<sup>st</sup> of October, 2014. That is four years and a couple of weeks, months and weeks since it was first assented.

And, Madam Speaker, this speaks about something important that we need to talk about. When you have such an important Act and you bring it for amendment again while you do not proclaim the other sections, you stand up as a Government and you can be correctly accused of an implementation deficit. [*Desk thumping*] And the reality is that in so many areas of national life the Government has an implementation deficit.

Madam Speaker, therefore we are taking too long to implement this Act. One appreciates the need for amendments, because time changes and we have to

move on with amendments. But this Act was a major milestone in the legislative agenda of the People's Partnership Government. A major milestone. If you go back to our manifesto you will see, [*Desk thumping*] because one of the things that we promised, and it was a promise that we kept, and I want to congratulate Dr. Bhoë Tewarie, the Minister of Planning. [*Desk thumping*] And not only Dr. Tewarie, you know, but the very good professionals at the Town and Country Planning Division of the Ministry of Planning and Development, who worked assiduously in order to ensure that this Bill was brought to Parliament and actually passed, and certain sections implemented during our term in office.

Madam Speaker, I hope, therefore, after today there will not be a lot of tarrying again with respect to this Bill, and that the other sections will be implemented in the shortest possible time, especially the section that deals with the empowerment of regional corporations, as the Member for D'Adabie/O'Meara also spoke about. Because I think it is important to bring government closer to the people, and also to reduce the bureaucracy or de-bureaucratize what is happening in the country. But, Madam Speaker, permit me to look at the title of Bill, and the words in particular "facilitation", "An Act relating to the planning and development of land" and to replace it with the Town and Country Planning and Facilitation of Development.

**2.20 p.m.**

Because I want to focus for a moment on the word "facilitation" of development and what it means. And when you look up in the *Oxford Dictionary*, as my worthy political leader and Opposition Leader would often tell us, "Go to the dictionary, the *Oxford Dictionary*, and see what it means". There, Madam Speaker, I saw that facilitation of development means:

to make easier or less difficult, help forward an action, a process, the act of making something easier, or making something happen.

I think that is important, “making something happen”. And we have not been making this Bill happen as it should be happening. And I hope now that these amendments that we have brought here, four years after this Bill was first passed, would actually make something happen that will affect and impact positively upon the lives of people and remove the kinds of frustrations that people are complaining about in the system. [*Desk thumping*]

Madam Speaker, facilitation will therefore imply that the role of the official, and in this case, the high government official, and in this case it is the worthy Member for Arouca/Maloney, the Minister of Planning and Development, will be to pave the way, to remove obstacles, to reduce bureaucracy for things to happen.

**Hon. Member:** Say it again. [*Crosstalk*]

**Dr. S. Rambachan:** To pave the way, remove obstacles, reduce bureaucracy for things to happen. I am afraid that this is not happening. We are hearing a lot of promises being made. For example, recently, we heard about the computerization of the Town and Country Planning Development Division, we heard about applications that we will be able to make online and so on. A lot of promises. But, Madam Speaker, in a time in the world when technology is advancing so quickly and when in this country we have so many persons who I would dare say are technologically competent, why is it that it is taking us ages to get these online things going if we want to really facilitate or make things happen. I read a long article in the newspaper of a town and country planning person speaking about online applications. But, why is it not happening as it should happen?

Madam Speaker, I said before in this House and I say again, unless we as a

people make what I like to describe as an instantaneous leap forward we will remain developing and never behave and be a developed country. We need to make a mental leap into behaving and acting as a developed nation otherwise we will remain a developing nation, a Third World country.

Madam Speaker, so that the facilitation of planning and development that Dr. Tewarie named this Bill is important because there is a vision intended in the Bill, [*Desk thumping*] facilitate the development of land, not just to frustrate the development of land, especially in a country in which people need houses. There are enough people living in very, very, atrocious conditions in this country. So any amendments that are being proposed here today, particularly those that deal with simple development, and so on, should seek to make the process easier. That is the planning and development of land.

Madam Speaker, let me begin with clause 3, clause 3 of the Bill. And clause 3 of the Bill is where we are inserting a new definition of simple development. And in this clause 3 it refers to, in subsection (d) of the clause, 3(d), it says here:

“land subdivisions”—this is part of what is meant by simple development—  
“land subdivisions, including engineering operations, comprising less than twenty plots, provided that each plot falls within the range of 465m<sup>2</sup> and 800m<sup>2</sup> inclusive;”

For those of us who are not on metric system, 465, you multiply that by 10.76, you get about 5,000 square feet; and 800 square metres, you will get about 8,000 square feet. So the properties must be between 5,000 and 8,000 square feet.

Now, Madam Speaker, the first point I want to raise is 20, simple development. Maybe 20 is adequate, maybe the planners, maybe those who have studied the system would agree that 20 is adequate in terms of what you define as

simple development. But, Madam Speaker, when you look at 20 multiplied by 5,000, you get 100,000 square feet, and if you take 43,560 square feet as an acre, you are really looking at 2.29 acres, really, as a simple development. I would think that what you might really have wanted to do was to really look at, not 2.29 acres, you probably wanted to look at about five acres, really, and make it about 40 5,000 square feet as a simple development. But there is a bigger point I want to make.

Madam Speaker, the Central Statistical Office gave me some figures with respect to income levels in this country. And I was devastated to know that close to 75 per cent of our people, according to the statistics, earn less than \$6,000 a month. Madam Speaker, that is a very serious statistic, under \$6,000 a month. So if a bank gives you 40 per cent of your gross income as a repayment on a mortgage, it means to say that those people can only afford \$2,400 a month to pay on a mortgage. And I will tell you something. If you look at—[*Crosstalk*]—yeah, if you look at the very good programme which we had put in place with TTMF, Madam Speaker, the 2 per cent up to a million dollars, a million dollars, if you borrow a million dollars from TTMF at 2 per cent the repayment is \$3,696, which means that you have to have a monthly income of \$11,000.

Madam Speaker, you know many people are being excluded therefore from a home-owning democracy in this country.

**Hon. Member:** All Petrotrin workers.

**Dr. S. Rambachan:** Homeownership, the freedom to speak, the freedom to own a property and the right to own a property, Madam Speaker, the right to good health, the right to an education. These are the fundamental pillars of a strong democracy. And when you have people who cannot own a property and call it their own, what you are doing is you are marginalizing people and you are frustrating the building



of a strong democracy in the country, Madam Speaker. [*Desk thumping*]

And therefore I want to make a plea in this regard for a revision of the simple development, Member for Arouca/Maloney, in this regard, that you look at lots of 3,500 square feet. And if you look at lots of 3,500 square feet and if you examine the regulations and if I use Town and Country Planning Regulations on an average and say, 33 1/3 per cent of that could be used for building space, it means to say that you can still get on a 70 by 50 plot, 70 long by 50 wide, 3,500 square feet, you can still get a house of about 1,150 square feet which is a three bedroom, two bathroom, living/dining room, kitchen and porch. Simple house, you can get that. Or you go two levels and get it 550/550 each and still satisfy that.

So what you will then do is that you will bring more people on the smaller portion of land because land is the big cost, not the building, land is the big cost. And you can bring more people on a 3,500 square foot lot of land and therefore bring more people into the home-owning democracy that you want to build, if we relook and rethink this matter of the simple development.

You see, in my view, the way Town and Country grant approvals now for 3,500 square feet lots is skewed. I know of only two. Maybe there are more, but I know of only two big developers who have benefited. Caribbean Housing in Central Trinidad has gotten approvals in Chaguanas for houses on 3,500 square feet. In Tunapuna, you have another developer there, in east Trinidad, who has houses again on 3,500 square feet. I enquired as to how they have gotten that and other people—because I do not know of any in south, and I am told it is site specific. And once you begin to talk about site specific and you see it in the east and central and the big developers, they are the ones benefiting, they are the ones who were able to tweak and to twist the arms of the system, what about the small

developers who should also be able to get that and get more people into their homes?

Because, Madam Speaker, the poverty in south Trinidad, for example, and the Member for Point Fortin is not here, but the poverty coming from Point Fortin to La Brea through Otaheite into Woodland, into all those areas are really, really, high. And those are the areas where you need to put people into homes and to give them a start in life. [*Desk thumping*] And I am therefore saying to review the simple development definition so that you allow, in terms of, you allow for 40 houses, maybe on your 465 or what have you, 40 plots for simple development, but you allow Madam Minister, through you, Madam Speaker, you allow for about 60 of the 3,500 square foot plots of land so that more people—and this is not something new. In Trincity they had allowed small developments way back into the 70s—

**Hon. Member:** Diamond Vale.

**Dr. S. Rambachan:** Yeah, in Diamond Vale and so on. Let us have some of this in south Trinidad. Because I would tell you why. When you look at the Town and Country Planning, number of plans submitted to Town and Country in the last five years, it tells an interesting story. I have statistics here which I want to thank the Office of the Member of Parliament for Arouca/Maloney and the Minister of Planning and Development, very, very, courteous people there assisting. I want to put on record the courtesy of the Permanent Secretary in getting these statistics for me. They actually called me back to say the statistics were available and what have you. [*Crosstalk*] What is interesting? [*Crosstalk*] No, I think when a public servant performs one should come in this House and say so, [*Desk thumping*] and when a public servant does not perform we should also have the courage to come

and say so also, because institutional collapse in this country is very bad unless we put the institutions right in this country, which this Government on this side in returning to office will have to do, [*Desk thumping*] because institutional collapse is one the problems we have in society of productivity and performance.

Madam Speaker, if you look carefully at what happened, in 2014 applications for housing peaked—2015 sorry, 8,915. But then, from 2016 it dropped to 8,146, 800 less applications and then dropped in 2017 by a further 800 applications—

**Mr. Charles:** They are pauperizing the country.

**Dr. S. Rambachan:** And then in 2018, so far, it has dropped by 900 applications. What is happening with people's desire to build a house? How come there is such a big drop in the applications and especially in south Trinidad?

**Mr. Charles:** The PNM came in.

**Dr. S. Rambachan:** In south Trinidad in 2014 it peaked at 3,763, but by 2017 annually it had gone down to 26,037; 1,100 less than 2014.

**Hon. Member:** Wow!

**Dr. S. Rambachan:** That is saying something about what is happening in the economy. And therefore, in terms of these amendments—that is why I talked about facilitation, not to frustrate but we must do things. Something is happening in this economy that if the number of plans people are submitting have fallen so dramatically it means to say that the economy is going to be affected, the hardwares are going to be affected, the skilled workers are going to be affected, [*Desk thumping*] everybody is going to be affected. And therefore, if it is that this is happening and people are getting poorer, we need therefore to look at how we frame laws in order to suit our people also and not to marginalize them and not to

leave them out of the democracy, [*Desk thumping*] the home-owning democracy.

So Town and Country approvals, you have to look at it carefully in terms of what is happening with the statistics, and I think that is important. Madam Speaker, it means therefore that you have, Madam Minister, through you, Madam Speaker, I am asking you to look at this again, to rethink it. I think we have to help poorer people.

Madam Speaker, the next point I want to make has to do with clause 3 again, (a):

“billboards or advertising signs;”

Madam Speaker, which billboard signs are we talking about here? Our highways are littered with billboards, all over. They are on the local government roads, they are on the highways, et cetera. And there has always been an issue as to whether the Ministry of Works and Transport or the Ministry of Local Government is responsible for giving the approvals or whether Town and Country is supposed to give—the Ministry of Planning and Development the approval. But the thing is that a lot of these billboards are illegal, are illegal on the highway, and not only illegal, because they are also illegal nobody looks at the quality of the structures. So sometimes the wind blows and blows down the structure and sometimes those structures fall on the edge of the roadway and it is dangerous.

Therefore, in terms of your building inspector, there is an amendment here with your Chief Building Officer, you know, who establishes inspection procedures and so on. It will be important to do that. But right now the problem is we are not enforcing anything. We are only dabbling in a set of conversation, who is responsible and who is not responsible. You do not run a society like that. You do not do that.

You know, when you allow people to break small laws they will break big laws. I will show you an example, Madam Speaker, just allow me. Right at the corner of Barry Crescent and Ramsaran Street in Chaguanas they have allowed a coconut vendor to put a booth at the corner, at the corner, right, stopping all the traffic. There are parking signs. I have written to the Superintendent of Police in Chaguanas on five occasions and they have not moved to move one vehicle under where there are clear no parking signs. So it is not surprising that we are not enforcing anything about these illegal structures on the highway.

How many of these structures have Town and Country approval therefore?  
How many are meeting the standards?

Madam Speaker, the other matter here is 3(c):

“change of use, residential or building developments or any additions thereto where the cumulative floor area with additions”—and so on—“does not exceed a gross floor area of 500m<sup>2</sup>”—or about 5,500 square feet on the average.

Madam Speaker, what does this really refer to, this clause 3(c), change of use? Does this refer just to change of use of buildings, let us say residential to commercial, or commercial into residential? What about lands? What about change of use of land? Let us say from agriculture to residential. How is this doing? You see, I do not want to make an acquisition for an acquisition sake. But, Madam Speaker, I am beginning to come very close to a belief that there are people who are in charge of policymaking, Town and Country, probably actually frustrating the development of housing in this country eh, by how they are approaching [*Desk thumping*] giving approvals. It might very well be that that is happening. Because big people are getting. The whole of the Endeavour Estate

was agricultural land in Chaguanas and Caribbean Housing is able to get all the approvals but there are other people in this country who cannot get approvals.

**Mr. Charles:** He is a financier.

**Dr. S. Rambachan:** You cannot get approvals too, Mr. San Fernando West. You are also a developer, right?

**Hon. Member:** We did not know that.

**Dr. S. Rambachan:** So it is important that we ask this: Is there a deliberate attempt to frustrate certain sections in the country from developing, especially rural Trinidad and Tobago? [*Desk thumping*]

Madam Speaker, so I ask that, to what does that refer?—Madam Minister, through you, Madam Speaker. Is it just residential properties or does “change” refer to land and what have you?

And then we go to section 11(2)(b), amended. And here we talk about, the addition of the Trinidad and Tobago Association of Local Government Authorities, as well as the Ministry with responsibility for physical planning, that they are being added into the list and you are removing also two names and you are adding two names. You are adding two and you are removing two. You are removing the Occupational Safety and Health Agency and the Chief Medical Officer in the Ministry with responsibility for health, and you are adding here the representative from the Trinidad and Tobago Association of Local Government Authorities and someone from the Ministry with responsibility for planning and development. And they are being added to what is called the Development Control Committee.

Now, the Development Control Committee is a very important part of this Bill. Now, let me just say I think it is a welcome development, eh, to add the Association of Local Government Authorities, because the Development Control

Committee has important functions delegated to it by the National Planning Authority. And a lot of what the National Planning Authority will need input from somebody au courant with local government, and with local government areas and local government problems; and I think this is good. But there is something important. You see, before we do that let me just make clear what this Development Control Committee does. It coordinates and expedites development approval plans. That is important. And secondly:

“...grant final approval and render binding advice on behalf of the National Planning Authority”

—and the agencies and offices referred to in subsection (2)(b).

Madam Speaker, there are certain issues that I want to raise with respect to this. One, the local government representative here coming from the Trinidad and Tobago Association of Local Government Authorities, there could be a problem. It could be the wrong person. You know what happens in the Association of Local Government Authorities right now? He who wins the most seats in the local government elections controls the executive of the Trinidad and Tobago Association of Local Government Authorities and you might get a, you know, someone put in there for tokenism, as happens now. And therefore, they can then decide to put somebody and you know, how do we ensure that we get somebody from local government who is really able to contribute in a very significant and important way to the deliberation of the Development Planning Committee and not end up with a compromised representative? Because to me this representative is a watchdog of local government corporations.

Madam Speaker, I want to point something else out to the honourable, through you, Madam Speaker. When this Bill was first passed in 2014 the idea

was to set up some offices in order to test the process, right Dr. Tewarie? In Chaguanas, for example, [*Crosstalk*] pilot projects. Well, Madam Speaker, you know, on August 21, 2015, the Town and Country Planning Division wrote the Chaguanas Borough Corporation CEO and indicated that they are seeking to initiate a pilot project in Chaguanas and so on and so forth, and they wanted to get on with it. Four years have gone and nothing has happened and there is correspondence up to the 3<sup>rd</sup> of September 2018 between the Mayor of Chaguanas, Mayor Gopaul Boodhan and the hon. Camille Robinson-Regis where the mayor is again enquiring as to the current status of the project and whether the simple planning applications and building approvals, you know, that pilot project will be set up in Chaguanas.

I do not have a response from the Minister's office to that particular letter. But I want to urge, I want to urge, in order to reduce this implementation deficit, I want to urge the hon. Minister that you move to set up some pilot projects in this regard. The one that we are fast-forwarding also in my view, your local government reform, which was part of what Dr. Tewarie and us in the People's Partnership had intended, that you do not have to do the whole reform. You could do pieces of the reform but you could get effective reform going in the country that affects the quality of life of people.

Madam Speaker, the thing is that the Development Control Committee, as I said, is an important committee and it coordinates and expedites the development approval process, and the part that I am interested in is the expediting of the developmental approval process. Because if you do not have this Development Control Committee meeting very regularly you are going to have a backlog of applications. And the hon. Minister will tell you that it takes a very long time now



to even get to the committee if you raise an objection to have it heard. I have appeared before that committee on several occasions and right now I am waiting for a period of about eight months to get an appointment and I cannot get the appointment on behalf of one of my constituents.

Madam Speaker, we have to—you know, a lot of things, this Development Control Committee in which this local government person is sitting, I will show you how important it is. In Tabaquite there is a pastor, very hard-working pastor, Pastor Basdeo. Everyone knows this. Pastor Basdeo applied for a subdivision of 16 acres of land.

**Madam Speaker:** Member for Tabaquite, your original speaking time is now spent. You are entitled to 15 more minutes if you wish to complete your contribution.

**Dr. S. Rambachan:** Thank you, Madam Speaker. [*Desk thumping*] And he applied to subdivide 16 acres of land and they gave him 16 homesteads instead of one acre each. In an area of the country which has one of the lowest per capita income of people among agricultural people, where people cannot afford to buy a homestead and when they want to buy a small plot of land and build a small house. So you see how important this thing is. I went before the committee and then the committee relented and gave him five acres of smaller plots. If he did not have an MP who would have been able to do that for him and go and make the representations what would have happened?

Madam Speaker, the process could be very convoluted and it is one thing to talk about simple developments and that Town and Country Planning—no, the National Planning Authority giving authority to the Municipal Corporations as is there in the Act in order to approve simple developments and what have you, but to

get it done.

Madam Speaker, listen to what happens. You send an application to Town and Country Planning. Town and Country Planning has a notice on their boards if you go to San Fernando where it says, they have two months statutory and “boy” they take the two months. So first thing, you are taking two months before you get that plan moving from Town and Country back to the regional corporation. If the regional corporation does not go to pick up the plans the plans stay there. Then when regional corporation gets it they send it to CMOH. That is a different story. It could take up to six months. But I must say I have looked through, I have been examining—when a plan reaches CMOH, how long it takes to come. And the ones that are really difficult are the ones that have the problems and people do not go into to make the changes, but generally they keep within another two months, maximum three months.

Then from CMOH it comes back to the building inspector at the regional corporation. Then, if there are complications it has to go to the Minister of Works and Transport, it has to go to the Drainage Division. Then it comes back again to the regional corporation to the building inspector. Then it goes to the council health meeting; then it goes to the council statutory meeting; then it is signed by the CEO, if you could find the CEO, and call him and say, “Boy, can you come in and sign this paper for me?” That could take six months, six months before a plan is passed. How are we going to reduce and compress this time if you really want to get construction of houses going?

**Hon. Member:** Bring in Singaporeans.

**Dr. S. Rambachan:** Exactly. But what I am saying, I am arguing a case here, you know, de-bureaucratization and getting the process going.

Madam Speaker, so is this process, for example, going to continue or are we going to reform this process as part of the simple development? You know, I can see real good coming out, eh, of a well-functioning Development Control Committee provided it is functional, provided people come out who are appointed to say that they have a quorum or they do not sit there, when you go nine o'clock and you sitting there, someone waiting and they say, "well you know, we do not have a quorum yet because people eh come". That is happening right now in Town and Country with the Committee when you make an objection.

Madam Speaker, as we speak about simple development therefore, I want to ask the hon. Minister, in 2016, when the Minister of Finance spoke, he reinforced something that was done by Dr. Tewarie in one of his previous budgets and which we had approved, which is the building of multi-family units on 5,000 square feet of land. And I remember the hon. Prime Minister talking about the Tabaquite initiative and saying, you know, I have made certain propositions. I am very happy to do it, because I then again made the statement about poor people not being able to own a house.

Madam Speaker, 2016, 2017, 2018, nothing has happened to change the regulations of Town and Country Planning in order to get that budgetary proposal effected. Nothing. Maybe not the Minister's fault. The Minister assures me that she has been asking them in the Town and Country to do it, but they have not done it. So it is the errant public servant or is it the errant Minister that is not really managing in the way to get action and to get the process going?

**Madam Speaker:** Member for Tabaquite, you know, I understand the general gist, but, again, I think you are going off on a tangent and I really ask you to come back and show how, whatever is here, maybe relates to what now you are dealing

with, please.

**Dr. S. Rambachan:** Sure, Madam Speaker, sure. Thank you, Madam Speaker. All I am saying is that when you make amendments to a Bill in terms of simple development what you are trying to do is not frustrate but you are able to facilitate. [*Desk thumping*] That is what I am trying to say.

Madam Speaker, clause 6 amends section 15 and has to do with the Chief Building Officer and his functions, and the Chief Enforcement Officer. I am happy to note that the both positions, and that of the CEO of the National Planning Authority is under the Integrity in Public Life Act and that is very, very, important.

**2.50 p.m.**

But the Chief Building Inspector has certain important functions to perform. He establishes inspection procedures for building and engineering operations. Inspection procedures of what? What standard? Who sets the standards? Because if you are establishing inspection procedures for the inspectors, who sets the standards? You see, the inspection procedures mean nothing, you know. Who sets the standards? What are they inspecting? Where are those standards? And I have not seen anything that tells me that they are the standards. And why do I say that?

You had an earthquake recently, and when you saw the collapse of an HDC house, you saw four pieces of steel and the steps separated from the house. Why is it that all those HDC houses have all these problems? Do we inspect them? And if the Chief Building Inspector is establishing procedures for building and engineering operations, then what are those standards? What are those standards?

Madam Speaker, I could go on to really talk about standards and how people in this country are fooled by what they purchase. But, for example, if he sets standards, what standards is he setting for the inspector to look at when it comes to

the quality of steel? I understand in the country, for example, a lot of steel from Turkey has been refused permission for landing in the country by the Standards Bureau, and I compliment the Standards Bureau for doing that, but what about the galvanized sheets that are coming out of China and India, and so on? Are they being tested to see whether the stamping that they put on the sheets is consistent with the quality? Because all of that is important. So while we talk about the Chief Building Inspector having inspection procedures, where are the standards? Where are the standards?

Madam Speaker, the Chief Enforcement Officer who is also mentioned there:

“...shall take action against—

(a) breaches of building regulations referred to him by the Chief Building Officer;”

Madam Speaker, there has never been a problem with laws in this country, you know. It is enforcement. You have people dumping rubbish all over the place, but you have a Litter Act and you have litter wardens and nobody is being carried to court. I will tell you something. When I was Mayor of Chaguanas, people were prosecuted at the Chaguanas Magistrates' Court.

**Hon. Member:** Yeah, yeah. [*Desk thumping*]

**Dr. S. Rambachan:** When you swear to do your job without fear or favour, do it. And now everybody is dumping all about and we are blaming—we have a dirty country. So is the Chief Enforcement Officer going to carry out his functions according to the law? It is good to have all these things marked here, you know, but four years of implementation deficit, how long is it going to take to bring all this? When is this Bill really going to become truly functional in this country?

Because there is another matter I have to raise. It is the matter of regulations. Under section 61 of the Act, the Minister has the power to make regulations. Now, are we going to make a new set of regulations? And those regulations will have to be brought before the Parliament. How long are those regulations going to be made? Because the regulations will have a bearing upon what the Chief Enforcement Officer does. It will have a bearing upon what the Chief Building Officer does. It will have a bearing upon what the inspectors do, and so on. So what is going to happen with all of that? I think it is important that we ask that. Which regulations are we going to—are we going to continue with the existing regulations, or are we going to make new regulations and bring them into the Parliament? And if that is the case, what is going to happen?

I want to make an appeal, Madam Minister. It is for you to proclaim the section of the Act that deals with local government which is giving the powers to local government, and that is section 16 of the Act—16(2) and 17(1) and (2). Proclaim it and let us get down with putting some of this power in the hands of local government, not just as a pilot project—we have too many pilot projects in this country. And when there is a pilot project, it piles up and nothing happens again. Madam Speaker, nothing happens again.

So I am all for what is happening here but I am for implementation. I am for—to make it happen, Madam Speaker. [*Desk thumping*]

**Hon. Member:** Well said.

**Dr. S. Rambachan:** And I do not see with this piecemeal approach we have here, whether this is going to happen in the way that it is going to happen, unless you have, what is referred to as “KITA”, in management terms, being effected at the Town and Country Planning Division, to get this matter off the ground and to get

the people there moving.

I deal with Town and Country Planning on a weekly basis, and let me say, eh; let me put on record that the people in south Trinidad are very courteous and they are very kind.

**Hon. Member:** What about Diego Martin?

**Dr. S. Rambachan:** I do not go to Diego Martin, so I do not know.

**Hon. Member:** I can speak for Diego Martin.

**Dr. S. Rambachan:** And when I go to San Fernando, I want to tell you, those girls at the front desk, if you have a problem, they take your plan and look at it one time—your application—so you do not have to go back five times. And they say, “You are missing this”. “Can you go and get this?” And they tell you one time. I think that is the kind of thing I want to compliment them about. But at the higher levels of Town and Country Planning, I think you have some tin gods. I think you have some tin gods, and I think we have got to deal with them. I think that some people are lifting themselves to pedestals of power that do not exist and somebody has to kick the—

**Hon. Member:** “Aye yai yai.” Moses.

**Mrs. Persad-Bissessar SC:** “I am Moses.”

**Hon. Member:** Part the waters. [*Crosstalk*]

**Dr. S. Rambachan:**—kick the brick from under the pedestal and get something going. Madam Speaker, all of this can redound to the benefit of this country, but I urge the Government, they are not getting the job done. It seems that—somebody said they were not ready. I hope that they will be ready sometime, maybe sometime in 2027.

Madam Speaker, I thank you again for the opportunity to contribute and I

hope that we can move in the right direction. Thank you. [*Desk thumping*]

**Madam Speaker:** Member for San Fernando West. [*Desk thumping*]

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. Madam Speaker, my learned colleague for Tabaquite is a very energetic speaker. He also occupies, quite commendably, in his contributions, an air of elder statesman. I mean that in the best way possible. Because he sounds very good. The ideas are esoteric; they are ideological and they reflect part of the equation. Most respectfully, in urging and in giving an exhortation about implementation, in asking the question as to whether it is an errant Minister or an errant implementer in the public service, in focusing upon the fact of when something will get going, the learned Member has unfortunately left out the reality of the discussion. And the reality of the discussion is, this law, partially proclaimed as it is, Act No. 10 of 2014—this law which is intended to repeal the 1960 Town and Country Planning law, Chap. 35:01, our laws currently standing as the 1947 English model—the hon. Member, in asking about this law and extolling the virtues of this law, has left out the key articulating elements to work with the law.

And the hon. Member, in commending Dr. Tewarie—sorry, the hon. Member for Caroni Central—on the passage of this Bill, the hon. Member went on to say that there has been a failure, effectively, to make a leap of development, as the hon. Member put it. The hon. Member said, when are we going to have a leap of development; that this country needs a leap of development. Madam Speaker, most respectfully, the hon. Member has unfortunately not put the law in its operationalization into effect.

And let us go directly to the law. In operationalizing Act No. 10 of 2014, first of all, that Act to be operationalized, has to have certain key elements, and the



key elements are inclusive of: transfer of services by the Government; agreements with local government; public sector integration and systems integration. Let us translate that. Act No. 10 of 2014 articulates alongside a philosophy of decentralization. It says, take your National Planning Authority, take your chief building inspector, convert it to an enforcement officer and a planning officer; have them operate with simple developments happening in the municipalities; complicated developments happening in the Town and Country Planning—replacement, National Planning Agency—and then have those two entities, i.e. local government and central government work together.

Madam Speaker, forgive me. I forgot to declare my interest as well. I, too, like the Member for Tabaquite, am heavily involved in development and have been for many years of my life. Many members of my family are equally involved in development, and I wish to declare my interest as the Member for Tabaquite did. I forgot to.

**Dr. Rowley:** Also am I.

**Hon. F. Al-Rawi:** As is the hon. Prime Minister. And if he speaks, he is too, to give his development posits.

So, Madam Speaker, let me come back to the point. Centralized system must work with local government. Local government, as a concept, finds itself in the Bill. Local government as an articulating element finds itself in the Act. And when the Member for Tabaquite stands up and says that nothing has been implemented, the Member for Tabaquite is forgetting to mention a few very important factors. Number one, local government reform must be a part of this discussion, not as a part of this debate, but in the context of the Bill, the local government plug-in for the municipalities to treat with simple developments in the

fashion that we intend in clause 3 of this Bill, it must be a part.

But secondly, the revenue, and the reliance of consistent streams of revenue for local government must also be had in this conversation. And, therefore, it was remiss of the Member for Tabaquite not to mention the facts which bring us to where we are with this Bill today. Madam Speaker, in 1988 we had the Ministry of Planning and Mobilization engaged in its consultations as to reform of our 1960 law. In 1995, we had the IDB-funded agricultural reform programme; 1996, extensive national consultations; in the years 1999, 2000, 2001 twice, because there were two Bills produced, we had draft legislation put.

But, Madam Speaker, it really was the period 2009 to 2010 where local government reform as a planning regulatory aspect for simple development within clause 3 of this Bill, came to the fore. But my learned colleagues, in coming up with this law, Act No. 10 of 2014, have failed to mention that the only local government reform that the Member for Siparia led off on was the Alderman Bill. That was it—the election run-off Bill.

And, Madam Speaker, I say it in the context of not only the reply to the Member for Tabaquite, but the articulation of clause 3 here and “simple development”, to say this. How does one implement this law, make the leap of implementation that the Member for Tabaquite is asking for, if they do not have the people in the municipalities to do the work? [*Desk thumping*] This esoteric divorce from reality concept that we must just implement; and implementation is regulations; and implementation is more prescriptive law, Madam Speaker, “misses the boat, clean”. And I will tell you why. I will tell you why.

The Member for Tabaquite is well aware, as am I, that the municipalities require the manpower and the revenue to conduct simple development analysis.

That is the crux of implementation. The hon. Member knows, as he gave the example of the HDC homes in the earthquake and the separation of buildings and “is anybody inspecting”?—in the Chaguanas developments alone there were two building inspectors for 15,000 pours of concrete. How do two building inspectors inspect 15,000 pours—[*Interruption*] Could the Member for Naparima be quiet, please, Madam Speaker? He is disturbing me.

**Madam Speaker:** Okay. I am sure you could rise above that.

**Hon. F. Al-Rawi:** Madam Speaker, I am trying, but my volume has to go too high to bury him out.

**Madam Speaker:** I think now that you have stood, the Member for Naparima will control his volume. I will just remind everybody about Standing Order 53.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker—constant droning. Madam Speaker, how do two building inspectors inspect 15,000 pours of concrete? And, therefore, Madam Speaker, when the Member for Tabaquite makes the exhortation that we must implement and that there must be a leap of development, are we guaranteed, as a country, in ensuring the implementation of this very good piece of legislation to make the leap that is required? Because the only leap that is required is the support of the Opposition.

And let me explain how. Madam Speaker, I have been speaking about the structural implementation for local government. That requires an amendment to the law. The local government reform and the amendments which this Government will bring to Parliament very shortly, which was put upon a hiatus, in the context of “simple development”—[*Interruption*] There is no Bill, Madam Speaker. I am not anticipating.

**Madam Speaker:** Yes, but, I am not going to let you go into local government

reform as a big issue. Just please keep within this.

**Hon. F. Al-Rawi:** I am guided. Madam Speaker, in clause 3 of the Bill, for “simple development”, where we are treating with the municipalities to do the work, it is important, in answering the hon. Member for Tabaquite, to bear in mind that the capacity to do it—and the Member for Tabaquite’s direct words about making a leap of development—I am saying requires one to articulate to the consequential amendments that this Bill asks for. So, Madam Speaker, I am speaking about the Bill. And in speaking about the Bill, the support of the Opposition for implementation is critical.

And, Madam Speaker, let me put on the record here, it was a special select committee of the Senate alone which I sat on, Madam Speaker, in 2014, together with the following Members: the hon. Dr. Bhoendradatt Tewarie was the chairman; Ms. Marlene Coudray; the hon. Mr. Ganga Singh, myself, Faris Al-Rawi and Dr. Rolph Balgobin. The five of us, sitting in a special select committee alone, across 12 meetings, made hundreds of amendments to the Act which we are now seeking to amend to this Bill. And in talking about the leap of faith and the leap of implementation, I am demonstrating to you now that a special select committee formed with Opposition support—and I, myself, as Dr. Tewarie would be witness of, or the Member for Caroni Central will be witness for, put in hundreds of amendments to this piece of legislation. That is what is required to improve the law. But, Madam Speaker, when the Member for Tabaquite asked about implementation, I have to ask: Are you prepared to help to implement?

Because, Madam Speaker, in coming to the building inspectors and the amendments to the Chief Building Officer that this Bill proposes and the manpower resources required, Madam Speaker, the revenue stream has to be in

place. And, therefore, one is automatically drawn to the Revenue Authority and property tax input into the amendments that this Bill has. And if one wants to implement, and if the Member for Tabaquite is to be the advocate for the Opposition, are they prepared to support that, so that Trinidad and Tobago can actually be Trinidad equal to Tobago in a THA modelling-type of equation where the THA can collect and keep its own revenue for local government development, for municipalities within the clause 3 context of this Bill, where simple developments have to be managed by the municipalities?

So when I hear the criticisms and anchoring for debate in the fact this Government allegedly does not implement, how do you implement without a revenue stream? How do you implement? The Member for Tabaquite made a point. The Member for Tabaquite said this: What happened in causing a 1,100 reduction in applications at Town and Country Planning? That is what the Member for Tabaquite said. And “Duppy”—I mean—sorry. The Member for Naparima—sorry—says—

**Mr. Lee:** Madam Speaker—

**Hon. F. Al-Rawi:** I apologize. I withdraw. Madam Speaker, in treating with the drop in applications of 1,100 in the period 2014—2017, and in answering the hon. Member, Madam Speaker, we did not have a 96 per cent loss in revenue on one of the most important legs in our country? Was that not as a direct consequence of ridiculously bad decisions on the part of the last Government in failing to protect our patrimony in the oil and gas sector contribution to our economy? Madam Speaker, that is the clear answer to the 1,100 drop in applications at the Town and Country Planning Division. And if that is the case, how then does my learned friend, the Member for Tabaquite, ask a question like that? Obviously, the number

of building applications are a correlation to the state of the economy.

**Dr. Rambachan:** They build in cash.

**Hon. Member:** “Who building in cash?”

**Hon. F. Al-Rawi:** Actually, the Member for Tabaquite has just said something, Madam Speaker, which is very important. There are a number of people building in cash, and that is in fact, true, because the Financial Intelligence Unit has spotted \$22.5 billion worth of suspicious activity. Madam Speaker, let me put that into the context of reality. The contribution of oil and gas which we boast about to support our country, that is on average, 30—[*Crosstalk*]

**Hon. Member:** “Write meh family name on a paper? You have any family?”

**Madam Speaker:** So I want to assure the Member for Naparima and the Member for Port of Spain North/St. Ann's West that as soon as they indicate they wish to join the debate in the proper manner, I will entertain them. In the meantime, I would like them both to observe Standing Order 53 so that I can hear the Attorney General.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. I was saying, the Member for Tabaquite is right. People build in cash. In my view, that is a problem. And I was saying that the FIU has recognized that problem to the tune, in one year, of \$22.5 billion, and I was putting it into the context of Trinidad and Tobago boasts that we have an oil and gas economy. The annual contribution from oil and gas to our revenue each year is roughly about \$30 billion. The \$22.5 billion in suspicious transactions is near equal to the oil and gas contribution in this economy. But, Madam Speaker, suspicious activities and suspicious transactions are a percentage of reporting, because it is only financial institutions and listed businesses pursuant to the Proceeds of Crime Act that report.

So the figure of suspicious transactions and cash is therefore more likely higher than \$22.5 billion, therefore certainly almost at least equal to double oil and gas revenue. And, Madam Speaker, I think the hon. Member for Tabaquite is right in making that leap of faith. In making that leap of development you have to improve the systems. And in answering the Member for Tabaquite in his contribution, I am able to say that is why we have dedicated the amendments in this Bill as part of the equation. The part of the equation is the simplification of tasks; the part of the equation is making sure that the Environmental Commission, for instance, receives the appellate work that it ought to do, because it is under capacity in term of its workload; the part of the submission is making sure that the definition section of “simple development” both in two clauses of the Bill is married up, one, by way of deletion and other by way of improvement.

But, Madam Speaker, the articulating aspects that this Government is engaged in include the other legs: the revenue stream, which is a Revenue Authority, and property tax contribution, so that you can keep and spend what you have, and secondly, the capacity building by local government.

So, Madam Speaker, this is very much—and I understand the Member for Tabaquite’s exhortation. When you are hungry and you want food, and your stomach is burning, you are not asking if you bought the chicken yet; if you put it to cook; if you cook the peas and rice. “You just hungry.” But, Madam Speaker, when the last Government gives us a recommendation to say, look, passing this law and trying to implement it alone is the thing, you cannot say that if you did not do the local government revenue management and statistical information as the Bills that we have in our Parliament demonstrate.

So, Madam Speaker, this is no easy position to manage. The Member for

Tabaquite mentioned something else as well, in terms of implementation.

**Dr. Rambachan:** Your whole speech is on me.

**Hon. F. Al-Rawi:** Thank you. I was not going to speak. It was only when you did. So, Madam Speaker, the Member for Tabaquite, in his very energetic speech—and I thank him for provoking me to contribute today—went on about something called online applications. And I agree 100 per cent with online applications. It feeds into ease-of-doing-business, et cetera. But what is the point of an online application when you cannot pay for the online application online? So you fill out—much like your Companies Registry—you fill out everything on the e-portal. You fill out the forms, but you cannot pull the trigger till you walk down to the registry and pay them in cash.

**Hon. Member:** Same thing with work permits.

**Hon. F. Al-Rawi:** Same thing for work permits, same thing for court documents, same thing for Town and Country Planning applications. But in making the leap, Madam Speaker, why would the UNC block the e-payments in the Payments into Court Bill?

If you are making that recommendation, how do I judge the UNC in blocking legislation to say no e-payments in Trinidad and Tobago? Worse yet, Madam Speaker, in the period of implementation of the Electronic Transactions Act which was passed in 2011, in the amendments made to the Exchequer and Audit Act and in the regulations in 2015, we had a full four years of the UNC doing sweet nothing with e-payments, and today we hear the Member for Tabaquite saying, “Let us do e-filing”. So I am going to ask the question in this debate that we are having: Will you support the legislation to improve that? Or will—



**Mr. Lee:** You are anticipating.

**Hon. F. Al-Rawi:** There is no legislation currently in Parliament. “Doh get frighten”, Member for Pointe-a-Pierre. Learn the rules. So, Madam Speaker, my question is, in making this leap of development, as the Member for Tabaquite has given us, quite properly—[*Interruption*—]—yes, I like it. The question is: Will you support it? Or will you agree on the one hand that you will support certain things; you will agree unanimously in another place that you will agree and then you come to the floor of the Parliament and say, “Hard luck; let us talk some more;”—

**Dr. Rowley:** Which is what they have been doing.

**Hon. F. Al-Rawi:** “—let us go back to a committee. Let us have no special select committee. We must have joint select committee.” This Bill, Madam Speaker, Fourth Session of the Tenth Parliament, special select committee of the Senate to consider this Act that we are proposing to amend, that the Member for Chaguanas West and I sat on—five people demonstrate what a special select committee can do. But the Opposition says, “Do as I say and not as I do”, Madam Speaker.

**Hon. Member:** We were hard-working.

**Hon. F. Al-Rawi:** We were hard-working, the Member for Chaguanas West and I; hon. Caroni Central and I, but what I am saying is, that in answering the hon. Member’s debate points, the question is: Are you really going to act or are you just going to talk?

**Dr. Rowley:** Just mere words.

**Hon. F. Al-Rawi:** Mere words, Madam Speaker, spinning wheels as some are wont to do.

**Dr. Rowley:** Like “Duppy”.

**Hon. F. Al-Rawi:** Madam Speaker, the hon. Member for Tabaquite made a very

important submission which I think is very useful. The hon. Member asked for the Government to consider in the definition of “simple development” in clause 3 of the Bill that we reduce the lot sizes down to 3,500 square feet. [*Glass breaks*] [*Crosstalk*] And in treating with the lot sizes—and being fearful of my Tobago sister for a moment right now, Madam Speaker, so passionate is she about following this debate.

Madam Speaker, in looking at the 3,500 square foot position there may be a point in time that this country has to do like the Middle East and elsewhere, where the lots sizes were shrunk, where the boundary distances are adjusted as well. Because in the other place that I have some experience and exposure, it is interesting to note that in Iraq, for instance, you build boundary to boundary because they use the concept of an inner courtyard, and you have protection for your homes, et cetera.

The philosophy of cooperative schemes, as has happened in Turkey, where you build in cooperatives, so you take your cash and you build as you go, that is important as well. The Member for Tabaquite asked about the affordability, and the Member for Tabaquite pointed out that 75 per cent of our people in Trinidad and Tobago are living under \$6,000 per month. Madam Speaker, we not only agree with what the Member for Tabaquite said, but we acted upon it. It was this Prime Minister that made sure that that money was tax free for the people of Trinidad and Tobago. But, again, I come to an inconsistency, because when the Government, the Minister of Finance, at the direction of the Prime Minister, said people who earn \$6,000 a month and below should be tax free, the Opposition said, “Das no big ting.”

The Member for Siparia stood up and said that was mamaguying the people

with small change. But the Member for Tabaquite comes today to acknowledge 75 per cent of the country lives in that situation. So which is it? Which is it? Is it the Member for Siparia's philosophy, or is it the Member for Tabaquite's philosophy? Is it "Do as I say", or is it "Do as I do"? I am at a loss to follow the UNC logic.

**Ms. Ramdial:** What about the PNM logic?

**3.20 p.m.**

**Hon. F. Al-Rawi:** I have had an exhortation from Couva North to talk about the PNM logic. And let us do that. Madam Speaker, it is important to note that the Minister of Finance, in piloting what I consider to be a brilliant proposition for Trinidad and Tobago, the Minister of Finance recognized—and I think Tabaquite may have agreed with him, I do not know—that there is a lot of money sitting in the private sector, there is a lot of land sitting in the private sector, there is a lot of state land sitting unutilized and, worse yet, at risk of squatting conditions.

And the philosophy coming from this Government—as Couva North has asked, what is the philosophy of the Government—is already on the record. The Government has proposed the initiatives and incentives for planning, for management of land for assisting the 75 per cent of people who live under \$6,000 per month, in saying, "bring your land, we will fast-track it by way of approvals", as the Minister under this Bill, and Act, has the power to. Secondly, we will give you the tax-free status for your development. Better yet, we will give you a price point, and if you bring in your units at the price point you will be paid a bonus on top of the price point.

So by way of example, if you are selling a unit for \$700,000, you come with your land, you say, "Listen, I have land and I am doing nothing, I want to develop the land". We say, "Okay, bring your land in". We say to the developer, "You

want to build”? “Build homes of a particular dimension, maybe on 3,500 square feet in a developed approved area as this Bill allows. Build it, your price point is \$700,000. You the developer, you take the risk. You supervise, you take the risk of latent defect in law so that if there is a problem in the HDC step separating, it is the contractor who built it and the owner who built its liability. Not the State. You build for 700,000,” the Government has said—and it has been read into our finance and into our budgetary debates, we have said, “We will give you a bonus on top of that”. “For every unit that you bring in at the price we will give you a quantum of money to take by way of benefit.” But better yet, taking 174,000 people on an HDC database, already preapproved by TTMF and Home Mortgage Bank, we say to them, “Here are the people to buy your property”. Now, what does that do? That shifts the risk from the State, that shifts the focus of the implementation of this law—

**Dr. Rambachan:** But you are not dealing with the multifamily units and you are not changing the regulations.

**Hon. F. Al-Rawi:** No, because we did change the regulations. The hon. Member is saying we are not dealing with the multifamily units. The hon. Member forgets that we amended to include the definitions of condominiums and townhouses which are multifamily.

And, Madam Speaker, what I am saying about, in answering Couva North’s call across the divide, as to what is the PNM philosophy, here is the difference in this. The mechanism I have just described translates itself into the following: State takes the risk on the other side; the developer takes the risk; the latent defects belong to the developer; the price overruns are to be managed by the developer; the management of the distribution, to be done by the developer; the State manages the

risk to developer by providing the clientele. Madam Speaker, when you look at that that is to change the subsidiary relationship for planning and development into the State spending a subsidy of approximately \$2 or \$3 million per unit to a couple hundred thousand, and that is development and incentive done right.

And, Madam Speaker, the simple point inside of this equation is if you are prepared to think outside the box, if you are prepared to make the leap of development, as Tabaquite has given us an exhortation to consider, then you have to be prepared to do the whole-of-government approach. It requires the revenue, the bodies in the local government structures to do the work, it requires reallocation of risk, it requires following the money, it requires ensuring that there is no corruption—which Tabaquite raised—inside of the Town and Country Planning Division. I recall that I recommended to Caroni Central, when he was Minister of Planning and Development, the inclusion—and he accepted—of the bribery clause in the parent Act because that is where you have to look. That requires you to have supported legislation to allow for tax transparency.

And, Madam Speaker, therefore, there are many moving parts to this machine, and most respectfully, whilst I respect Tabaquite's contribution, whilst I welcome his exhortations in the philosophical underpinnings that he has put out which I agree with, all of which I agree with, I think that Tabaquite can do better to recognize the shortcomings of what else needed to be addressed and was not addressed in particular by his Government in the last five years that they ran this country.

Madam Speaker, it has been a pleasure to support the hon. Minister of Planning and Development in this march. I want to put on public record my gratitude to the Minister for thinking outside the box because this is not the only

Bill that will make planning work. It is to be joined by the work of the Minister of National Security in making sure that there are corruption-free elements. The leap of the faith is joined by actually supporting the appointment of a Commissioner of Police which none of the Members opposite wanted to do, but, Madam Speaker, I am giving you a clear example of how one appointment, one decision, can change the anticipation and hope of Trinidad and Tobago. One decision which you fight down and take pleasure to go to court to try and “mash up”, which you come to Parliament and refuse to support, results in—

**Mrs. Gayadeen-Gopeesingh:** Madam Speaker, 48(1).

**Hon. F. Al-Rawi:**—simple development positions, changing—

**Madam Speaker:** Attorney General, while I understand the fulsomeness of your argument, how comprehensive it is, I think you need to come back a bit to the Bill.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. The only thing that causes me offence in this Parliament is hearing somebody call my grandfather’s name because they are not worthy to do it.

**Madam Speaker:** So your original speaking time, Member for San Fernando West, is now expired. You are entitled to 15 more minutes if you wish to complete.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker.

**Madam Speaker:** Please proceed.

**Hon. F. Al-Rawi:** Madam Speaker, the leap of development requires commitment and removal of old talk, it requires you to remove yourself from the position of approbating and reprobating. That is saying yes and no at the same time, doublespeak, forked tongue, call it what you will, Madam Speaker, it requires sincerity, it requires recognizing that this country has been through a very difficult

state and condition, it requires that in making planning development work, that taking tough decisions is required, it requires recognizing that we have a Prime Minister with a back made of titanium steel who is prepared to make decisions that other people only talk about, that other people only say yeah, everybody knows something should have been done about something else, but nobody will do it. Like the Minister of Planning and Development is doing right now, like the Minister of National Security, Minister of Health, Sport, Education are doing right now.

**Hon. Member:** How many murders you solved?

**Hon. F. Al-Rawi:** Madam Speaker, how many murders we have? If you had appointed a Commissioner of Police you might have had less. Spinning the wheel and stumbling and tumbling as some people are wont to do in society, really “doh take you dere”. [*Crosstalk*] Madam Speaker, it gives me pleasure at times to poke, it gives me pleasure at times to have a little fun, it gives me pleasure at times to look at what we are really dealing with in this country, but sometimes you really have to call a spade a spade.

So, Madam Speaker, I support this legislation. There are a few small amendments to tweak up that I am sure the Minister of Planning and Development will address. I look forward to continuation of a debate. I thank Tabaquite for allowing me the opportunity to respond largely to his submissions in what I consider to be a good debate, and I thank you.

**Ms. Ramona Ramdial** (*Couva North*): Thank you. Thank you, Madam Speaker, for the opportunity to contribute on this Bill. Now firstly, I want to response to the Attorney General and his flamboyance this afternoon here with respect to, of course, commending his colleagues which rightly so we are all allowed to do as

Members of Parliament, but I want to remind the Attorney General—and he made a particular point in response to the Member of Parliament for Tabaquite and he spoke about the lack of personnel or workers within the local government corporations to carry out the duties effectively and efficiently to make this Bill possible, the amendments, of course, possible. And I want to remind the Attorney General that there is space and there are availability of workers in this country, but the high unemployment rate perpetuated by this Government, [*Desk thumping*] there are enough personnel who can be trained and placed into the local government corporations and boroughs to carry out this work.

Many university graduates are unemployed as I speak and they are willing, willing to be trained, and work, and be placed. The Government spoke about local government reform, for three years they have been touting local government reform and coming and bringing it to the Parliament and we await that, and this can be one such avenue for the Government to bring in our young people, especially our graduates who are unemployed, and bring them in for training to fill the lack of spaces as our Attorney General espoused earlier, and the lack of space and jobs at the local government corporations and the boroughs.

So, Madam Speaker, I just wanted to flag that. Also, the Attorney General opened up this debate a little bit, eh, Madam Speaker, and he spoke about lightening and reforming local government corporations and boroughs to that of the THA and that is a laugh, because I want to state that there is absolutely no transparency and accountability to the citizens of Trinidad and Tobago with respect to the THA and how they run their affairs. [*Desk thumping*] And why I say that, because right as we sat here for Standing Finance Committee, an increase of \$200 million was given to the THA for their recurrent expenditure found under the



Votes for vehicles, contract employment, and janitorial services.

**Madam Speaker:** So Member, I am not going to let you go there even though I do recall the Member for San Fernando West referred to the THA model. It was within the context and the confines of the functions that we are considering here. So I will ask you to keep within that.

**Ms. R. Ramdial:** Yes, sure. And, Madam Speaker, I will also confine it to the Bill and what we are speaking about, and to say that I do not think that that is the appropriate model to fashion our local government corporations and boroughs after. [*Desk thumping*] I really do not think so, and the Auditor General's Report is indicative of that.

In addition to that, the Attorney General spoke about the appointment, how the appointment of one individual—and he made reference to the Commissioner of Police, giving hope to the country and all of that, and that is what this Bill reminded him of, giving hope to the country and the amendments to this Bill. I want to remind him that you cannot rush in—fools rush in—to say that “Oh my God, crime is being dealt with holistically”, because it is not. Today our murder rate is over 490 if I am not mistaken. So you cannot talk about kidnappings, and big drug busts, and you know, you are giving hope to the country, that is all well and good. We appreciate that. We are glad for that. But at the end of the day, the murder rate—and our citizens continue to be killed mercilessly. [*Desk thumping*]

**Madam Speaker:** You have made your point and I will ask you to move on. It is not about crime. Please move on.

**Ms. R. Ramdial:** So, Madam Speaker, I just wanted to flag some of those points that the Attorney General had raised and to show that he really does not know what he is speaking about, at the end of the day. [*Desk thumping*]

Madam Speaker, I was reminded by my colleague from Caroni Central, that during our tenure, and during his tenure as Minister of Planning and Development, there was a pilot project that sought to put these mechanisms into place at the local government corporations and boroughs. Port of Spain City Corporation, San Fernando, Tunapuna, Chaguanas and Tobago were identified as the areas where this pilot project would have been implemented. I want to ask the Minister of Planning and Development this afternoon, what has happened to that pilot project? Was it shelved; is it ongoing partially; what is going on with that pilot project? We need to know because it speaks to this Bill and to the changes that took place in 2014 when this Bill came to the Parliament, and to really see how it can be rolled out or it was supposed to be rolled out effectively and efficiently. So we need to know what is going on with that pilot project.

Now, I want to go back to the Bill, the amendments to this Bill. Clause 3 amends section 3, of the Planning and Facilitation of Development (Amdt.) Bill, by inserting a new definition for “simple development” and it made reference to billboards, advertising, outline and final planning permission, not requiring a CC, change of use, residential or building development not exceeding 500 square metres and land subdivisions comprising less than 20 plots. “Simple development”, and my question is: In what context do these amendments speak to “simple development”? What are you measuring it by?

So I would like the Minister to give some clarification with respect to that, because as MPs, constituents come to your office and they are looking for approval, they want approvals. They have gone to Town and Country, they have submitted all documentation, apart from the delays, the months of delays that we have there, then at local government corporations also there are delays with the

building inspectorate, then when it goes to the CMOH that is another delay, and before you know it, it is years in delays for approvals for land and building. So when you speak about “simple development” with these amendments, how long is it going to take to really see approvals being given with these four amendments now to this particular section 3. So that is very important and I would appreciate some clarification.

With respect to clause 4, clause 4 amends section 11 and it removes from the Development Control Committee, the Occupational Safety and Health Agency and the CMO, and I need to ask why, because occupational health and safety are standards and they are very, very important in this country. I remember not too long ago a famous labour leader saying that most of the buildings in Port of Spain City are not OSHA compliant, including the new ones, they are not OSHA compliant. So by what mechanism have you decided to remove the Occupational Safety and Health Agency and the same goes for the Chief Medical Officer, the CMOH? Why the removal of the CMOH because they also play a very important role with respect to public health and the buildings—of structures on land.

So apart from the bureaucracy stymieing development—apart from that, that is another matter that I have highlighted—these offices are also very important. They play a critical role. So we need to get clarification as to why they were removed. I welcome the inclusion of a rep from the local government authority and, of course, a rep from the Ministry of Planning and Development. That goes without saying. So we need some clarification there with respect to clause 4.

Again, moving on to clause 5, it amends section 13(2) with a Director of Planning and we know about the qualifications. So that qualifications, in my opinion, has been watered-down a bit because the experience has gone from 10

years now to seven years. So again, why? Why a seven-year- experience term as compared to what you had before which was 10 years?—some clarification with respect to that also.

Madam Speaker, clause 6, it amends section 15 of the Act and it repeals sections 2 and 3. So now we have a Chief Building Officer who would inspect procedures for building and engineering operations and he would forward breaches of building regulations to the National Planning Authority and then to the Chief Enforcement Officer. And you also have the introduction of the Chief Enforcement Officer who is to take action against breaches of building regulations referred to him. So my question is: What is now left with respect to local government bodies and boroughs, what is going to happen there within their building inspectorate? Is it that the applications, when there are breaches, is it forwarded to the Chief Building Officer and the Chief Enforcement Officer; or is it that they themselves are going to be able to take action within their own local government environment?

I do not understand the synergy nor the relationship a little bit, with respect to how they are going to respond to approvals at the end of the day. So I need some clarity with respect to that because we know at this point in time when request for approvals goes to the CMOH or goes to the building inspector, they themselves make recommendations according to their rules and standards and regulations, but I do not think it goes back to the Ministry unless there is some sort of an appeal at that level. So I am a little bit confused and, please, if I can get some clarity with respect to that: the relationship between now the Chief Building Officer and the Chief Enforcement Officer with that of local government bodies and the boroughs. So that would be something that the Minister can clarify in her winding-up.

Madam Speaker, another important clause, clause 8 which deals with the Environmental Commission, and clause 8 would amend section 60 of the Act, by providing a person with the right to appeal to the Environmental Commission against a tree preservation order. Now, in this country we have the tendency to not take the environment on seriously. You know, we speak about pollution, we speak about flooding, we speak about climate change, we speak a lot about doing things that would help the environment, but with this clause it shows now that you have given a right of appeal to persons to appeal a tree preservation order. Why, Madam Speaker? Why is it when the world, when we look around, we are looking to reduce carbon emissions and we are looking to mitigate against climate change, and we are now giving persons the right to remove trees and to appeal this tree preservation order? I really am not in agreement or in support of this particular clause.

The thing about it is, Madam Speaker, it begs the bigger question. At the end of the day, if it is that you are going to give the right for those to appeal this tree preservation order, when you look at state-funded projects—for example, let us go to Sandals in the Buccoo Estate and let us just say there is an environmental group that is, of course, lobbying for the environment and does not want to see acres or hectares of wetland be removed for the construction, let us just say. *[Interruption]* Madam Speaker, I will ignore. So let us just say that. It is Ramsar Site, by the way. The Buccoo Estate, it is a Ramsar Site, it is protected. You have this big hotel coming in, Sandals, 900-and-something rooms, and you have—*[Crosstalk]*

**Madam Speaker:** Hon. Members, I would like to hear the Member for Couva North and I am really having some difficulty. I have asked all Members to observe

Standing Order 53 and listen in silence. Please continue, Member.

**Ms. R. Ramdial:** Thank you. Thank you, Madam Speaker. So I am trying to drive my point home. So you now have this right of appeal for the tree preservation order, you have this big Sandals coming in to build 900 rooms on the Buccoo Estate, it is a Ramsar Site, it is protected, you have environmental groups. You have environmental groups, Tobago environmental groups that are up in arms, they want to know, we all want to know—we are seeking clarity—how many hectares of wetlands are going to be removed and, again, you will have to look at the long-standing negative impact on the environment with respect to that.

This now makes it easier for these projects to happen without consideration or due consideration in terms of a lobby group, in terms of protecting the environment. It now gives it another avenue to make it happen quickly because you now have the right of appeal, and that is something that is very important. It is the same way with the project, the Manzanilla highway. That highway goes through a protected forest reserve. You have the Aripo Savannahs, the infamous Aripo Savannahs that every UWI student, like myself, who studied and did environmental studies would have gone into the Aripo Savannahs on field studies. We know the importance of it, and yet still you have this highway traversing through the forests, and there is, of course, no recourse for the environmental groups or for protecting and preserving the environment. It is always about development before protecting the environment, and that is why as a country we will continue to suffer when we ignore the effects of climate change [*Desk thumping*] and that is why as a country when we have to spend millions of dollars to compensate flood victims because of this global shift in our climate and the severity at which now flooding is happening and how frequently it is happening.

So it is like spinning a top in mud and not getting anywhere because every time you have heavy rainfall, you have flooding now. I tell you, Madam Speaker, there are some people within my constituency, when they see thunder clouds they are frightened because as soon as rain falls some of them get flooded out. So it is really, really important to look at the bigger picture at the end of the day, and I really think that this clause 8 is not serving the best interest of Trinidad and Tobago. I think it makes it easier for rushed and hurried development without a thought.

Madam Speaker, in addition to that, there was one other little point that I wanted to flag and that was, of course, the development committee. Again, I said before that I was kind of concerned about the removal of the OSHA personnel, the rep, and the CMOH, but a little question about the Ministry rep. We all know how it goes in this country and the development committee will now have a Ministry rep, rightly so, but then again, state-funded projects that, you know, where the environment can be hampered, what is going to happen there? And I say no more. I stop right there.

At the end of the day, we need to be very aware as citizens—and you know, the AG is mumbling across the floor and it never really serves his best interest to do that. I want to go back to what he said earlier. He spoke about crime and giving hope to the country, what kind of confidence we have, or we can have, or we can say we have in this Attorney General, when you water-down every piece of legislation that needs a special majority that comes here?

**Madam Speaker:** Member for Couva North, I will take it that you are just caught up in your passion about the environment. Please come back to the Bill.

**Ms. R. Ramdial:** Thank you, Madam Speaker. So, the Attorney General needs to

be a little cognizant of the reputation that he is creating out there for himself. The environment is very, very important. I want to reiterate that this clause 8 would not help in any particular way.

Clause 12 of the Bill would amend section 95 by repealing subsections (1)(g) and (h), and that is, of course, dealing with failure to comply with the provisions of any compliance notice, compliance order, or development repair order which is extensively addressed under sections 54 and 57. Madam Speaker, I hope that this is, of course, implemented strictly within local government corporations and also at the Ministry level because we have a lot of citizens who breach rules and regulations of building codes and otherwise, and therefore, it is very, very important that this particular clause 12 is strictly implemented so that we can move properly with respect to development, move forward properly with respect to development.

Madam Speaker, in addition to that, I also wanted to say that in this country for many, many years we have experienced—under successive governments—in some instances the willpower to really implement holistically and 100 per cent, to see proper development in this country. I think with this Government it is a little worse in terms of attitude, in terms of application, and these amendments, while it may assist the parent legislation in terms of development and planning, it is really left to be seen when it is implemented and how well it works.

Again, I want to make an appeal with respect to the pilot project that we would have implemented during our tenure and to ask whether or not it is ongoing, and to even make another appeal to the Minister that if it is not, to please implement and let us see how effectively it works. Because all of this legislation coming to this Parliament today would be for naught if it is not implemented



properly and we do not see how it works as a country. So we would not know what to do, what to come back to the House with, what to change after 10, 15 years because you know in this country it takes a long time to change legislation and to—how it is our system is.

So, Madam Speaker, with those few words I thank you. [*Desk thumping*]

**3.50 p.m.**

**The Minister of Sport and Youth Affairs (Hon. Shamfa Cudjoe):** [*Desk thumping*] Thank you, Madam Speaker. I rise to make a short contribution to this discussion today as we seek to further improve the Planning and Facilitation of Development Act. Now, Madam Speaker, I consider this legislation, or the amendments being made to this legislation, to be very important. Many of the speakers before me would have spoken about the fact that our Town and Country legislation would have been around for at least 50 years and we would have made a first attempt to improve that legislation in the year 2014.

At that point in time, I was an Opposition Senator and I remember the Opposition raising several concerns related to the legislation that was brought before the House. Madam Speaker, especially the Tobago House of Assembly had some interesting and important amendments which we would have liked to see. We would have had a first debate in the Senate and we spent at least three days or so in the planning committee and we got some cooperation from the Government on some matters, and I think that we made good leaps as it relates to improving the then legislation but there were some items that were left out, and I think that it is important, it is critical that we return to the House, under this Minister, under this Government, to improve the legislation in the best interest of development of Trinidad and Tobago.

We could all attest that the legislation that we would have previously had would have been archaic and the rules and regulations had been poorly enforced and poorly implemented. We are a small island nation state as it relates to our size and we must admit that our land resources or all resources are limited and finite. It is therefore critical that we manage our resources in a responsible and strategic manner and that we do all in our wisdom and our power to protect and preserve this limited resource that we do have.

Now, Madam Speaker, I am from Tobago; a very small land space of 116 square miles and we boast of being clean, green, safe and serene and I think that this legislation would go a long way for ensuring a better quality of life for the residents of Tobago as it relates to housing, agriculture, green spaces, recreational facilities, housing, the management of public utilities, infrastructure and so on, and it would make Tobago and Trinidad more attractive and more competitive as a destination as it relates to tourism, protecting our forest, our watercourses, the watersheds, the marine resources and even helping us to develop into a proper modern society.

Madam Speaker, this planning legislation would go a long way in addressing our social, economic, and environmental concerns in a comprehensive way. It helps to strike a balance between competing demands and would help us to achieve maximizing the use of our national space. Not just land, Madam Speaker, because we are also speaking about air and resources and everything that goes into orderly development or rational development for the people of Trinidad and Tobago.

Now, Madam Speaker, I want to just zone in a little bit on the devolution of powers or the delegation of authority that is being undertaken in these new amendments before us today. They may seem simple, Madam Speaker, but I think

that they are important as it relates to this Government's thrust and drive for bringing Government closer to the people and for local government reform. Now, it gives our local government agencies greater influence over planning and development of the places for which they are responsible. I think that this is a major step in encouraging devolution and decentralization as it relates to the administration of our business as Government and local government. It brings the planning function closer to home.

Now, as I said before, Madam Speaker, I am from Tobago, Tobago West, Tobagonian; and Tobagonian people, we love land. We are a land-loving people as we like to say. We understand that the space over which we are responsible is a very limited land space so it is important that all our development takes place in a proper fashion. Now, in the past, the Tobago House of Assembly or should I say Tobago would have had to depend very heavily on the central government and central government bodies for the planning function even though Schedule 5 of the Tobago House of Assembly Act speaks to the Tobago House of Assembly having responsibility for the planning function in Tobago.

But for as long as we could remember, the Tobagonians or people who are developing in Tobago had to seek permission from Town and Country Planning in Trinidad. If you want to put a drain on your piece of land, if you want to subdivide a piece of land to share piece of land with a brother, a sister or a child, we would have had to fill out this application and send it to the central government body in Trinidad, and oftentimes, you would find people sitting in Trinidad telling you or responding to your request saying, "No you cannot do this here" or "You cannot establish this development here because that is agricultural land" or "You cannot build this drain here because we do not see it fit". They have never seen the land,

never paid it a visit but had the right and the responsibility to make these decisions from Trinidad even though the planning function on pen and paper, or should I say in Schedule 5, had been the responsibility of the Tobago House of Assembly. So we welcome this development to bring the planning function closer to the people of Tobago and to give the Tobago House of Assembly the opportunity and the responsibility to deliberate over these applications.

Now, Madam Speaker, I can speak about an experience that is close to my heart. I have an uncle who, a couple of years ago, decided to give to my sisters and I a piece of land, and it was four and a half lots or a little over half acre. So we approached the Ministry of Planning to get a subdivision, and in submitting the application, the technical staff or the staff of Town and Country Planning unit in Tobago would have said this application would not be accepted. It would be declined but you have to wait six weeks to receive the letter from the Town and Country in Trinidad, and when you receive that letter after six weeks, we then had to write to the Minister asking for the matter to be appealed.

Now, this is in submitting the application. So we know from the onset that the application would be declined but you had to wait six weeks in order to get a response. That is to allow for the information to be transferred to Trinidad and for deliberations to happen and for them to respond, and then we write to the Minister and wait again for the appellate body to sit and for a visit from the technical staff in Trinidad to visit Tobago to confirm that you are not able to subdivide this piece of land or to put this drain.

And this speaks, Madam Speaker, to this desire for internal self-government because a lot of people do not understand what we mean by internal self-government and wanting to be in charge of our own business in Tobago.

Something as simple as dividing, separating a piece of land, even putting a drain or a new structure on a piece of land that belongs to you as a family, we had to report to Trinidad and ask for permission from Trinidad. So, as simple as it may seem, because I had the opportunity to review the debate that took place in 2014 and to review the response of the Member for Caroni Central that said that the changes or the amendments that are being proposed are minor. As simple as it seems, this means a lot for the people of Tobago because the ride to or the journey to the National Planning Authority is not a yellow band or red band maxi ride for us. It is getting on a plane or a boat and coming to Trinidad and waiting for these responses.

So, I lost my—[*Crosstalk*] No, I lost my paper. Madam Speaker, what is important to us is the ability to deliberate over our own matters as it relates to land because land is so close to us. Clause 10 of the legislation seeks to amend section 89 of the legislation, and in that clause that is being proposed by the changes that were made that are being presented by our Minister of Planning here today, Madam Speaker, gives the Tobago House of Assembly the ability to appeal by simply adding “planning authority” to the National Planning Authority as it relates to giving the ability to appeal. That allows the Tobago House of Assembly to not just consider or process applications but, rather than have to send the matters to be appealed to the national body and then from the national body to the Environmental Commission, the Environmental Commission and the Tobago House of Assembly can now interact directly making that a “seamless” process for the people of Tobago and I think that that goes a long way in improving the standard of living, the environment for doing business in Tobago and for Tobagonians

Because this is not just about building new structures or the separation of land or housing and these simple matters. This speaks to our ability to get involved in entrepreneurship and business development for those who want to do accommodation development and other development, that we can do these things in Tobago without that lengthy period and that going back and forth between Trinidad and Tobago and waiting on the permission of the Minister or some entity in Trinidad.

Over the years, these convoluted and confusing processes had been very difficult for us as Tobagonians because it had created a false demand for housing in Tobago and I will explain why. Because you are having difficulties with Town and Country Planning to get approval to face the banks so that you could build a home, instead of going through all of that back and forth, you just apply to the Division of Housing and Settlement. “Ah living in the hospital, ah want ah house.” So, Madam Speaker, there are people asking for houses that do not need houses from the Division of Housing in Tobago but because they are unable to treat with these matters with the Town and Country Planning to get their paper work to go to the bank, they end up going to House of Assembly and requesting housing in Tobago. So that is just one example.

I am pleased, Madam Speaker. By taking this power out of the hands of the Minister for the appeal because in the past, you had to write to the Minister and I remember in this House—I was on the other side at that time—literally stalking the then Minister of Planning because I had this matter where we had to appeal to try to get the land subdivided and it was never done, but that is just an example of the kind of trouble that we had to go through as Tobagonians. I was not as lucky as Pastor Basdeo from Tabaquite who had his MP pursue the matter on his behalf.

We did not have that good representation at that point in time. That is the reason I am here now. [*Desk thumping*] So we now get the opportunity to interact with directly, not going through a national body, with the Environmental Commission, and that power is now taken from the Minister and given to the Environmental Commission and the planning authorities in Tobago, in the municipal corporations, could interact and to get the business done more expeditiously. And I am happy that it is the Environmental Commission and we are getting the Environmental Commission more involved in the process.

It brings me to that point because it is not just about building buildings, it is also about proper management of our air space, proper management of our marine resources and so on, and that brings me to this matter of Sandals that was raised by the Member for Couva North. You know, Madam Speaker, it is unbelievable how so many of our Members across the floor claim to love Tobago so much but every opportunity this Member gets [*Desk thumping*] she berates Tobago and the Tobago House of Assembly. What kind of love is that? But the Member raised an important matter as it relates to Sandals, that we are going to be building Sandals on this environmentally protected area and it makes me wonder: Does the Member even know where is the proposed site for Sandals?

Madam Speaker, they continue to spread these half-truths about building on the mangrove—it does not make any sense—and building on No Man's Land. Does she even know where No Man's Land is and what and where is Buccoo Estate? I grew up in Tobago. Tobago West is my constituency, Buccoo Estate is in my constituency and for years that was owned by Clico and Angostura and so on. There was a gate there and the people of Tobago could not have accessed that piece of land. It is a huge piece of land. It is not a mangrove. So, Madam

Speaker, I want the Members opposite, especially the Member from Couva North to do the research and educate themselves [*Desk thumping*] if you want to speak about the people of Tobago and on behalf of the people of Tobago.

And I want to go further in because in their efforts to berate the whole Sandals project—

**Hon. Member:** Derail it.

**Hon. S. Cudjoe:** It is going to be derailed if they continue in that light but the people of Tobago will not allow that because we understand how important this project is for our economic development. [*Desk thumping*] And I want to further asked, Madam Speaker, if not that, what? What is your alternative plan for Tobago's economic development? Nothing, they have proposed nothing but are trying to raise—[*Crosstalk*]

**Madam Speaker:** Member for Naparima, would you like to make an interjection? All right, please. Member for Tobago West.

**Hon. S. Cudjoe:** Yes, Madam Speaker. So for years, we have been looking at this kind of development for Tobago and I am pleased that the Tobago House of Assembly, just like the municipal corporations, under the watch of the Minister of Planning, from the time we got into Government, [*Desk thumping*] we ensured that the municipal corporations were up to date with their plans, because this thing is a whole system. It has to be comprehensive, it has to come together, and the Tobago House of Assembly did not just develop the comprehensive plan for Tobago part one, we did comprehensive plan for Tobago part two. So there is a plan. So, Madam Speaker, I remember years of hoping to attract an international brand, one like Sandals, when I returned to Trinidad and Tobago from school abroad in 2008. Up to 2012, we were trying to attract Sandals and now we have the opportunity to



do so and this Government is moving full speed ahead with the support of Tobago  
[*Desk thumping*] no matter who is trying to scuttle it.

I want to raise, Madam Speaker, because there are some people who have joined with Members opposite in trying to scuttle the Sandals project. Even some people in Tobago who claim to care about environment, who they themselves are saying Sandals is going to damage the sea and going to damage all of the stuff, and they, themselves, up in Charlotteville, up in the countryside, have a two-by-two hotel on the beach in Charlotteville with the waste water going out into the water. How about that? [*Crosstalk*] So, Madam Speaker, these are things that the Environmental Commission needs to look into even now. [*Desk thumping*]

And I want to go further, Madam Speaker, to say that eco-friendly environment, where we seek to protect the environment and conserve the environment, it does not mean do not build on the land. It means build in an eco-friendly way. [*Desk thumping*] There are so many other countries within the Caribbean, and with similar topography and geographical characteristics, like Trinidad and Tobago, that have taken advantage of tourism, that have built hotels and so on to take advantage of those resources and that is what proper economic development is about. You build and you make proper use of what you have while you protect the environment. That is what technology is all about, so that back in the day, archaic thinking that is coming from opposite, we do not support. [*Desk thumping*] We are a forward-thinking people and, Madam Speaker, we are at the cusp of doing great things in Tobago, from the expansion of the airport, that is a part of our development plan and Tobago is about to shoot off. We have the waste water project taking place; we have improved electricity projects taking place where we have just added 20 megawatts to the Cove Eco-Industrial Park.

And as I mention the Cove Eco-Industrial Park, the Member for Couva North would have mentioned “Why do we even have to appear here in order to appeal?” Right. “Why is this part of the proposed amendment to be given the permission to appeal a tree development that is protected?” [*Crosstalk*] Tree conservation, thank you, Member for Caroni East. I remember, Madam Speaker, a couple of years ago, I was a director on the Cove Eco-Industrial Park board and I remember coming to this House and speaking about a problem that we were having where Town and Country Planning gave—[*Interruption*]

**Mr. Charles:** 48(1).

**Madam Speaker:** So I overrule, Naparima. The Member is talking about an amendment in the Bill which deals with the tree conservation order.

**Hon. S. Cudjoe:** Thank you, Madam Speaker. This that allows you to appeal the tree conservation order and while I was a director there, I remember that Town and Country Planning gave an order to the Cove Eco-Industrial Park to maintain a tree buffer on the Eco-Industrial Park and at that point in time, T&TEC, in Tobago, were removing the trees and putting light poles there and we made several applications to the Government, we cried out to the then Government—several petitions to the Government asking them to intervene and at that point in time, there were many state enterprises that were laws on themselves and any state enterprise that was disrespecting the Tobago House of Assembly had the opportunity to do so freely because they were in Government. And I remember making several petitions from Cove asking them—you have given us an order to have this tree conservation area protected, and the Minister of Public Utilities then came to this House and read out a number for an order given by the same Town and Country Planning that gave T&TEC the ability to put up the light post there.

So, Madam Speaker, it has to be in sync and I am happy that the Environmental Commission is now involved and taking care of these appeals so we would not have to treat with the political interference or the political protection of those who are doing wrong. So, Madam Speaker, I think that this is forward-thinking legislation. [*Desk thumping*] I am happy that it involves all stakeholders and gives our stakeholders an opportunity to influence the process and I am very, very much excited about the powers being delegated to the Tobago House of Assembly to manage its own affairs. And this is the spirit of this Government to honour the intent and the spirit of the Tobago House of Assembly Act, giving the people of Tobago internal self-government [*Desk thumping*] and the right to run their own business and to be man in their own land. So, Madam Speaker—

**Mr. Lee:** Madam Speaker, 48(1). The Member is anticipating. [*Crosstalk*]

**Madam Speaker:** Is that 48(1)?

**Mr. Lee:** No, I stand up on 48(1), Madam Speaker, relevance, relevance.

**Madam Speaker:** Please, continue, Member for Tobago West.

**Hon. S. Cudjoe:** Madam Speaker, I am not sure that the Member read the Bill, but the Bill speaks in depth about devolution and decentralization, [*Desk thumping*] delegation of authority and it mentions the Tobago House of Assembly as a planning authority just like the municipal corporations, and this is the thrust and the drive of this Government to ensure that we bring Government closer to the people. We are a people-centred type of Government [*Desk thumping*] and I am just pleased to be a part of this, especially as we do not wait for the internal self-government Act to be passed but bit by bit, in every piece of legislation, we start extending and giving that authority to the people of Tobago because it has been a long time coming, and under this Government, you are going to get the support of

all of us and I hope the Opposition, too, to make it happen.

Madam Speaker, I thank you. [*Desk thumping*]

**Mrs. Christine Newallo-Hosein** (*Cumuto/Manzanilla*): [*Desk thumping*]  
Thank you, Madam Speaker. Just to speak about what the Member for Tobago West had indicated—before I reach there, I just want to commend highly the Member for Caroni Central, Member for Tabaquite, Member for Couva North who gave sterling contributions to this Bill. I want to emphasize how important the contributions on this side must be taken in light of, and it is this. First of all, in response to the Attorney General when the Attorney General highlighted the Member for Tabaquite's contribution. The Member for Tabaquite is a very experienced land developer, he is very experienced in local government, he is very experienced in everything that he brings about, he is very thorough and he is very experienced, and he is also very knowledgeable about what he speaks about.

And therefore, he was able to convey how land usage can, in fact, be given the best results and utilized in a way that even the poorer, the indigent, can, in fact, access housing and therefore, I think that if this Government is very serious about implementing laws that will impact upon the country and to the benefit of the citizens, I think it is worthy to take the suggestions that have been proffered by my colleague. [*Desk thumping*]

And just to add to what the Member for Tobago West, who has disappeared, but I speak through you, Madam Speaker, Member for Tobago West indicated—she spoke about the Bill as it relates to maximizing space and the rationale for development and spoke about it, and I have to say eh, given the limited space in Trinidad and Tobago, we must understand that land does not grow, and therefore, I think that it is important for us to really ask, whether again, coming back, whether

approval for multiple family units on a 5,000 square foot lot is being given by the Town and Country. And, since this was approved during our tenure, our administration, and the current Government also spoke about it in the 2017 budget of making more building space available on a single lot. So is this being, in fact, applied? And this is the question that we are asking them. I am asking questions.

Also, just to respond, again, to the Member for Tobago West, the Member said this Bill will help the THA in doing so many things, but the THA has all the authority already, you know, so therefore, it does not really need any more authority. All this Bill, the section 89, really speaks to is giving the THA an ability to be able to bring a request, and therefore, it is important for Tobago West to really read the Bill because we have read it on this side.

So, again, in responding to the Attorney General, the Attorney General indicated that—he is speaking about the developer, allowing the developer to take the risk, the reallocation of risks, following the money and then it came about, one appointment and one decision could impact. I am asking, and really I am asking on behalf of my constituents and this one decision to change the whole dynamics of the Building Inspector, the Chief Enforcement Officer and the Director, how would this decision impact upon Farm Road? How would it impact upon how we move forward with the decisions that are being implemented now which are very concerning to the population? And I do not want to go into it, but the removal of the OSH and the CMOH, how will that impact especially when it is that we have environmental concerns taking place right now?

And I am speaking on behalf of my constituents because my constituents are very concerned. We have development taking place, Madam Speaker, in Sangre Grande and there are watercourses that are being diverted, the river being cut and

sent elsewhere and because of it, there has been a high incidence of flooding. Will this Bill—because this is what the constituents are asking—impact upon what is happening now? Would it stop the abuse of the land development that is taking place, not just in my constituency but throughout Trinidad and Tobago? [*Desk thumping*] So these are the concerns that we are asking really and truly.

And I am asking, again, why change the qualifications for three positions: Director of Planning, the Chief Building Officer, Chief Enforcement Officer? And I further ask: Why these applicants must be accredited with the Trinidad and Tobago Council for Urban and Regional Planners? Why must they be accredited by this council? You know, so the questions that I am asking on behalf of my constituents: How does one apply to be accredited? Because there may be persons who are interested in applying for the job.

So how do you apply to be accredited to this council? You know, what is the process? How long does it take to be accredited? Is there an appeal board? Should one be denied accreditation? So if the Member for Arouca/Maloney can answer these questions or answer it to the population, it would really assist in asking how this Bill would impact because, at the end of the day, the constituents, the people are asking how does this Bill make it easier for me?

**4.20 p.m.**

I am listening and I am hearing about the change of use, I heard the Member for D'Abadie/O'Meara speaking earlier, and the Member indicated, “well, you know we have this simple development, you change and you know, you are speaking about billboards and you are speaking about change of use”, and that was it. Had not the Member for Tabaquite spoken, that we would not have understood exactly what that meant.

So, therefore this is indicative then Members on the other side are not clear on what this Bill is saying. And so for my constituents, they are concerned. Why? Because my area is predominantly agriculture and so therefore, they want to know: Does the change of use apply to change of land use in terms of agriculture to residential? And therefore they do not know. Do they have to apply? Is it that this Bill will allow for the State to make it easier for the State to get change of use, but more difficult for private entities and commercial and so forth?

So, the question is: What is the value and the validity of the amendments that are being brought here for the little man on the street who applies to get change of use just like anyone else? It is not only developers and so forth as would be implied by the Member for San Fernando West. So, again the Minister needs to explain why the Trinidad and Tobago Council of Planners is being brought into these amendments and what is the justification when the rules by which you can become a member are not clear and transparent. That is very important for us on this side to understand that.

I was listening again to the Member for D'Abadie/O'Meara, and the Member spoke specifically about the three positions, you know, opening up and expanding. The words were "they were expanding" and then they said, you know, that jobs would become available and I was wondering, there were only three positions. How many persons can really apply for them? So, I think it is important for us to be clear, is it the positions that we are looking at, and again I have concerns as to why it is being done this way. I am only articulating the concerns of my constituents.

I am not going to speak about clause 8 because I think it has been properly ventilated by our side and I am going to speak about clause 10. It says that the Bill:

“...would amend section 89(1) of the Planning and Facilitation of Development Act by providing the Environmental Commission with the power to exercise jurisdiction over appeals of decisions made by a planning authority.”

And I am asking: Is there a time frame in which a person shall apply? And is there a time frame in which a person can in fact receive a response? So that, you know, that the appeals are not just pie in the sky changes in the clause. And my question again, also for clause 12, the Offences and Penalties of the Bill, which amends section 95(1) by deleting paragraphs (g) and (h) and I am asking, it says;

“Failure to comply with the provision of any development repair order or causing or permitting a contravention of the order to occur or to continue;”

—and it continues—

“failure to comply with any order made by the Chief Building Officer or an inspector under Part...”—

**Hon. Member:** Yes, I understand.

**Mrs. C. Newallo-Hosein:** Okay. I am asking the question, you know, developers right now divert watercourses, et cetera, and will this decision be retroactive? Because if it is retroactive I can see merit in it because of the fact that too many things are happening without the proper—without the authorities taking the proper checks and balances to prevent such abuse of power. And I know the various Members spoke about abuse of power, abuse of power, and we do not want the abuse of power. We want to be able to have proper checks and balances in place and so forth. And I ask the question, you know, the population will only follow our lead as leaders and if we as leaders disobey different laws that are in place, the



failure to comply with laws, what do we expect the population to do? You know they will not do any better than what we—so we have to set the example. [*Desk thumping*] We must set the example and do what is right. And when we do wrong we need to apologize. And there is nothing wrong with us apologizing. As a matter of fact, I think the nation needs to hear a lot of our leaders apologize because of the fact that there is a lot of wrongdoing that is taking place and no one is taking responsibility for it.

And so, putting in laws and amending it accordingly, and watering it down so that you can get it to suit whatever it is you want does not do the country any good. As a matter of fact, people look at us and they ask us the question: What are we here as parliamentarians and legislators for? Because the fact that a lot of the things that are happening are done arbitrarily and this must not be the appearance of how we operate in this Parliament. This Parliament is a hallowed House and it must be respected and given the due respect. And so I do not want to stay too long on it because I do not want to be repetitive in what my Members have indicated.

**Hon. Members:** You “going good”.

**Mrs. C. Newallo-Hosein:** But again we need to ask why it is we have flooding and constituency issues that need to be raised and—

**Madam Speaker:** Member, I heard you say, and I affirm that was a very good comment about not wanting to be repetitive. I am sure you are minded by Standing Order 55 (1)(b). So, continue, but be guided.

**Mrs. C. Newallo-Hosein:** Thank you, thank you, Madam Speaker. So, Madam Speaker, so we need to know how proactive, how vigilant, how attentive, how watchful, how cautious, how alert our institutions charged with the responsibility of protecting and safeguarding our environment, how aggressive are these

institutions and those charged with the responsibility of shielding, defending and guarding our priceless environment from the destructive nature of human behaviour. Because we have to be protected from us, you know, and so that is why we are here. So that we can protect ourselves as well. And so, if I may answer the question myself, it is abundantly clear that the institutions and those whose responsibility it is to safeguard our natural environment have fallen down on the job.

And therefore, we need to ensure that whatever we do here is not manipulated by the politics and by politicians and it is not “arm-stronged” into giving greenlight for development because somebody wants it. It must be done with proper planning and with proper order and with a future in mind. And this is what the PP Government did, Madam Speaker. When we implemented programmes and policies it was always with a plan and with an understanding. It was to safeguard the future and to protect our inheritance, to protect our patrimony. We are not seeing that today [*Desk thumping*] and therefore, we cannot sit idly by as parliamentarians and legislators and allow the natural environment to be shaped by our whims and fancies. It cannot be business as usual or the consequences will be grave, just as we witnessed first-hand just recently.

So, it is important for us to respect this—I do not understand the fact that we have this protection of our trees, and, you know, you can have someone just come out and ask for it to be removed. On what guidance? What authority? Is there something that is going to be—is there a guiding light that is going to allow for a person to actually make an appeal and for that appeal to be heard? On what grounds? Is there any framework to give guidance to that? So, I think all those things are very important so that when we stand to make law that is in fact good, it

is in fact beneficial and in fact that we have thought of the consequences.

And with those few words, Madam Speaker, I do thank you. [*Desk thumping*]

**Madam Speaker:** Hon. Members, it is now 4.28.48 p.m.. Would now be a convenient time for tea? I think so. So that, I think we will take the suspension now and we will resume at five o'clock. This House is now suspended we will resume at 5.00.

**4.29 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**The Parliamentary Secretary in the Ministry of Public Administration (Mr. Maxie Cuffie):** [*Desk thumping*]. Thank you, Madam Speaker. It is my honour to give support to this Bill, Planning and Facilitation and Development Bill. Now, we began this afternoon with the Member for Tabaquite, also agreeing to support the Bill, but I got an inkling from him of their side's approach to the debate. He started by declaring his personal interest and the reason why he is willing to support the Bill.

Now, we heard about his personal interest, I commend him for the number of jobs that he creates in his construction firm and the work that he does. Still, that should not be the only reason to support the Bill. He should support it because of the development it will bring to the country for the development, planning; and he got support from the Member for Cumuto/Manzanilla, who is my neighbour. And she should be aware of the implications of this Bill for constituencies like ours as the Member for Tabaquite, because my constituency is a Greenfield site, where developments are taking place all the time, all over the place, and as an MP, I meet on a daily basis, the people who suffer from the lack of planning control and what the planners do. One of the first problems I had to face as an MP was a developer

who decided to use the area that was reserved for a recreation ground to sell houses. And that is a problem we all face. What I like about this Bill is the office of the Chief Enforcement Officer, who will enforce recommendations of the Chief Planning Officer— Up to last week, a constituent came to me about their neighbour in La Horquetta turning a residential property into a garage. On a personal level let me declare my interest, I live in a community where next door to my house, and someone bought the property and turned a residential property into a brothel.

**Hon. Member:** Oh my gosh!

**Mr. M. Cuffie:** And we have had tremendous problems getting the Ministry of Planning and Development to treat with it. And people are—residents complain all the time. They complain to me, they complain to the MP. But this Bill provides an avenue for them to get redress. [*Desk thumping*].

I commend the Minister of Planning and Development for bringing this Bill here. Now, the Member for Tabaquite spoke about the fact that we have taken so long to do it. But I need to explain to them that much of the work we do as a Government is cleaning up their mistakes. [*Desk thumping*]. Things that were left undone under the People's Partnership. It is our pleasure to serve the people of Trinidad and Tobago by getting it right.

I think the Member for Cumuto/Manzanilla should be happy for this, because you should see all over your constituency. In fact, I know your constituents come to me about their water issues which arise out of unplanned development all across my constituency and yours. People tap into the water resources in an unplanned way, and the capacity is much less than was originally planned. And we need to have that kind of infrastructure to ensure that we treat

our constituents right. It is right to put responsibility in local government to better police planning.

With these few words, Madam Speaker, I thank you very much. [*Desk thumping*]

**The Minister of Planning and Development (Mrs. Camille Robinson-Regis):**

[*Desk thumping*] Thank you very kindly, Madam Speaker. Madam Speaker, before I go into the substance of my response to my colleagues on both sides who have made their interventions and contributions to this Bill, I would like to take this opportunity to say how pleased we are on this side that our colleague from La Horquetta/Talparo has been able to contribute to this Bill today. [*Desk thumping*] Madam Speaker, we are glad to see him continuing to mend, and we are very pleased that he was able to contribute today, and we really thank God for his continued recovery. [*Desk thumping*]

Madam Speaker, there were some issues that were raised in the contributions of the Members on the side opposite to ours in relation to the amendments that we have presented today. Let me say from the outset, Madam Speaker, that these amendments came as a result of looking at how this Bill could be most effectively operationalized. I have heard the Members on the other side indicate that we are taking a long time, we took too long to bring these amendments. But, Madam Speaker, if we did not examine the contents of the Act carefully we would not even reach to this point today because there were a number of things as we saw it that would have militated against the effective operationalizing of this particular Act.

Madam Speaker, at the time that we sat and worked with the Member, in particular, for Caroni Central, and he then was Minister of Planning and Development, there were a number of issues that we brought to the attention of the Parliament at that time. And even though we worked in the Select Committee of

the Senate to ensure that several amendments were made, not all of the issues that we brought to the attention of the Minister then were taken. And as a consequence of that when we became the Government of Trinidad and Tobago, we saw it necessary to reexamine this piece of legislation and ensure that the amendments that we felt were necessary to ensure that this Bill, this Act, could actually work for the people of Trinidad and Tobago were made. And, Madam Speaker, that is why we are before the House today with this Bill.

Madam Speaker, let me also say that for us on this side, it is passing strange that those who are in Opposition to us are talking about, and if I could just repeat what was said, are talking about “tin gods on pedestals of power”. And I think, I hope I am quoting the Member for Tabaquite, correctly, because it was under their Minister of Planning and Development that the Eddie Hart Savannah was going to be used to construct a sporting complex without any reference to the people in the area, Madam Speaker. And if that was not a tin god operating without proper instruction then I do not know what is.

Again, Madam Speaker, we look at the situation down at the foreshore where one developer was going to be given the opportunity to develop that area without recourse to anybody else, Madam Speaker. So that citizens had to go to court, just like citizens had to go court in the Eddie Hart recreation ground area. Again, Madam Speaker, if that was not a clear example of a tin god on pedestals of power, I do not know what is. *[Interruption]* Yes, I am thankful for that term, “pedestals of power”, because that was a clear example of a tin god on a pedestal of power.

**Dr. Tewarie:** Would you give way?

**Hon. C. Robinson-Regis:** No, I would not. And Madam Speaker, I am totally,

totally taken aback by the Member for Couva North talking about recourse with regard to the Aripo Savannah. Madam Speaker, that entire matter was ventilated right up to the Privy Council. And, Madam Speaker, what was found was that the Government had done what was expected of it by all the agencies, by the Town and Country Planning agency, by the Ministry of Works and Transport and by the Environmental Management Authority.

So, Madam Speaker, why would the Member for Couva North try to mislead by indicating that Aripo is being damaged? The EMA did every single thing it was supposed to do in order to ensure that it met every requirement. And the court has said that, Madam Speaker. So the Member for Couva North, you know better than that.

And, Madam Speaker, with regard to Sandals, for the umpteenth time, Sandals is not going to be built on the Ramsar Site. Madam Speaker, it is the Buccoo Reef is the Ramsar Site. Madam Speaker, I wrote it down, so that, I would not even make the mistake, it is the Buccoo Reef and it is the Bon Accord Lagoon that are Ramsar Sites.

**Mr. Hinds:** What are Ramsar Sites?

**Hon. C. Robinson-Regis:** Ramsar are environmental protected areas, wetlands in particular—

**Mr. Hinds:** Yes.

**Hon. C. Robinson-Regis:**—that are protected by the United Nations and by the United Nations Environmental Authority. Madam Speaker, totally incorrect, totally incorrect. But, Madam Speaker, they are wont to do that, wont to mislead the population. [*Desk thumping*]

Now, Madam Speaker, it is clear that they either did not read the Bill before

coming here or felt that they just needed to say something. Let me put on record, in relation to the regulations— Even my colleague from Tabaquite, who declared his interest, said he is a developer and, Madam Speaker, he has spoken to me about several issues. But, Madam Speaker, he raised the issue of the regulations, whether we will have regulations. There are regulations. And, Madam Speaker— sorry?

**Dr. Rambachan:** Are you using the same regulations?

**Hon. C. Robinson-Regis:** Madam Speaker, the regulations exist. They were laid. And, Madam Speaker, give me the opportunity to just say what they are. The Planning and Facilitation of Development, General Development Order, Legal Notice 171 of 2015. The Use Classes Order, Legal Notice, 172 of 2015. The Application Fees Regulations, Legal Notice 173 of 2015. And, Madam Speaker, just to be clear, as you know, this Act comes into effect by proclamation. Similarly, the Legal Notices will come into effect by proclamation of the Act and additionally the regulations were made with a commencement clause. Madam Speaker, again, did they even read before they came to make their contribution?

Now, Madam Speaker, I want to talk a little bit about that issue with the plot sizes and multiple family use for smaller plot sizes. Yes, we have had a history of small—in some areas, like areas like Belmont and other areas where plot sizes are smaller. But, Madam Speaker, that issue of using multiple dwelling or multiple families on smaller plot sizes also has a corollary, and that is the issue of ensuring that you have the proper infrastructure. Because whereas if you have one house on a small plot size, you would have the proper sewerage and so on for a family—let us say even if it is a family of seven. But if you have the same plot for families of seven by four, that is 28 people, Madam Speaker, and you must have the proper



infrastructure, proper parking, proper sewage disposal, proper water. So, Madam Speaker, it is not that we are doing things without thinking it through.

Madam Speaker, planning particularly on a small island has to be carefully thought through. And unlike what may have happened previously, this Government is not going to be caught with a situation where we do not think these things through and where we do not act carefully in the interest of all the people of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, there was some concern with regard to the cost of houses. And I found that very—almost strange to hear coming from those—my colleagues opposite. Because, you would recall, Madam Speaker, that it was under the purview of the Member for Oropouche East that the attempt was made to almost exclude an entire group of people from being able to access low-cost housing. You would recall that it was the HDC under the last administration that was raising the threshold for persons to be able to access so-called “low income or middle income—lower-middle income houses”. Our colleagues on the other side raised that threshold so a whole group of people could not access housing through the HDC.

**5.20 p.m.**

Madam Speaker, it took this Government to return to a proper policy [*Desk thumping*] to allow what the HDC’s mandate is, to provide housing for lower and lower-middle income homeowners. So I am very surprised when I am hearing that we are not providing proper thresholds for people to be able to access housing. Madam Speaker, with regard to the inclusion of TTALGA—first of all, let me indicate that when we indicate who should be on the committee, it does not exclude—it does not mean that you cannot co-opt people. It does not mean that

you cannot co-opt people to sit on the committee for particular purposes. What was felt was that TTALGA gave the opportunity to expand that committee to ensure that the local government bodies were properly represented on that committee.

Madam Speaker, in any event the Chief Medical Officer would have to participate; in any event somebody from the OSH would have to be spoken to at some point in time. But, it does not mean that by not having them on the committee you cannot access information from those persons. So, Madam Speaker, I want to allay those fears right away.

Madam Speaker, I just wanted to talk about the pilot projects. As I said previously, we are not doing things without looking at all the consequences, and the intention is to ensure that Chaguanas is part of the pilot project, Port of Spain, the THA, and San Juan/Laventille. Interestingly, San Juan/Laventille has already started putting everything in place to ensure that they can hire those persons with the skills that are necessary to become planners within the local government system, but that has not been taking place in many of the other corporations. San Juan/Laventille, I must say, has been very proactive in ensuring that. They have started labelling, having job titles already in keeping with the Act that will be proclaimed. So I think they need to be commended for that.

Madam Speaker, one of the things that I think was raised, and it is a very salient point, and that is the issue of enforcement. At present, under the current legislation, enforcement is a very long and tedious process. Under this Act the entire enforcement process will take place under a much shorter time frame. It will also mean that illegal activity can be stopped almost immediately. Whereas now there is a long drawn-out process before an enforcement can take place, under the

Act the process is going to be much shorter, and I think that is very commendable. In addition to that, right now enforcement officers or development control officers have to go throughout the length and breadth of Trinidad and Tobago to see if people have been acting illegally. Under this Act it will be easier. The different planning authorities will have the ability to enforce with almost immediate attention, and that is to be commended.

Madam Speaker, I think, essentially, those are the areas that were raised. One of the things that I just want to also bring to the attention of this House is that, in relation to the contravention of enforcement mechanisms, stricter penalties will be imposed under this Act. Whereas now, the Town and Country Planning, if you are convicted under summary convicting, it is between \$750 and \$1,500, and \$300 for each day that the offence continues. Under the Act it will be \$100,000 and up to six months imprisonment, and in the case of a continuing offence, a further fine of \$10,000 for each day after the first day during which the offence continues.

The Act also introduces penalties for bribery and that is very, very important for us in Town and Country Planning, because we have heard stories of persons trying to bribe people to give them planning permission and it is clear that this needs to stop. We have had a number of reports. We have done investigations, and that will continue.

Madam Speaker, I just want to indicate that the Ministry of Planning and Development has started the process of transforming the building and development permitting system in the Town and Country Planning Division. We have three projects that are moving in this direction, and those are the online one-stop shop for planning and building permits, the conversion of the historic development application files and map records into a digital format, and the improvement of

service delivery at the Town and Country Planning Division.

It is our intention to ensure that these projects will develop into making sure that the Town and Country Planning Division, and when this Act is proclaimed, is re-engineered and the entire construction permitting system will be improved in such a way that it removes any complications, any redundancies in the present process, and will be able to provide a 24/7 service to not only the planners but those persons who actually have put plans for—have presented plans to the Town and Country Planning Division for approval. Madam Speaker, it is clear that when this Bill is approved, and when this Act is proclaimed in its complete way, that there will be an improved system for Town and Country Planning.

I want to say that this has not taken—it has not been an overnight process. It has been a process that has taken many iterations, and so when we came with these amendments it was to ensure that, in fact, what we presented to the people of Trinidad and Tobago was the best piece of legislation [*Desk thumping*] that could be proclaimed, and that it would function in such a way as to provide the best service to the people of Trinidad and Tobago. Madam Speaker, I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*Clauses 1 to 4 ordered to stand part of the Bill.*

*Clause 5.*

*Question proposed:* That clause 5 stand part of the Bill

**Madam Chairman:** Minister of Planning and Development.

“A. In sub-clause (a) delete sub-paragraph (a)(i) and substitute the following:

‘(a) the Director of Planning who shall have-

- (i) an undergraduate degree in the field of urban and regional planning and a post-graduate qualification in urban and regional planning or a related field; or
- (ii) an undergraduate degree in a social, environmental or design science and a post-graduate degree in urban and regional planning.

both of which are to have accredited status and have been granted by an institution accreditation under the Accreditation Council of Trinidad and Tobago Act; and’.

B. Renumber sub-paragraph (a)(ii) as sub-paragraph (a)(iii).”

**Mrs. Robinson-Regis:** Thank you very kindly, Madam Chairman. Madam Chairman, we have an amendment to clause 5 that is before us. The amendment has been circulated. I do not know if you need me to go through the amendment. I do not know if there are any questions on the amendment.

**Madam Chairman:** Yes, Mr. Lee.

**Mr. Lee:** To the Minister: Could you just clarify what was the cause for this amendment, please?

**Mrs. Robinson-Regis:** There was a discussion previously about persons who may have had the degree in planning and needed to have the Master’s in order to be able to become the Director of Planning. What we sought to do is to make sure that even if you had a degree in a different field you had to have a Master’s in planning, so that we would cover a broader spectrum of people to be able to apply for the position of Director of Town and Country. In addition to that, we wanted to

ensure that the degrees were accredited by the Trinidad and Tobago Accreditation Council. So, Madam Chairman, it is to ensure that there is a broader group of people who can be looked at for the position of Director of Planning.

**Mr. Lee:** Thank you.

**Mr. Chairman:** Good. Member for Caroni Central.

**Dr. Tewarie:** If you would note, Madam Chair, the requirements here are much more specific and detailed than they would be for the other two offices which are lower down, in terms of the manner in which the qualifications and the requirements are outlined, and I do not want to argue about this, but I just want to say, clearly, that it seems an anomaly to me that you would outline the requirements for the Chief Building Officer and the Chief Enforcement Officer in a certain way, but that for this specific issue of the Director of Planning, you would have this elaborate requirement, including accredited status, Accreditation Council of Trinidad and Tobago, et cetera. I would like to make that comment and put it on the record.

**Mr. Al-Rawi:** Madam Chair, I would just like to say, with respect to the observations made by the Member for Caroni Central, it is a well-known fact that the Solicitor General's Department, in trying to perfect the qualifications for boards and for appointees, that there is often litigation and there is often confusion where there is a lack of specificity. And, therefore, just out of an abundance of caution so that there is no lingering doubt as to the intent behind this clause, this clause is intended to cure a mischief, which the Minister of Planning and Development has clearly set onto the record. In fact, it is by far more helpful to draft it in this fashion than it is to leave it without clear positioning in terms of accreditation, in particular, and there is a fact that our laws do recognize this. Attorneys-at-law, under the Legal Profession Act, are subjected to the accreditation

issues. Doctors, under the legislation to govern medical practitioners, dentists and engineers, and therefore there is ample precedent in the *lex corpus* of Trinidad and Tobago for this sort of approach.

**Madam Chairman:** Minister of Planning and Development.

**Mrs. Robinson-Regis:** Thank you very much, Madam Chairman. The Attorney General has spoken to the issue of the other professions already having the need to be accredited. So there was no need to put it here. But, Madam Chairman, one of the things that—two things that we try to do, in the Act itself, it is very clear and it is very specific what the qualifications need to be for all the positions. With regard, specifically, to the Director of the National Planning Authority, this is the highest post in this establishment. As a consequence of that we had to be very specific about the post and the accreditation.

And may I say that, as the Member for Caroni Central well knows, this Bill has an accompanying Bill, which is the urban and regional planners Bill that will be coming, and the Member for Caroni Central was in part and parcel of the drafting of that, and he knows that there is a need to be very specific as it relates to the Director of Planning.

*Question put and agreed to.*

*Clause 5, as amended, ordered to stand part of the Bill.*

*Clauses 6 to 8 ordered to stand part of the Bill.*

*Clause 9.*

*Question proposed:* That clause 9 stand part of the Bill.

**Madam Chairman:** Minister of Planning and Development.

“Delete clause 9 and substitute the following:

“Section      Section 73 of the Act is amended-

- 73  
amended
- (a) in the definition of ‘professional governing body’ in paragraph (d), by inserting after the words ‘urban and regional planners,’ the words ‘the Trinidad and Tobago Council for Urban and Regional Planners,’; and
- (b) by deleting the definition of ‘simple development application’.’.’”

**Mrs. Robinson-Regis:** Thank you very kindly, Madam Chairman. With regard to this, in particular, I alluded to it in my explanation of the amendment to clause 5, which is that there is an existing governing body of planners. However, in the Bill that will be coming to the House, there is specific reference, the urban and regional planners, and as a consequence of that we felt it was necessary to put this in these amendments rather than having to come again after we passed that specific piece of legislation. So we have put it in at this point.

May I also speak to the deletion of the simple development application? Madam Chairman, in the Act itself there was a definition of “simple application”, and we felt it necessary to delete this and put the definition of “simple development”, in an effort to ensure that there was clarity with regard to what exactly was a simple development, because there was no definition of “simple development”, in the Act.

**Madam Chairman:** Member for Caroni Central.

**Dr. Tewarie:** Madam Chair, the change on “simple development” is neither here nor there. It moves it from one place to the other, and I do not object on those grounds. I do not see why it was necessary. The problem I have here though is with this issue of the words, “the Trinidad and Tobago Council for Urban and Regional Planners”, which is now being sort of the circumscription within which



the Director of Planning would come from. And I would rather that this matter be settled in the Bill that is to come rather than have a situation here in which the Chief Planning Officer, the Director of Planning, is hemmed in into this Bill which has not yet come to the House, Madam Chairman, so it is not law. Although the commission exists, it is not law in Trinidad and Tobago, and therefore we are anticipating and putting into this law, on the basis of a law that we intend to pass, and, for that reason, I have a very strong objection to its inclusion here.

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Madam Chair, thank you for allowing me. Madam Chair, the reference to the professional governing body is in fact elsewhere in the Act, so I cannot understand the submission of the hon. Member because this Act was intended to articulate with that body and is specifically referenced in this Act. So to say that it is anticipatory now is to say that it was anticipatory in 2014 when we passed the Bill. So, respectfully, I can find no sense of logic in the submission coming opposite. It is not anticipatory to say that the reference is something to be frowned upon, and it is a clear anchor from the existing provisions of the Act, which the hon. Member was not only the Minister in charge of, but took to Cabinet to proclaim in part.

**Madam Chairman:** Member for Caroni East.

**Dr. Gopeesingh:** Madam Chairman, I am a little surprised to hear the Attorney General speaking about the issue of anticipation, but, right at his left hand side, the Leader of Government Business just mentioned that that Bill has not come yet but she is bringing it, the Member is bringing it here to fill the role of what is supposed to come. So when my colleague mentioned that you are anticipating an issue when it is not there, and which he was unhappy with, I echo his sentiments about our unhappiness, Attorney General.

**Mr. Al-Rawi:** Madam—

**Mrs. Robinson-Regis:** Madam—

**Madam Chairman:** Just now.

**Mrs. Robinson-Regis:** Sorry.

**Madam Chairman:** Let me just hear the Member for Caroni Central.

**Dr. Tewarie:** You know, I was very clear in the objection I raised, Madam Chair. As you are aware, and I know that the Attorney General understands what I am objecting to, so I will ignore everything he said in his statement. What I am objecting to is the Trinidad and Tobago Council for Urban and Regional Planners being inserted in this Bill, because there is a Bill that might come to the House, of which I am well aware, which will establish that entity as a legal entity. That entity is not established by law—

**Hon. Member:** The cart is before the horse.

**Dr. Tewarie:**—okay, and that is the matter that I am objecting to. If the Attorney General wishes to speak to that, or the Minister of Planning and Development wishes to speak to that, that is fine, but, you know, please Attorney General.

**Madam Chairman:** Minister of Planning and Development.

**Mrs. Robinson-Regis:** Thank you very much, Madam Chairman. Madam Chairman, section 73 of the Act, as it exists, speaks to the Urban and Regional Planning Profession Act.

**Mr. Al-Rawi:** (d)

**Mrs. Robinson-Regis:** Madam Chairman, if my—

**Dr. Tewarie:** Which one is that?

**Mr. Al-Rawi:** Page 276.

**Mrs. Robinson-Regis:** The Act at section 73 speaks to:

“...the Urban and Regional Planning Profession...”

—an Act, an Act which does not exist. So if my friend's argument is that we are speaking about something that does not exist and so we should not include it, then, Madam Chairman, it should not have been included from the outset, and that was in 2014. So, Madam Chairman—[*Crosstalk*—if I may be allowed to make my argument, Madam Chairman, in addition to that, this is a piece of legislation that comes into effect upon proclamation. So it is not enforced, Madam Chairman. In addition to that, under the rubric “professional governing body” we talk about the architects, professional governing body; we talk about the engineers, we talk about the land surveyors. And in the very Act that was referenced in the Act that my friend passed in the Parliament, he talked about the urban and regional planning profession Act, and in that Act, that is an Act that we will be bringing to Parliament, and that Act talks about the specific council which these urban and regional planners would have to be accredited by, and would form the professional governing body. So, Madam Chairman, the argument is spurious in that in the very Act that my friend brought to the Parliament he talked about an Act that he anticipated. So it is a spurious argument. I beg to indicate that it is spurious.

**Dr. Tewarie:** Madam Chairman—

**Mr. Chairman:** Just a minute. I will take the Attorney General, and I will hear you as the last on this. Attorney General.

**Mr. Al-Rawi:** Madam Chair, as my role and function is to advise on the law, at least to the Cabinet, and under the Constitution, I wish to give Members comfort that there is ample precedent for exactly what we are doing, and I need only reference the land package, the Registration of Titles to Land Act, the Land Adjudication Act, the Land Tribunal Act, each of which reference another piece of law not yet proclaimed or not yet in existence. So to make the argument today, most respectfully, that one ought to stay away from something, even though it is in

the parent law, I need only point to a recent example of the law where this has been well traversed. So this argument, respectfully, does not fly, nor am I in a position to say, as the hon. Member did, that I could understand what is in the hon. Member's mind. That is for the hon. Member.

**Mr. Chairman:** Member for Caroni Central, and this is the last word on this, please.

**Dr. Tewarie:** Yeah. All I would say, Madam Chair, is that—I did not find it in the parent legislation which I was looking for to see, but I would be comfortable with it as it is, that is to say, a professional governing body, and I am very uncomfortable with actually putting the name of the Trinidad and Tobago Council for Urban and Regional Planners here at this point in our history.

*Question put and agreed to.*

*Clause 9, as amended, ordered to stand part of the Bill.*

*Clauses 10 to 13 ordered to stand part of the Bill.*

*Clause 14.*

*Question proposed:* That clause 14 stand part of the Bill.

**Mr. Chairman:** Minister of Planning and Development.

“Delete clause 14 and substitute the following:

‘Consequential amendment Chap. 35:05	14. The Environmental Management Act is amended in section 82-  (a) in subsection (1), by deleting the word ‘five’ and substituting the word ‘six’; and  (b) in subsection (3), by inserting after the words ‘engineering,’ the words “urban and regional planning, ’.’”
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**Mrs. Robinson-Regis:** Thank you very much, Madam. Madam Chairman, as

indicated in the debate today, it was necessary to ensure that certain—I am trying to find a slightly different way of putting it. But, Madam Speaker, what we found is that because of the fact that the EMA, the Environmental Management Act, articulated so closely with this specific piece of legislation because of the number of things that needed to be done in relation to the Act itself under the Town and Country Planning, the EMA, the Environmental Commission, it was clear that there would be consequential amendments to the Environmental Management Act.

And, Madam Chairman, because of that we had to ensure that the number of persons that we were putting on the Commission was increased. So, therefore, we had to increase that number from five to six, and in addition to that we had to be very specific about the type of profession that we were putting—adding—on to the commission. One of the things that we found is that if in fact the Environmental Commission was to act in the way that is supposed to act in relation to this Act when people have appeals, it was necessary to have certain professions on the commission. As a consequence of that we made these amendments so that, in fact, we would have the requisite qualifications and the requisite skills on the commission. So, Madam Chairman, that is the reason for the amendment that is currently before the House.

**Madam Chairman:** Member for Caroni Central?

**Dr. Tewarie:** No, I am fine.

*Question put and agreed to.*

*Clause 14, as amended, 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.*

**5.50 p.m.**

### **INTRODUCTION OF BILL**

**Madam Speaker:** Hon. Members, we will now revert to a matter that was previously deferred.

### **FINANCE BILL, 2018**

A Bill to provide for the variation of certain duties and taxes and to introduce provisions of a fiscal nature and for related matters. [*The Minister of Finance*]; read the first time.

*Motion made:* That the next stage of the Finance Bill, 2018 be taken on Wednesday, December 12, 2018. [*Hon. C. Robinson-Regis*]

*Question put and agreed to.*

### **ADJOURNMENT**

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**

Madam Speaker, I beg to move that this House do now adjourn to Wednesday, the 12<sup>th</sup> of December at 1.30 p.m.

**Dr. Moonilal:** Why not Friday?

**Madam Speaker:** Hon. Members, there are three matters that qualify to be raised on the Motion for the Adjournment of the House. I have been advised that two shall be proceeded with today. I now call upon the Member for Oropouche East.

### **Flooding in South Trinidad (Government's Casual/Ineffective Response)**

**Dr. Roodal Moonilal (Oropouche East):** Thank you very much, Madam Speaker. It is a long time I have not had this type of matter. Ten minutes I believe it is? Thank you.

The matter before us this evening for the Motion, the matter on the adjournment, relates to, and I will just read it for the record: The casual and

ineffective response by the Government to the escalating incidence and severity of flooding in south Trinidad, and the lack of any cogent plan for flood mitigation and prevention in the southern flood-prone areas.

As members of the national community would be aware, for the second time in two years persons in my constituency, the constituency of Oropouche West, Siparia, Naparima, Fyzabad—it deals with the south areas, but in Caroni and other places as well—experienced a most horrible and traumatic event in the aftermath of the October 19<sup>th</sup> or thereabouts, flooding. In just 30 seconds I will indicate to you, Madam Speaker, to the national community and to the Minister, that I do not want to carry on about the emotion of flooding and the inconvenience and the trauma. Many of us have spent hours and days and sometimes weeks in floodwaters.

You cannot begin to understand the gravity of the problem unless you yourself live in a house that is flooded away. I really believe that no one here, unless I am mistaken, would have been in that situation where you are lying down on a bed, and then the water is two feet below the bed, floodwaters with all the reptiles and disease and the water that would carry all of that in it. We do not know what it is like to go into a kitchen and see a refrigerator, a stove lifted on blocks, and below the blocks we have water. We may not know what it is like to see a family, and go into the floodwaters with our boots, sometimes without boots, to deliver dry food, to deliver, you know, emergency supplies in some cases.

So, I do not want to go into that. I think that the pictures, the dramatization, the media have done a lot of that and I do not want to do that.

Minister, the matter relates to the response of the Government. Now, when we raise matters of flooding, we are often told, and I am praying that we are not told today, we have had unusual rainfall. Now, every time it floods, the rainfall is

unusual. We have had situations: people building in low-lying areas, planning permission they do not have, “dey breaking de law, people throwing fridge and stove in de river”. We know all of that, and that has been going on, I put it to you, since 1962 or before, many of those problems. Yes, gGovernment will continue to play a role to uphold the law, to ensure that does not happen.

But, Minister, I want to tell you that part of me really, I do feel a little sorry for you, because in the two years you have been in office you have been plagued by problems with a sea bridge. You have been plagued with problems with flooding. You have been plagued with problems with the transport infrastructure. You have been plagued with problems with “pothole on de road”. You are just unlucky that way. I think somebody stole a bus as well, with you as Minister of Works and Transport. My heart goes out to you. I think it is just something like luck. When I meet in the corridor with you, I might suggest what you can do about that. But, Madam Speaker, the matter before us is really, what we are going to do about flooding.

Minister, let me say in the beginning that your solution to this must be short term and long term. I have heard you speak about the Curepe drainage plan for that project. I heard you about Port of Spain. I heard several things from you that you at least recognize that there is a serious problem, as there has always been that problem. Telling us that we had unusual rainfall does not help, because next year we could have unusual rainfall. So you have to tell us whether unusual rainfall is a one-off situation. If it happens next year, I would like—I have drafted a few lines for you, if you could take it from me and put it on the *Hansard* today, to indicate to the national community that “recognizing the flooding problem that took place this year, I pledge that by the work I am going to do as the Minister of Works and Transport, this flooding problem will not happen next year, regardless of the level



of rainfall”. By your good works you can tell us.

Now, a Minister cannot prevent rain from falling. Let us be very clear. There is a point in which a Minister may not even prevent flooding. We know that if you have excessive rainfall you will have a few inches of water in the road, the box drains would flood up and so on, but Minister, surely you have a duty, a very strong duty, to ensure that what happened this year will not happen next year.

While I appreciate your coming out there, albeit I believe the national community is always concerned with the quickness and the responsiveness of governments, not every government responds the same way, not every Minister responds the same way. You are in a Cabinet with about 25 of you, not everybody has the same style. Cabinet Ministers have their style and so on. It is not everybody would be on the scene “one time”, as some do.

But your job, Mr. Minister, and I put it to you quickly because we do not have much time here, I am not sure that your job is to hand out “plastic bucket and mop”. I am not sure your job is to “tote mattress into people house” and to come back and that type of thing. That is a good job. That is for volunteers, local government representatives, activists, NGOs and so on, and some of us, because we do not have executive authority, some of us will do that. We carry no executive authority.

I am not sure the Minister of Works and Transport is defined by giving out “plastic bucket and mop”. Minister, you are defined by your programme, what you put in place. And quickly I will tell you, I had an opportunity to be Minister of the Environment for a short time before my friend from Chaguanas West “huff dat too”. But he is my great friend, so we share a lot. And one night Parliament finished 12 o'clock in the night, an official from the EMA called me and “tell me dey want me come on a beach six o'clock in the morning to pick up garbage”.

Now, I will not tell you the unparliamentary language I used. But the point I was making to the agency under me is my job was not to pick up garbage, it was to ensure that we put policy programmes in place so that all the garbage would be picked up. And we did that with CEPEP Marine, where in one year we picked up 50,000 tonnes of debris, plastic and so on. [*Desk thumping*]

So your job really is to put the programme in place and to fight at the level of Cabinet and the Ministry of Finance for the resources that you need to conduct the works.

Now, in solving the problem in south, Mr. Minister, surely there is a long-term solution, a drainage plan. You may even have institutional change in your mind, a national drainage authority, a water management programme. That is good, but your time is running out, you are in the second-to-last year of your term, if it runs, and you do not have time on your side for those kinds of long-term business. You have time on your side to do some emergency work: cleaning the rivers, de-silting, paving and walling of critical watercourses, and so on.

In our area, Mr. Minister, I could tell you in the couple of minutes, we have had the opportunity where constituents of mine, in particular one constituent, the former Member of Parliament, Mr. Trevor Sudama, who is always on target with this matter because he has almost the cadastral in his head and he knows the entire watercourse, he knows the area, wrote to the Minister Fitzgerald Hinds on 23 November, 2015, indicating the problem. There was no response from that Minister, and then he left. But, Mr. Minister, I can tell you the paving of the Cuchawan River in Debe is a fundamental step in the right direction.

I had written to you before, I had asked you, there is a part of the river in the vicinity of the Debe Hindu School, if that is just cleared, not even paved, if it is cleared alone, that would prevent the Debe Hindu School from flooding, and every

year it rains, every year the Debe Hindu School floods and every year the children stay home. That is a simple thing, it will not require a lot of resources. That one we put to you, the Cuchawan River at Debe.

There are several rivers and watercourses in the area. As you know, the country swings from east to west, and the rivers come from the Barrackpore area into Penal/Debe and then out to the Mosquito Creek. So we have several rivers there. In the Mohess Road area, in the SS Erin Road in the vicinity of Big Apple there, a big river. We have as well, the Gandhi Village area, the Cuchawan River. If those rivers at different points are just cleared and work done in those areas, you will be shocked that you will not have flooding.

In the few minutes I have left, Madam Speaker—how much, five?—one, I was close. I call on the Minister—look, you know the problem. You have been there, I saw you there giving out your bucket and so on, and that is fine. What are you going to do so that next year October/November the problem occurs, you can come up in the Parliament and beat your chest and say, “Look, Penal, Debe did not flood this year because of the steps we took to deal with the river courses, the watercourses, the areas”. Because you may be doing good work, but you may be doing work that does not bring the benefit because it is not the specific areas that need to be cleared.

In the Mohess Road area for example, one piece of that river along Mohess Road, if it is paved and walled, will prevent two villages from being “flood away”, and these are the areas. Because it is not a whole river you have to clear, it is really pieces and pieces along the way that come close to villages. I am hoping that you could shed some light and give us your good work and your good intentions that you will save us from this disaster next year.

Thank you very much.

**The Minister of Works and Transport (Sen. The Hon. R. Sinanan):** Thank you, Madam Speaker. I was smiling a little while ago when the Member was pointing out all the challenges that I had, and he was sorry for me because they stole a bus, and I was laughing. My colleagues tell me, “doh laugh”. I said, “Well, the reason I am laughing is if he sorry for me for just someone stealing a bus, I sorry for the last Prime Minister, dey nearly take de whole Treasury”. [*Laughter and desk thumping*] That was just to bring a little—[*Crosstalk*]

**Madam Speaker:** Minister of Works and Transport, please proceed.

**Sen. The Hon. R. Sinanan:** Madam Speaker, based on the Motion before us today, which seeks to establish whether the casual, ineffective response by the Government to the escalating incidence of severe flooding in south Trinidad, and the lack of any cogent plan by the Government for the flooding mitigation and prevention of southern flood-prone areas, I take this opportunity to once again respond to the honourable House on this matter.

Madam Speaker, the hon. Member quite correctly spoke about coming and talking about the amount of rainfall and so, and he did not want to hear about those things, but it is important that we understand what we are dealing with.

There is a Motion before the House which I will not speak on that was filed, I think it is, by the Member for Caroni Central, about climate change, and I think the fact that a Member could file a Motion on climate change, it shows how important climate change is, and the effect that climate change is having on us as an island, and it is one of the main reasons why we have been having so much flooding. If I could just quote the Secretary General of the United Nations, Mr. Ban Ki-Moon at the time, who stated that climate change will define the issues of our era.

Madam Speaker, just to give you an indication of what we dealt with in

November in terms of the rainfall, because I keep saying that flooding has to do with the volume of rain and the capacity of our watercourses. On the 14<sup>th</sup> of November, 2018, in Barrackpore there were 10.2 millimetres of rain. In the wettest month of the year you normally would get 266 millimetres of rainfall per month, but on November 14<sup>th</sup> in Barrackpore we got 6.2 millimetres, in Penal, 6 millimetres, that was on the 14<sup>th</sup>. On the 15<sup>th</sup> in Barrackpore we got 129.8 millimetres and in Penal, 111.6 millimetres. What does that say? In one day—in one day—in Barrackpore and Penal, we got half of the rainfall for the wettest month of the year.

Now, how could our channels and watercourses handle that? Our watercourses and channels would have been developed maybe 60 or 70 years ago, when the average rainfall might have been less than 200 millimetres per month. Now, we are getting 266 millimetres in the wettest month, and in one day we got half of it—in one day.

**Dr. Gopeesingh:** But there are still measures that can be taken.

**Sen. The Hon. R. Sinanan:** I agree there are measures that have to be taken, but as the hon. Member said, there are short term, medium term and longterm, and we are looking at the short term, medium and long term.

What the Ministry did in the last year: In the southern area in Trinidad, which includes the Member for Oropouche East's area, there were 57 projects put up that came to Parliament and were approved by the Cabinet for desilting rivers and watercourses in San Fernando. Those 57 projects were completed, and I have a list here that I can circulate, 100 per cent completed. The engineer in charge of the southern area asked for 10 additional projects. They were granted the 10, and 100 per cent completed. All the rivers that the hon. Member spoke about were completed.

So cleaning of the rivers, yes, that has to be done, but the bottom line is the capacity of the water. The new cut channel—we keep hearing about a new cut channel. Even me as Minister, went in and was asking, “So how new this is”? This is 60-odd years old; this has outlived its usefulness now. So we are looking at the long term where we have to look at new channels. We have to look in terms of areas where we can pond the water, so we know that. That will work alongside the desilting and the raising of the embankment in some of the areas. These are some of the things that we saw on the tour, and these are some of the things that we have in the programme going forward. With that, the repairs of the gates, the pumps and so.

But if we continue to get this level of rainfall, which seems to be the new norm in Trinidad and Tobago, because of the climate change, there is something called “personal responsibility” that has to step in. Because each and every one of us has to be responsible. You all just debated a planning Bill, without going into the planning Bill this is one of the areas that we fell down in as a country. We talk about personal responsibility, but even in the areas that are flooding and that we get the most damage to, it is really the low lying areas or the swampland. And what you have there is a pooling and a ponding of the water that takes a much longer time to run off, and it is a simple reason for that. That area was designed that way.

What you have happening now is that people are building in these areas because of the cost of land and so. These lands were cheap and people acquired the land. I saw in Woodland, a castle going up in the swamp, a house like a castle, built like a castle. You can go and see it, I am sure you know about it. I looked at it and said, well, if I have to write a story on that, it would be “The Castle in the Swamp” or “The Castle in the Lagoon”. At the end of the day, what it was, it is

somebody filled up the swamp and they built a house looking like a castle.

And this has been the story in the Woodland area, and most of the low-lying areas. It is just because we have a culture in Trinidad where, one, we look at the riverbanks, we build on the riverbanks. You go to the East-West Corridor you see the same thing. In the south you see the same thing, in central. It is time we take the responsibility to understand that look, we have to sort of understand that we are in a new norm.

I met people in the Oropouche constituency, Penal/Debe, where they were calling me to tell me, “Look, yuh know dey need de river clean”. When we went down they actually built on the riverbank, and there were malls. I am not talking about houses; malls, and they said well, they are here 18 years now. Madam Speaker, 18 years ago the channel in the river could have handled the capacity of water. Yes, you utilize the reserve, we need the reserve now, because we have to expand the channel.

So, as politicians we have to get away from the fact that whenever there is flooding we blame somebody. This problem spans generations of governments, because it was a culture that fell down on the job, where enforcement was not the order of the day. And most of the rivers you see, we have to clean a piece and then we have to leave and go and clean a next piece. The reason for it, there is no access to clean the river because people built on both sides of the river, and unfortunately as politicians if we try to put enforcement you will see the same politician who wants the river cleaned, go and say, “But yuh cyah break down de people house”.

We have to start to address—as the hon. Member said—running with “bucket and mattress”. How long are we going to do that for? We cannot continue to do that. Look what happened with the cheques. I went to Woodland, a guy

Flooding in South Trinidad (cont'd)  
Sen. the Hon. R. Sinanan (cont'd)

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came out to me, he said, “Minister, ah glad ah see yuh”. I said, “What happen”? He said, “Come and see my house”. Four sheets of ply, built in the swamp and his problem, he did not get his last cheque as yet, so he wants to know if he could get “two cheque dis time”. We have developed a culture where once there is flooding it is a handout.

The Member is saying that he does not want to see the Minister giving out anything, but I remember the last time the said Minister said, “You all came down in de area with allyuh hand swinging, not even a Crix biscuit”. So the problem is that as Ministers, yes, we go out there, we do our work, we create the policy, we do what we have to do, but there must have a little human element in it as well.

So, Madam Speaker, I am not going to debate whether the flooding was the Minister’s fault.

**Madam Speaker:** Hon. Minister, your time is spent.

**Sen. The Hon. R. Sinanan:** I want just to say that yes there are plans in place, short, medium and long-term. Thank you.

**Former Temporary Petrotrin Workers  
(Calculation of Severance Packages) Mr. David Lee:** (*Pointe-a-Pierre*):

Madam Speaker, I filed this Motion on behalf of hundreds of my constituents who worked at Petrotrin. Let me just read out the Motion: The failure of the Government to create an equitable and reliable formula for the calculation of severance packages for hundreds of former temporary employees of Petrotrin who were dismissed after years of service without any form of compensation.

Madam Speaker, just last week Friday, November 30<sup>th</sup>, right here in Parliament we were, where we saw the sending home of over 5,000 employees, last week Friday, from Petrotrin. I am happy to see the Minister here because I really talk on behalf of, not only my constituents who went home without anything,



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but also for the Member for Tabaquite and other fence-line communities, that employees went home without anything.

**Hon. Member:** La Brea too.

**Mr. D. Lee:** Madam Speaker, it is interesting to note that the Government of the day could not pay all temporary employees who worked for years, some gave over 20 years' service, and they went home with nothing on Friday last.

Madam Speaker, when I go through the media, on November 28<sup>th</sup>, Wednesday, on the *Newsday*, the headline on the front page:

“NOT A BLACK CENT  
600 temps out Petrotrin severance package”

Since 30<sup>th</sup> of August when the Government of the day started to announce the closure of Petrotrin—and I want to read some articles into the *Hansard*. On Monday, 30<sup>th</sup> of August:

“Espinet: Employees will be treated fairly

All the employees will be treated in a ‘reasonable, equitable and fair manner...’”

This was stated by the Petrotrin Chairman Mr. Wilfred Espinet. This was on August 30, 2018. Even the Minister of Finance who is here, on 31<sup>st</sup> of August, two days after the announcement of Petrotrin's shutdown, the Minister of Energy and Energy Industries publicly announced:

“nobody will be leaving Petrotrin hand to mouth, they will have serious benefits...”

**6.20 p.m.**

And the Minister of Energy and Energy Industries went on further to say, “I know most of these workers, I supervised them” because he used to work at Petrotrin, and he cared for them.

So, Madam Speaker, he will be well aware that, given the hiring practices at Petrotrin, a lot of the workers who were given over 20 years would have been employed in the category called “temporary”. But, most of them would have worked to close to—over eight, nine months out of the year. These individuals went home with nothing last week Friday.

Madam Speaker, in an article on November 29<sup>th</sup>, and I want to read some actual workers, Robin Rose 47 years old who worked eight to 10 months out of the year from 1991 to 2003. He had a letter of temporary employment and he went home with nothing. A rigger Roger Mitchell, 49, a rigger for 28 years at Petrotrin went home with nothing. Dexter Applewhite, 56, who started to work in 1980 at Petrotrin, and Nigel Jaggessar who is 51, started in 1987, over 31 years of service with the refinery. They went home with nothing. Madam Speaker, they also had an individual who suffered a stroke when he was told that he was going home with nothing.

So, Madam Speaker, it is interesting to note that when this was posed to the chairman, Mr. Espinet, he said he could not come up with the formula. A formula, but he was able to shut down an entire organization worth billions of dollars in the country, generated millions, billions, for this country and he could not come up with a formula of trying to be fair to the people and the workers at Petrotrin; [*Desk thumping*] that is pure callousness on their part.

Madam Speaker, when you look at one, a single mother Gabriella Martin who gave 16 years’ service in the administrative department, classified as “temporary”, went home with nothing.

So, I really hope that this evening the Minister could come here and really find a formula to be able to give the temporary workers who gave years of service to Petrotrin something to go home for this Christmas season because they promised

each and every worker of Petrotrin that they would be paid something and they would be paid handsomely, and that is far from the truth as we speak here today [*Desk thumping*] There is anomaly. Some individuals who in the past five years who were temporary got something to go home. Some who were temporary for over 20 years—I know an individual—and became permanent in the last five years, only got compensation for the last five years when they were considered as permanent. For the 20 years before they got nothing.

So, Madam Speaker, what I have done?—there is something called a TD4 slip, because maybe the record keeping at Petrotrin is poor, and you would have been able to go back to those TD4 slips for the years, because they would have given you the amount of weeks that they would have worked per year, and based on that formula maybe you could have treated the temporary workers with some equity. [*Desk thumping*] So there is a formula you can come up with, because you cannot tell me that you can send—close down a billion-dollar empire, and cannot come with a formula.

So, I really hope that this Minister of Energy and Energy Industries could really come and give some clarity and hope to the temporary workers who were sent home on last week Friday with nothing to feed their families.

So, Madam Speaker, I will give way to the Minister now to tell this population what they are doing for the hundreds of temporary workers that were sent home last Friday with nothing to feed their families. Thank you, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Minister of Energy and Energy Industries.

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** [*Desk thumping*] Thank you very much, Madam Speaker. Madam Speaker, the rationale for the cessation of operations of Petrotrin has been clearly

articulated by this administration. The company had reached to a point where it was severely haemorrhaging, and would have required substantial infusion of capital simply to maintain the status quo. With annual losses of \$2 billion this was clearly unacceptable. The mismanagement of capital projects and the lack of adequate commercial judgment destroyed value to the point of insolvency.

We looked at all options, and we came up with a redefinition of the oil sector, the state oil sector in Trinidad and Tobago. We formed four new companies: Heritage exploration and production, Paria Fuel Trading Company, Guaracara Refining, Trinidad Petroleum Holding and, of course, Petrotrin, which would have been the legacy company to take care of legacy issues including employees' pension and outstanding legal matters.

We are not shutting down the energy sector. We are remodelling it to suit the modern environment. Exploration and production will continue to be the lifeblood for the energy sector. All permanent employees were paid their terminate package consistent with the collective agreement between Petrotrin and the OWTU. It is important to note, Madam Speaker, that the termination benefits defined in the collective agreement was an enhancement of almost 75 per cent of the statutory level defined in the Retrenchment and Severance Benefits Act.

Additionally, the collective agreement does not make provision for cessations of operation—I am looking for Couva South—but refers to redundancy and retrenchment. However, in the spirit of reducing the impact to those affected, it was decided to apply these terms to the cessation of operation; that in itself is a major concession.

It involved the payment of \$2.7 billion, money that Petrotrin does not have, money that the State does not have, money that the Exchequer does not have, money that the Minister of Finance does not have. This \$2.7 billion included

termination payments, back pay, outstanding vacation leave and processed promotion.

Additionally, the collective agreement provides for early retirement with full pension benefits to all employees 50 years and over; 1,350 persons qualified for that. So 1,350 people got severance, added to which they got their gratuity and added to which they got an immediate pension. They are all laughing to the bank. But, there were some people who were not as fortunate.

Listen to this carefully. In the same vein, Petrotrin elected to make provisions for temporary workers. Historically, Petrotrin adopted a practice of engaging temporary workers as a method of managing the fluctuation in the demand for manpower; nothing is wrong with that. Over time this practice became entrenched and exorbitant. These workers were not supposed to work more than 150 days in any one year. As a clear distinction from permanent employees, the temporary workers were paid a gratuity at the end of each working period.

So every time you were engaged and you finished work for the year, you were paid a gratuity and you started back next week, you know. The gratuities were calculated on the length of the temporary engagement and were in lieu of accrued benefits that may be considered reasonable expectation of employment. So they were always being paid termination benefits at the end of a cycle.

In essence, each temporary employee received a redundancy payment at the end of every engagement by the company. The company therefore, had no obligation, legal or otherwise, to these workers; that is the fact.

The hiring practice, the practice of hiring temporary workers, terminating him and paying him gratuity and then rehiring him shortly thereafter, gave these individuals an expectation that they could depend on the continued income, and so cessation of company's operation would have an impact similar to that of a

permanent worker; we have to recognize that.

The company therefore, saw it fit to make provisions for those temporary workers who would have seemingly seen Petrotrin as their only source of income by virtue of the recurrent period of engagement.

In setting the criteria to accommodate persons engaged as temporary workers, one had to be mindful that persons in this category should not be paid higher than full-time employees.

Further, consideration was also given to the fact, and listen to that, Member for Pointe-a-Pierre, to the fact that a substantial number of temporary workers were converted to permanent employment in 2013; that is what you just referred to. One had to therefore ensure parity between those who were converted and those who remained on the temporary pool for the last five years.

It is clear, therefore, that the decision to treat with temporary workers was not one that was taken lightly nor was it addressed superficially. Given the wide range of tenure and the employment duration, the decision to pay all temporary employees on the payroll for 12 months prior to August 2018, and who had served a minimum aggregate of 750 days over the last five years, or an average of 150 days per year over the last five years was the only equitable approach.

You had to develop a formula that was balanced. You could not—and no company in the world would pay every single temporary or casual payment ex gratia on the termination of an operation. The result was the payment of \$30.4 million to 1,229 out of 2,230 non-permanent employees, or 55 per cent of the total contingent work force.

There is still hope. The new companies are setting up, there will be re-employment, there will be additional activities, there will be greater service company activities. These temporary workers very likely could find employment

with the service sector. Because the issue with Petrotrin is that, to work in the energy sector you do not necessarily have to work with Petrotrin. You could work with a service company, you could work with a drilling company, you could work with a work-over company, you could work with a coil tubing company, and activities will be created because the investment will now be taking place in exploration and production, and in particular in the south-western peninsula.

So, I think we have been fair, we have been balanced, the permanent workers were treated according to the collective agreement. The temporary workers, while they were not entitled to anything, we made a significant overture to them, where 55 per cent of them got a substantial benefit. Okay? With that said, Madam Speaker, I thank you. [*Desk thumping*]

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.32 p.m.*