

*Leave of Absence**Tuesday, June 11, 1991***SENATE***Tuesday, June 11, 1991*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. President: Hon. Senators, I have granted leave of absence from today's sitting to Sen. Haji Ralph Khan. I have also granted leave of absence to Sen. Michael Mansoor for the period June 6 to June 16, 1991.

SENATOR'S APPOINTMENT

Mr. President: I have been advised that his Excellency the President has appointed Dr. Kenneth Ramchand to be a temporary Senator with effect from June 10, 1991 and continuing during the absence from Trinidad and Tobago of Sen. Michael Mansoor.

OATH OF ALLEGIANCE

Mr. President: Hon. Senators, one temporary Senator is required to take his Oath of Allegiance at this stage, and I request everyone to stand while this is taking place.

Sen. Kenneth Ramchand took and subscribed the Oath of Allegiance as required by law.

**JOINT SELECT COMMITTEE
(NOMINEES)**

Mr. President: Hon. Senators, I have received the following letter from the hon. Nizam Mohammed, Speaker of the House of Representatives:

"I wish to refer to previous correspondence in connection with a Joint Select Committee on:

- (a) The Report of the Constitution Commission 1987;
- (b) Requests by various organizations and individuals for public holidays in Trinidad and Tobago,

and to inform you that at a Sitting held on Friday, June 7, 1991, the House nominated the following Members to serve on the committee: Hon. Selwyn Richardson, Dr. Emanuel Hosein, Hon. Gloria Henry, Mr. Trevor Sudama, Mr. Kenneth Valley.

The Senate is accordingly requested to appoint and nominate an equal number of its Senators to join with those Members appointed and nominated by Members of the House to consider and report on this matter."

Sen. Alloy Lequay: Mr. President, in response, I beg to move; Be it resolved, that this Senate agree to the appointment of the following Senators to serve on the Select Committee with an equal number appointed and nominated by the House of Representatives to consider:

- (a) The Report of the Constitution Commission 1987;
- (b) Requests by various organizations and individuals for public holidays in Trinidad and Tobago.

The hon. Senators are as follows:

Hon. Broomes, Hon. Hochoy Charles, Sen. Amrika Tiwary, Sen. Dr. Prakesh Persad, and Sen. Allan Alexander.

Question put and agreed to.

PAPERS LAID

1. Urban and Rural Development in Trinidad and Tobago, a Labour Intensive Approach, May 1991. [*Sen. Alloy Lequay*]
2. Agricultural Development Bank of Trinidad and Tobago 1991 Loans Programme and Budget. [*Sen. A. Lequay*]

ORAL ANSWERS TO QUESTIONS

Sen. Alloy Lequay: Mr. President, with your kind leave, Sir, I have been advised that the hon. Acting Minister of Labour, Employment and Manpower Resources will be here to answer the question. Since he is not yet here, may I respectfully request that it be taken at a later stage of the proceedings.

Question put and agreed to.

NATIONAL TRUST BILL

Order for second reading read.

The Minister of Youth, Sport, Culture and Creative Arts (Hon. Jennifer Johnson): Mr. President, I beg to move that a bill for the establishment and incorporation of the National Trust of Trinidad and Tobago and for matters incidental thereto be now read a second time.

Mr. President, the need for legislation to protect the country's national heritage has exercised the concern of citizens for over two decades. During that time, it has been brought constantly to the attention of successive governments without any response. Both Jamaica and Barbados passed such legislation many years ago, and the need for it in Trinidad and Tobago is at least as great. This country has an immensely rich and varied heritage; that much is well-known. What is not known is that it is vulnerable to destruction.

The heritage may include any work of man or of nature which illustrates the nation's development or character or which is of significant intrinsic interest. At one level, this includes material objects or natural phenomena which, in the absence of special protection, are liable to deteriorate and sometimes to disappear with the mere passage of time, quite apart from the probability of accidental damage at the hands of unwitting citizens.

At another level, opportunities arise from time to time for informed persons to profit by destroying or exporting items which, while in private ownership, form part of the national heritage thereby impoverishing the society for their own personal gain.

More often, perhaps, it happens that items in private ownership but of national importance may be destroyed, lost or damaged through the ignorance or unconcern of the owner, or because he simply is unable to provide for its proper maintenance and security.

The state itself owns many items of importance which may deteriorate from mere neglect in the absence of special arrangements for their care. These dangers can only be averted if an organization exists which is specially charged with the duty of identifying and caring for the articles, monuments, buildings or sites which form important parts of the national heritage and armed with the powers necessary to effect and discharge these duties.

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Trinidad and Tobago, with all its natural and aesthetic beauty, has for very many years taken this supreme gift for granted and has done little or nothing to protect or preserve what very many of our Caribbean neighbours have looked upon with ever increasing envy. It may come as no surprise to the hon. Senators to hear that Trinidad and Tobago is perhaps the only Caribbean nation which today has no specific bill that was purposefully drafted to protect and preserve the natural or built heritage of our nation. Very many individuals and well-meaning groups have in the past pleaded with previous Governments of this country to formulate policy for preserving our swamps and our wetlands, our wildlife, our forests, our rivers and streams, our exotic trees, our seemingly over-abundance and variety of flowering trees and shrubs. Today, even some of the known, rare insects that are indigenous to Trinidad and Tobago are only to be found by those persons who refuse to share openly, knowledge of the secret locations of these precious creatures.

I refer here to the world famous bird-eating spider. I am told its body can be as large as a man's fist. This is merely an isolated example of the many things that are rapidly becoming rare and will be extinct if we were to continually ignore our national patrimony. It is now common knowledge that Tobago's coral reefs are in imminent danger of disappearing altogether with its hundreds or perhaps thousands of species of marine life.

1.45 p.m.

Mr. President, we, the people of Trinidad and Tobago have never had the protection of an Act to adequately prevent the despoliation of our town parks and playing fields. Our built heritage—some of the finest example of tropical architecture in the Western Hemisphere are to be found here—have been reduced to visibly less than half of what was standing proudly in the last 30 years.

We have lost untold quantities of our prehistoric past. Knowledgeable or curiosity seeking visitors would rummage around known sites in Trinidad and Tobago and remove to their homelands, precious pieces of pottery and stone that would otherwise accurately reveal our Amerindian ancestry.

Even today we have no way of adequately preventing a treasure seeker from removing anything from an ancient vessel that may be lying in our territorial waters. Sadly as it may seem, our researchers have discovered that no known government has successfully taken on the task of the function of a National Trust that covers the area of protection and preservation of our natural and built

heritage, simply because custody of the variety of things to be protected would fall into the laps of numerous ministries and their many departments, not all of which are quite clear and/or alert at recognizing when an urgent decision is required that would prevent the extinction of a national treasure. But Governments, by necessity, work slower than any alert and vigilant body whose sole objective is the protection of our national heritage.

By Minute No. 2080, dated November 12, 1987, Cabinet recorded its decision that the National Trust of Trinidad and Tobago Bill be introduced into Parliament at the earliest opportunity. However, the bill was delayed on two occasions in 1987 and in 1988 in order that adjustments, which arose as a result of recommendations made, could be incorporated. The bill was introduced in the Senate in 1990 but lapsed due to the July 27 events. What is being done today is really a reintroduction of the amended bill.

Two questions arise as we go into this exercise today: Why is a National Trust necessary? To what extent is a National Trust feasible, having regard to certain provisions of the national constitution? If we can answer these questions reasonably and logically, we should find little difficulty in passing the bill before this Senate. The answers to these questions are crucial to the fortunes of the bill, especially in light of the recommendation of the Legislation Review Committee, that Cabinet consider whether it should be published for public comment.

The justification for a National Trust lies in the evolution of our society into a politically independent state. Central to this political status is the national identity which makes the Republic of Trinidad and Tobago a sovereign state among the nations of the world. It is the responsibility of the state to ensure that a wide variety of cultural objects which form part of the cultural patrimony of our people are preserved, protected and kept in trust, not as the property of any single individual, but for the enjoyment and upliftment of the general public, the nation as a whole.

It is with extreme difficulty that any one person or individual would be capable of maintaining, in good condition, this type of property as a private concern. In any given state, only a minority of the citizens have this capability. The only reasonable arrangement is to place such property in "public trust", to protect them at public expense, and to maintain them with public funds.

The bill before the Senate is intended to protect and preserve from loss, deterioration, wilful or accidental destruction, the natural and scenic beauties of

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the country, the monuments of historical antiquity, the outstanding architectural creations in the country by natives or past inhabitants, the sites of the military history of the country, ancient structures that have played a part in our national development both secular and religious. The bill is intended to protect the archaeological heritage and pre-historical civilizations of the ancient Aborigines, from illegal and careless destruction, through land development on sites of ancient settlements.

In order to empower the proposed council to act effectively, the bill, in the preamble, requires a measure of constitutional accommodation enabling the council to act extraordinarily in respect of private properties which have potential national heritage status. The owners of such properties have an option to appeal against acquisition or to request the council to act as guardian of the properties. This is a reasonable safeguard against any attempt on the part of the council to abuse its powers. This question of the council's alleged unlimited power is hereby answered by this provision in the bill.

Questions have been raised about the types of items over which the bill proposes to give the council authority. In clause 5—General Provisions of the Trust—the functions are spelt out in (a) to (g). These functions constitute power over:-

- (a) land retaining natural features;
- (b) property other than land and buildings thereon;
- (c) access to lands for the public enjoyment;
- (d) research into animal and plant life;
- (e) compiling photographic and other records; acquiring, repairing and maintaining all listed property;
- (f) power to make the public aware of the beauty of the natural and cultural heritage of the country;
- (g) power to conserve and preserve properties of artistic and historical interest.

The granting of these powers to the council which the bill seeks to effect does not, in any logical sense, depart from the customary jurisdiction of "National Trusts". The items in the list are all the normal categories of property which qualify

for protection and preservation for the use and enjoyment of the public. In the absence of the National Trust, such items run the risk of deterioration, destruction by natural means or by human neglect.

The question of access to such property is important. The bill, quite correctly, seeks power of entry for the Trust since, without such power, the care and attention necessary would be impossible. The matter of conflict between the Trust as proposed and other existing agencies with kindred objectives has been raised. As much as such interest shown by certain lay bodies is admirable, it must be noted that the responsibility for the conservation and preservation of the cultural and historical heritage against destruction and loss cannot be abdicated by the state. To leave such a service and obligation up to private enterprise, personal inclination or ambition, is to take the risk of getting substandard and indifferent service in a crucial area of national significance.

This Government has every confidence that this bill is a very worthy one. It may have been long in coming but, in hindsight, we now have an abundance of information on the success of similar legislation in other countries so that this bill should, in every respect, be superior to those that we have studied.

Mr. President, I beg to move.

BUSINESS OF THE SENATE

Mr. President: Before proposing the question for debate, we had deferred question time because the Minister was on his way to the Senate. Is it the wish of the Senate to proceed with question time?

Assent indicated.

1.55 p.m.

ORAL ANSWERS TO QUESTIONS

Maternity Benefits

28. Sen. Wade Mark asked the Minister of Labour, Employment and Manpower Resources:

- (a) Is the Minister aware that female workers are still being dismissed and denied their statutory maternity payments by employers in unorganized industries and where the Minimum Wages Orders are not applicable?

- (b) Could the Minister indicate what measures are being taken to amend the relevant legislation so as to invoke statutory maternity leave with pay for female workers particularly those who are unorganized by the Trade Union Movement?

Parliamentary Secretary in the Ministry of Education (Mr. Oswald Hem Lee): Mr. President, hon. Senators, I just wish to express my gratitude in the Senate for deferring the time.

The Minister of Labour, Employment and Manpower Resources is aware of such dismissals of female workers as are brought to the attention of the Ministry. These dismissals are typically reported as industrial disputes between employers and their respective workers. The Ministry's conciliation officers would seek an industrial relations solution to the problem.

As far as I am aware, the only statutory maternity benefits to which female employees are entitled, where the Minimum Wages Orders are not applicable, are those which devolve from the relevant provisions of the National Insurance Act.

In the context of the Ministry's conciliation proceedings, however, the denial of such benefits may not necessarily be brought to the Ministry's attention since the Compliance Department of the National Insurance Board is the competent authority to whom complaints should be made in this regard.

With regard to the second part of the question, I must confess that as far as national insurance maternity benefits are concerned, no amendments have been contemplated to the National Insurance Act at this time. However, Cabinet agreed on May 31, 1990, to the increase of the maternity benefit grant from \$50.00 to \$500.00. This grant is a one-time payment which is made in addition to the weekly allowance over a period of 13 weeks to which pregnant workers are also entitled.

As far as the Minimum Wages Orders are concerned, Orders had previously been made for the benefit of household assistants, petrol filling stations employees and retail shop assistants. All of these Orders contained provisions for the grant of maternity leave with pay to pregnant workers.

Finally, Mr. President, I wish, through you, to give the assurance that in conformity with the practice of the international community at large, the Government of Trinidad and Tobago strongly upholds the principle that all pregnant workers should be entitled to enjoy leave with pay from their employers without any fear for their job security whatsoever. Thank you.

Sen. Mark: Mr. President, could the Minister indicate whether the Government of Trinidad and Tobago is prepared to take any steps to invoke legislation to protect those workers who are currently unorganized, and are victims of that kind of situation?

Mr. Hem Lee: Mr. President, of course, the Government will consider all options in order to protect all citizens and, particularly, those citizens who may not come under the ambit as spelt out in the answer that I have given. The option is open to the Government. Surely, I have no doubt that it will be looked at some time.

Security Guards

29. Sen. Wade Mark asked the Minister of Labour, Employment and Manpower Resources:

- (a) Could the Minister indicate what measures are being taken by his Ministry to provide protection to unprecepted private security guards?
- (b) Could the Minister also state whether the Government has any intention of establishing minimum wages orders to cover, and ultimately establish minimum standards of pay and working conditions, to unprecepted private security guards?

Parliamentary Secretary in the Ministry of Education (Mr. Oswald Hem Lee): Mr. President, this matter has been referred on February 14, 1991 by the Minister of Labour, Employment and Manpower Resources to the Minimum Wages Board for its attention. The matter is engaging the attention of the board at this time.

Sen. Mark: Could he answer (b) of the question?

Mr. Hem Lee: Mr. President, (b) is also included in the answer, since all matters have been referred to the board at this time.

Sen. Mark: Could the Minister indicate to the Parliament how soon that matter would be addressed by the Minimum Wages Board?

Mr. Hem Lee: Mr. President, the board is an independent body, and the Minister has informed the board of the urgency of the matter. I am convinced that the board is, indeed, addressing the matter with the type of expedition that is required. Thank you.

Minimum Wages Order

30. Sen. Wade Mark asked the Minister of Labour, Employment and Manpower Resources:

Could the Minister state when the new Minimum Wages Orders are to take effect and whether petrol station service workers are to be covered by these Orders?

Parliamentary Secretary in the Ministry of Education (Mr. Oswald Hem Lee): Mr. President, the draft Minimum Wages Orders in respect of household assistants, retail shop assistants and persons employed in the catering industry were published on September 21, 1990 for public comment.

Comments in this connection were submitted to the Minimum Wages Board by the public as required by the extended deadline date of November 16, 1990.

After due consideration of these several comments, the board submitted its final recommendation to the Minister of Labour, Employment and Manpower Resources on May 9, 1991. These recommendations are now engaging the attention of the Ministry of Labour, Employment and Manpower Resources.

Although the matter of the fixing of a new Minimum Wages Order in respect of petrol filling stations employees had been referred by the Minister to the board, simultaneously, with the referrals in respect of household assistants, retail shop attendants and persons employed in the catering industry, petrol filling stations employees were not included in these recommendations from the board.

The Minister has been advised that the board has not yet concluded its consultations or deliberations in this regard. The Minister has been further advised, however, that the board is expected to complete its work in this connection, shortly. Thank you.

Sen. Mark: Mr. President, could the Minister indicate when was the last Minimum Wages Order established in Trinidad and Tobago? Also why is it taking so long to give protection to tens of thousands of workers who have become victims of low wages and poor working conditions in unorganized industries in Trinidad and Tobago?

Mr. Hem Lee: Mr. President, unfortunately, I do not have that information with me at this time. If the Senator wishes the answer to that question, once he

goes through the normal process, I am certain that he would get the answer required.

Sen. Mark: Mr. President, through you, when are those Minimum Wages Orders going to be invoked so that those workers who have been exploited in this country could be given some justice? He said, shortly. When is shortly?

Mr. Hem Lee: Mr. President, as I indicated, the board is an independent body and the Minister would try to use suasion over it. As soon as the board is ready these things will come to the knowledge of the hon. Senator. That is the best I can say on this matter.

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Question proposed.

Sen. Dr. Prakash Persad: Mr. President, every country should take measures to protect its heritage. As this bill is for debate, it is our duty to point out the flaws and deficiencies in the bill, and we intend to do so. I know fully well that the Minister might think that the bill is perfect, having been praised, I understand, on Sunday by a writer of fiction who has gone now to be a writer of bad fiction. I will move on to the bill as they seem anxious for me to do so.

2.05 p.m.

It would seem that the bill is heavily weighted in terms of the preservation of buildings. Now if you look at a similar bill in Barbados, as mentioned by the Minister, it is under the general heading of "Environmental Development" and the bill is called National Conservation Commission. We are saying that a country's heritage is a bit more than the buildings because in any country, governments are merely trustees for the countries in which they rule. In this instance, this present Government is the trustee for environment and land that belongs to Trinidad and Tobago. It is sad to see that no specific measures are being made to protect the environment. Whilst mention is being made of preserving the areas of national beauty *etc.*, legislation for the protection of the environment, *per se*, is not included specifically. Now the environment is our heritage; it is everybody's heritage and it is every responsible government's duty to ensure that future generations inherit this heritage unspoilt.

The reason I choose to focus on the environment is because there are serious problems with the environment. I quote from a report—

Mrs. Johnson: I thank the hon. Senator for giving way. I would like to draw his attention to the fact that a bill on the protection of the environment has been passed in this House and in the other place, some 18 months ago.

Dr. Persad: I am fully aware of that and my point should be brought out as I indicated.

As I said before, the environment forms part of one's heritage and as I mentioned the last time I was here, time and time again bills are passed and there is no enforcement of these bills. What happens and what are the end results? Maybe in her winding up, the Minister can reply.

As the Minister has said, 18 months ago the Environmental Bill was passed. Have our rivers improved? They have not. I live on the banks of the San Juan River and I have first-hand experience. If anything, the state of the rivers has become worse and one needs to focus on that clearly because this deals with more than the environment; it is a heritage.

I grew up near the rivers, you could have gone to the river and have a bath because the rivers were relatively clean. That is part of the heritage. Is it not what this bill is all about, preserving people's heritage? Can you do that now? You cannot.

I quote from a report, "The Impact of Agricultural Pollution on the Environment of Trinidad and Tobago" by one, Prakash Ramlakhan, a Caribbean Studies project, 1986. He concludes that there is serious pollution of the rivers by agricultural pesticides in this country. Maybe the Minister could indicate if the situation is any better now. He says:

"Furthermore, the overuse of fertilizers constitute another problem. The end result of this is that the heavy rains—

Mrs. Johnson: I really apologize for interrupting the hon. Senator but he is introducing an element that is not in this bill at all—the element of the environment. I have no objection to him proceeding but I hope that I, too, will have the opportunity to introduce elements of the environment in my reply.

Dr. Persad: Mr. President, at the beginning of my contribution I indicated—

Sen. Furness-Smith: If the hon. Senator wishes to introduce the environment in this debate, could he tell us whether the environment should be deemed to be property of interest or in some other way to be specified and be

brought under the control of the Minister's proposed commission or council? We cannot introduce environment into this debate without reference to the bill, which is to establish a national trust. His ideas, I am sure, are very helpful but could he relate them to the bill?

Dr. Persad: Again, I have to repeat myself. At the beginning of my contribution, I stated clearly that I was going to point out the deficiencies in the bill. Furthermore, obviously if the Minister talks about parks, an area of natural interest, does that not constitute part of the environment? Maybe I should sit and let the hon. Senator tell me if ponds, rivers and parks do not form part of the environment. *[Interruption]* Mr. President, as usual, he makes some mischievous, malicious comments. I will therefore continue.

Again I will repeat myself that the environment and part of what the Minister seeks to introduce legislation to protect, form part of the environment and they impinge. For instance, as hon. Sen. Broomes mentioned some time ago about the tourist potential of the Taj Mahal, he is fully aware—and I am sure he is fully aware because he seems to be a very knowledgeable Minister—that the problem with the Taj Mahal right now is that the industrialization of Agra has caused serious damage to the Taj Mahal. The sulphur content has become yellow; it is cracking instead of being marble white. The Taj Mahal is a trust and belongs to the heritage of the Indians and the environment impacts upon it. So my rationale is that if one does not protect the environment, how then can one protect the buildings?

Mrs. Johnson: Again, I hate to interrupt but may I ask which Taj Mahal is he talking about? Is there a Taj Mahal in Trinidad and Tobago?

Dr. Persad: It seems that people hear but they do not understand. I was drawing a reference to the fact that the environment impacts upon the buildings you want to preserve, the lands that you want to preserve, all these sorts of things. May I point out that there is only one Taj Mahal in the world and the Minister should not ask where it is. Maybe she should consult Sen. Broomes, he seems to be more knowledgeable on these matters.

2.15 p.m.

Mr. President, one must take appropriate measures to protect the environment, otherwise this piece of legislation will not be enforced as is usual with the previous regime and this regime; that certain aspects would be neglected and the bill itself would come to nought because clearly, the environment affects historic buildings.

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They deteriorate with time and age and they suffer the ravages of environmental decay.

Mr. President, what we are saying is that one must look at the environment carefully and the effects of the environment on the national heritage. One must consider that and one must take appropriate measures to ensure that there is no negative environmental effect on the national heritage, for instance, the accumulation of pesticides in the rivers which run off to the sea. As the Minister pointed out, you have environmental laws and nothing is done.

I quote from the UWI Biological Society, *Bio-spectrum*, page 25. The name of the article is the "Bio-availability of heavy metals in the Gulf of Paria". We have a big industrial estate on the west coast and there is pollution in the air and the sea. The authors, Dr. Chang Yen and Dr. Hall concluded that there were a lot of heavy metals, specifically copper, iron, nickel and cadmium being found in fishes in which people eat. It is a dangerous thing, other than the fact that it damages the environment. Now if we want to preserve the Gulf of Paria in its natural state, do you want to tell me that if we continue dumping all these heavy chemical effluents into the Gulf of Paria, it is going to be preserved in its natural state and beauty? Are you saying that you can bathe in Granville Bay as part of our national heritage the same way? Are you saying that we should not consider it? Because you cannot. It is affecting the marine life, the food chain. Maybe Sen. Sampath would comment on that afterwards—positively, I hope.

The very things which you try to preserve would not be preserved if you do not look at the environmental considerations. What I am saying is that this bill should have looked at that in some way. It must, otherwise this whole exercise becomes fruitless and a waste of time. The very same Stollmeyer's Castle and the Other Sisters, as they are called, that you want to repair to their original state, what is going to happen if you do not look at the exhaust fumes from the vehicles?

Mr. President, the number of registered vehicles in 1989 was 368,734. You have sulphur-oxide, sulphur-dioxide exhaust from these vehicles that can go on to form sulphuric acid that attacks buildings. They do. So what is the point of spending millions of dollars repairing these fancy buildings and they are damaged again? Are you telling me that the legislation which was passed 18 months ago, looked at the contents of emission of gas engines? Because that is important. Or are you looking at short-term preservation?

Sen. Spence: Mr. President, we keep on referring to the legislation which was passed 18 months ago. Was the Environment Bill, indeed, passed in this House?

Dr. Persad: Mr. President, the hon. Minister indicated that it was passed and, therefore, being an hon. Minister, I naturally took her word for it. I should not take her word for it, is that what you are saying?

Sen. Furness-Smith: On a point of order. The hon. Senator said that he knew about that. He has joined the Minister in what I suspect, was a mistake but he cannot blame her.

Mr. President: If I can set the records correct, I am advised that there has been no bill on the environment passed in this Senate 18 months, or two years.

Sen. Lequay: Mr. President, let me just add to that statement that bill No. 34 of 1989, entitled, “An Act to provide for the National Environment Authority for preparation of the national environment policy for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental thereto” was, in fact, circulated but was never debated and passed. I merely make the point to clarify that there was, in fact, a draft bill.

Dr. Persad: We knew there was a draft bill and the Minister said that it was passed, so I assumed that she knew what she was saying. Obviously not. But in any event, then even the Minister would agree that I should delve into the environment a bit more.

Mr. President, as I was saying, in 1989 the number of vehicles registered in Trinidad and Tobago—and the source is the Central Statistical Office—was 368,734. As we all know, we use leaded gasoline in Trinidad. There is a range of gasoline available for use in engines and we are at the bottom of the range. It is the worse kind of gasoline. I understand that steps are being—

Sen. Atwell: Perhaps, the Senator would tell us what is the gravity and the range and what specifications and so on. I do not think he can make a statement and say that we are getting bad gasoline.

Sen. Furness-Smith: On a point of order. We are now progressing from the environment into gasoline and I am sure the hon. Member and the hon. Senator could have an interesting afternoon discussing the leaded content of our gasoline. The submissions about the environment and the leaded gasoline are totally irrelevant to this bill. The bill is very clear; unless the hon. Senator is simply saying

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that unless we improve the quality of our air and rivers, it is pointless to bring this bill because the National Trust will not be able to do its work. I do not think he has and I do not think he could go that far and I submit that this line of argument is irrelevant.

Mr. President: First of all, we started out on the assumption that an environment bill had been passed. We have now cleared the air that no environment bill was passed. It is difficult to, sort of, split hairs sometimes. We are talking about the preservation of historic buildings. The Senator is contending that if gasoline which is being supplied, is of a low quality and that the fumes from the gasoline affect the buildings that this bill is seeking to protect, I cannot rule. He has an hour to speak and anything that he says can be refuted when other Senators join the debate. He has his point of view and he wants to make it.

2.25 p.m.

Dr. Persad: Thank you Mr. President. When I started, I had an hour. I think it has been reduced to half an hour now by the number of interruptions.

As I was saying, it is about time that the effects and the chemical content of the emission of diesel fuel be looked at and something be done about it, because it has a detrimental effect on our national heritage.

We have looked at the environment, agriculture and the seas. Also part of our heritage, as the Minister herself pointed out, are the animals that are unique to Trinidad and Tobago, the animals that come and those that live in Trinidad and Tobago. I quote from an article by Molly Gaskin in the *Trinidad Guardian* of Monday, May 13, 1991, page 9—

"Leatherback on the brink of extinction

We are destroying a long chapter of earth's history"

Yearly we witness this horrible senseless slaughter of turtles on the East Coast. How is this legislation going to change that? Is it going to change it or are you just going to pass legislation, then the Government says, "No, we have no money for paying game wardens to patrol the area; we do not have money for that. We have money to indulge in standpipe politics." Is it going to change? We are destroying a long chapter of earth's history, the turtles. What measures are we going to take?

The Minister went into great details about the bill "...different grades of buildings and individual architectural merits..." There is no detailed regulations on

the preservation of animals. If you feel that the environment is unimportant, well, maybe—certainly you would not do it—some other government would pass legislation on the environment. The legislation that you have passed did you not seek to protect the animals, as you yourself have pointed out?

Dr. Sampath: Mr. President, is the hon. Senator aware that we have had legislation passed here which has resulted in a ban on hunting for a prolonged period so that animals may, in fact, breed? Is he also aware that there is in existence, a Wild-Life Farmers and Breeders Association which has been established for the specific purpose of protecting these animals so that they can be let out into the wilds eventually? Is he aware of these two things that this Government has supported?

Sen. Rampersad. Mr. President, could the hon. Senator tell this honourable Senate, what has leatherback turtles got to do with the building and land heritage of this country?

Dr. Persad: Mr. President, as in the article I quoted from the *Trinidad Guardian* of Monday, May 13, 1991, the leatherbacks are still being slaughtered. They live in the wild. They come from the deep seas somewhere out north and come to lay their eggs in Trinidad. I do not know whether these fellas have a farm for morocoys but what I am saying is that unless the Senator refutes this headline, and says it is not true, I am not too sure what point he is making.

So I think that specific measures should be included in your schedules for the preservation of animals. If you speak to forest rangers, they would tell you that they are short staffed for patrols of the Mathura Bay. There is not much they can do about it and the slaughter will continue. There is no point in passing legislation if it cannot be enforced and implemented. The Litter Act was passed so long ago, are there any litter wardens around? Where are the litter wardens? The dumping of refuse in rivers continues unabated, if not increasing. Where is the enforcement? This is the point we are making. You must have enforcement. If you do not have enforcement, then making laws is a waste of time.

On this issue of environment, I would end with a note, that maybe the Senators who have in their minds more of a precarious interest would probably consider, that while they are repairing these historic buildings, until we control the environment, buildings are going to degrade again and maybe they should address their minds to the issue of environmental insurance. Because, if you are going to

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protect these buildings, there is going to be a cost to reduce the pollution in the environment, and surely somebody has to pay. Therefore the issue of environmental insurance should be looked at. [*Interruption*] Insurance companies, my dear fellow.

Sen. Furness-Smith: Mr. President, the hon. Senator took me up on a question as to insurance by whom. If he is presenting seriously to this Senate, a recommendation about environmental insurance, he must explain how it works. Who is to insure what? Are all of us to take out insurance on the environment? What does he mean when he says environmental insurance?

Dr. Persad: Mr. President, what I mean by environmental insurance, to reduce the amount of pollution in the environment, is that we would need to have what is known as ecologically sound technology. It costs more money. You cannot expect one person to pay for it. Therefore, what you expect is that Government give tax incentives. The insurance companies are prepared to look at the risk of buildings being damaged and insure against such risks. That is insurance.

This is what is being done and being contemplated worldwide. Maybe if the Senator checks elsewhere, he would see that such insurance exists on the same grounds that I am saying. Maybe then he would take it seriously.

The next point that I come to is from the explanatory note—

"(g) making the public aware of the value and beauty of the heritage of Trinidad and Tobago;"

If you look at the Constitution, Chapter 1 Part I:

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

I took the liberty of checking what is "property". I quote from *the Shorter Oxford Dictionary*, which defines it as:

"the condition of being owned or belonging to some person or persons hence the fact of owning a thing."

It is also defined as:

"an attribute or quality belonging to a thing or person."

2.35 p.m.

Therefore, if that is the definition of property, then culture also falls under the definition of property. I notice that the bill does not go into detail on the preservation of the cultural aspects of our heritage. Now, when I mention the word "culture", some laugh, some get uneasy, maybe certain thoughts pass through their minds, but nevertheless, I would continue because, by my profession, I seek the truth. By my vocation, I seek the truth, and the truth has set me free. I have no qualms about standing by the truth. However unpleasant it may seem to some, I intend to do so. There is a certain degree of hypocrisy that pervades this society, a large degree of hypocrisy.

It brings to my mind the case where one woman asked another woman, "How is your daughter going?" She says, "Wonderful. My son-in-law is a wonderful character. He sees the child, he washes the wares, he washes the clothes. He is a wonderful chap, a very nice fellow." Then her friend asked her, "How about your son?" She says, "Oh, that fellow's wife is no good. You know, she makes him wash the clothes and see the child and cook." This is the sort of hypocrisy that pervades the society, that some people feel free to talk about certain topics. Some mention it and they immediately abandon it. Maybe that is freedom of the press, free to stigmatize. I thought freedom of the press meant to speak the truth, but nevertheless, I will continue, Mr. President.

I think that it is people's constitutional right to ensure that when we have such bills that everybody's culture is preserved, because it is their constitutional right. I see no specific provision in this bill to do so. This bill is heavily biased. It seems to think that national heritage consists mainly of buildings and maybe artifacts we dig up, and maybe a park here and there. But our culture is also our national heritage, and by the Constitution, the supreme law of the land, we are guaranteed it, and the Government must make every effort to make sure that everybody's culture is preserved. This is not being done in this bill. I do not see any mention of it. I do not see any specific provisions for it. Maybe the Minister can tell us if she thinks that it is not important, because at the last debate I asked her about the culture aspect, Mr. President, and to date this Government has not enunciated a policy on culture. It has not announced any policy on culture. It should take the bull by its horns. It is a part of our legacy, it is our heritage, and we must deal with it; we must.

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If you have no policy on culture, then how could you preserve the cultures of the various people? You cannot, because you do not know what they are. You have no policy. How could you implement something with no policy? Because implementation of this bill hinges on a cultural policy. Maybe the Minister should tell us exactly. Again I am asking, what is the Government's policy with regard to culture? I hope I do not sound too much like Sen. Furness-Smith asking me, "What is the UNC's policy?" The Minister should clear up this point.

Many things that you grow up with are part of the culture that other people feel happy to preserve. You go to other countries and you see museums, you see paintings of all sorts of life, you see artifacts being maintained, you see books being written. We all talk about Mark Twain writing about the old days in the United States. You all glorify Mark Twain and the Americans have his house. You go to West Hartford and you see his house there. The Americans remind all those who want to remember that period of time in Mark Twain's history, and they make a diligent attempt to keep their culture, however unpleasant it may be. Do we have that here?

You go to India and the black hole of Calcutta is there, whatever unpleasant historical connotations may be associated with it, but it is there, part of the heritage, part of the cultural heritage, part of the country's heritage, part of the history. What is being done about us here? Is our history only some buildings, more specifically some buildings in Port-of-Spain? For this point Mr. President, if you look at the British legislation on this matter, at the end of the bill there is a listing. They know what they want to do.

We have no listing here. So when the Minister appoints—and they have no problem in admitting and bringing in henchmen or party hacks who they think are qualified, and they decide, "Look, we like this building." If they do not like that building, who is going to decide? You need an impartial, competent body to decide and produce a listing, and this bill will be incomplete without a listing of what you want to preserve. They must have a complete listing. Otherwise, what are we passing? What are we passing?

Mrs. Johnson: Thank you for giving way, Senator. For the record, I want to say that I have never indicated in any contribution in this House that we agree as a Government to bring in henchmen, *etc.* I have never heard any of my colleagues in this Senate or in the other place say that, and I think that remark should be withdrawn.

Dr. Persad: My cultural heritage continues to be gracious to women. I withdraw.

Mr. President, there is no listing, none whatsoever. Unless this Minister and this Government can provide a listing, I would be very hesitant to support this bill. What am I supporting? What am I supporting? Provide the listing.

Dr. Sampath: Mr. President, is the Senator aware that a listing is specifically part of this bill? So that I do not understand what he is coming with. Is he aware that a listing is a specific part of the bill before him today?

Sen. Ramchand: Mr. President, I formed the impression that the Senator is suggesting, and I agree with him, that the National Trust is not a national trust if all that it covers is historic buildings and historic sites. He is also suggesting—and I again agree with him—that the Trust should have the powers—

Mr. President: Senator, sorry, but you will get your turn to join the debate later on.

Sen. Ramchand: I am just referring to the matters that he has raised.

Mr. President: I appeal to Senators at this stage to allow the Senator to proceed with the rest of his contribution uninterrupted. This is being conducted as a committee style debate. If somebody has something to say or disagrees with what he says, join the debate, please. Please allow him to continue. I appreciate what you are doing, but he graciously gave way just to a question.

Dr. Persad: Mr. President, by the way I thank the Senator for his support. Mr. President, I find great difficulty, as I was saying, supporting this bill unless a listing is produced because what you are asking us to do is to give *carte blanche* approval to whatever you want to do. I cannot agree with that. I think the Minister should go back and produce a listing exactly: what are the historical buildings, exactly what you want to preserve, otherwise, this serves no purpose.

Mr. President, if the Minister wants to pass the bill, then she should not bring the bill. Otherwise, she does not know what she is doing.

The point I would like to go on to is that the reason people have national trusts is to inculcate in all the citizens, a sense of pride, a sense of belonging, a sense of knowing where they came from, where they are, so that they know where they are going; to inculcate a sense of pride into the people. What I thought should have been done in this bill was that there should be certain educational aspects forming

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part of this bill. There should be specific funds allocated to researchers to research village life, to research life as it was in the past, and produce paintings or documentations or collect the artifacts that are there to form part of our national heritage. Right now, it seems to be left to chance. It must be done. We ought to do this. For instance, all the old sugar mills, what happened to them? Before I am stigmatized, I must talk about what I know about. That is my training, I speak about what I know about. For instance, when you ask people now, "what is a *tawar hand*", nobody knows; or "What is a *scimtar*?" For Sen. Furness-Smith's many people would not have seen. I am sure in other cultures there are other old artifacts that are lost to the young generation. What is being done about those? People need to look at those things. This ought to form an integral part of this bill, not only buildings. This is our culture. We ought to be justifiably proud of our culture, because we have come from many streams. We have to be proud of it. The only way we can be proud of it is if it is set about being done in the right way, a collection of all these artifacts and historical items.

I come to specific provisions of the bill itself, and as said previously in the explanatory note at (g), the Minister should probably make clearer what she means by making the public aware of the value and beauty of the heritage of Trinidad and Tobago. I think this part is being underplayed. I think there has been too much emphasis on buildings. We need to move away from buildings, because our national heritage is more than buildings

In bills of this nature, I think we ought to change our way of operating. We have Ministers appointing people, Ministers doing everything, you know; the Government is in charge, or the Government of the day. Mr. President, it is about time we become bi-partisan. This National Trust concerns every one of us, every citizen of Trinidad and Tobago, and why should only one Government or one Minister in a particular Government appoint people? It should be a bi-partisan effort. So what I suggest is, instead of having the Minister appoint a chairman, the President should ask for consultation with the Prime Minister and Leader of the Opposition. This is the sort of approach you want. This sort of partisan approach must change. You must incorporate all the peoples, all the political parties, on these and other issues that concern national heritage.

So I would be loathe to agree with the Minister on clause 9. The Minister is given tremendous powers in this bill. For instance, on page 11, clause 9, it says:

"A person agrees by the listing of any property may:

- (1) appeal to the Minister in writing against the listing setting out the grounds of his appeal and on consideration of his appeal, the Minister may dismiss the appeal or direct the Trust to revoke the listing, and the Trust shall comply with any direction given to it under this subsection by the Minister."

Who is the Minister, God? Why should the Minister be in charge of this? I am sure it will not be this Minister, maybe another minister who has a friend who has some problems. What happens then? This is totally unacceptable.

Clause 10(1) and (2), point out that a person may become the guardian of a trust. He may live on the property which the trust acquires. I ask, Mr. President, that you look at page 15, clause 17(4), where it says:

"The Trust is exempt from raising taxes in respect of any land or buildings owned or administered by it and from value added tax on rents arising therefrom."

What is the situation in terms of a guardian? Does the guardian pay rent, if he still lives in the building? Would he pay land and building taxes? I also understand that you can make contributions to the trust, which would be tax deductible. What happens to this person? What is the relationship there? Maybe you should explain that in terms of building taxes and maintenance, because the bill is not clear on these issues at all.

2.50 p.m.

Mr. President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. W. Mark*]

Question put and agreed to.

Dr. Persad: Thank you, Mr. President. On page 13, clause 12(2) says:

"The Council shall consist of four elected and three appointed members except that the first Council shall consist of seven appointed members."

These members will be appointed by the Minister, I presume. Why? We can have elected membership where people can join. We have open membership, different classes. When the bill is passed, open the membership, let people join and

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let them elect their own president. Why do you have to appoint seven persons first? Why? To do what? So that they can produce their own classified listing of property? What is the rationale there? There is no reason that should be the case. Why can you not do that? If you want to appoint, appoint an interim Chairman to get the council going and let the members vote their own people to serve. This is a democratic country. Why must the Minister appoint, here, there and everywhere? What is this?

Clause 12(6) says:

"There shall be a Chairman, a Deputy Chairman, a Secretary and a Treasurer of the Council who shall be elected by the Council from amongst its members in accordance with the rules except that the first Chairman, Deputy Chairman and Secretary shall be appointed by the Minister."

Why? There is no rationale for that.

Sen. Rampersad: Why Panday appointed you?

Dr. Persad: I cannot agree to that, and unless the Minister gives reasons why we should do that, I will not agree to this.

In terms of artifacts within the Customs Act, what is the relationship between this and the Customs Act? If artifacts are being discovered, is there any special relationship or mechanism for the transmitting of information? If you have an archaeological find of great historical interest people normally come to steal the artifacts. This is a normal thing. The appropriation of artifacts is a problem worldwide. Do we have any specific measures in Trinidad to deal with that? I know when you come into Trinidad—citizens of Trinidad and Tobago—the Customs harass you, but is there some measure to deal with people going out with historical artifacts? Is there any provision in this bill to inform them? Or else, how would they know? Maybe the Minister should answer that in her winding up.

Mr. President, let me point out that the purpose of this National Trust is for us to have a heritage of trust. We must have a heritage of trust because we did not inherit a heritage of trust. I sincerely hope that despite this Government's extremely poor record in this direction, they try to absolve themselves and make some sense out of this bill, including this idea of buildings, cultures, so that the future generations of this country would not have a heritage of distrust as we have now, but would have a heritage of trust. You have a golden opportunity—though I can see that your chances are not good—to do something about it to ensure that education of the various aspects of culture takes place—and this can be done

through a National Trust; that people understand the dynamics of different cultures within the groups themselves and of extra group dynamics; that people understand how the various groups are. This can be a step in that direction. Obviously you have not considered that. I am not surprised. I mean, I expect it, and that is why I am pointing it out to you. If there is any party that broke the trust of the people of this country, it is—

Mrs. Johnson: The UNC.

Dr. Persad: It is yours, and it is very sad. You have a chance to redeem yourselves in some very small measure, and I ask you to work on these aspects because I think this can go a long way in ensuring that future generations have a heritage of trust in this country.

I thank you.

Sen. Dr. Ramesh Deosaran: Mr. President, I have a few comments to make on this bill. I stand in support of the bill. I commend the Minister for her, what I consider, very contemporary position on such a matter. She is quite correct. All over the world people are regaining the consciousness of aesthetics. This bill regarding the establishment of a National Trust, I believe, will go a long way, not merely as a symbolic gesture to members of the national community, but go some way in sending a message along the lines listed in clause 5, that is, the reasons for establishing the Trust:

- “(a) listing and acquiring of property of interest as the Trust considers appropriate;”
- (b) permanently preserving lands that are property of interest and as far as practicable, retaining their natural features and conserving the animal and plant life.

It goes on to (g):

- “(g) making the public aware of the value and beauty of the heritage of Trinidad and Tobago.”

I am therefore in support of the bill, and for whatever it is worth, I encourage the Minister and the Government in making more manifest, what the bill sets out to do. It will take some doing to put some of these objectives into action.

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There are some clauses of the bill in terms of access to property and the penalty against some people who might want to obstruct authorized persons from entering, and I think the bill makes a deliberate and, I believe, adequate attempt to deal with such problems. Whilst normally I would have a problem over the question of such, what you might call, nominal rights to property and privacy, I think in the overall context of the bill, these relevant clauses are some attempt to put the bill, when it becomes an Act, into action.

Mr. President, with reference to the listing, I think Sen. Dr. Persad did raise one or two points which I think should not be easily rejected out of hand. I should not overstate my confidence in your leadership of the Senate, but I think it was quite refreshing to see you make the ruling that you made in trying to determine the boundary over the environment and a National Trust in this debate. I believe that, as I conceive it, what Sen. Persad has said, reflects a very deep feeling in the community. It is like an outrage against what is happening to the environment. As far as human feelings go, nobody who understands what is happening to the environment could properly stand in a debate of this kind without making some reference to other aspects of the environment.

It is not merely about what the legislation tries to delineate, it is more than that. If you are speaking about aesthetics and about making the public aware of the value of our heritage, certainly some reference to the environment would have to be made.

3.00 p.m.

There is a statue along the Santa Cruz Old Road on San Juan Hill. That is my first exposure to what I believe could be considered, a valued relic, a national monument, but I do know, not only intuitively, that it is something of great value to the history of this country. There is a long name at the base of the statue. Over the years that statue has had to face so much pounding, brutalizing, breaking and scraping, that I believe a bill like this is the proper thing to have in seeking to preserve a statue like that. That statue has a connection to Venezuela, and it tells a story in an inscription at the base of it. But the inscription has been defaced, unfortunately. This is my own example and I believe for this and many other reasons, the bill would go a long way in preserving what we call “our heritage”.

Let us not make the mistake, however, in believing that all that we have to say about our heritage must be pleasant and must fit the realm of self-glorification—what a great people we are; what we have built. The aspects of heritage extend

beyond self-glorification. It should also include some of the wrong things that have taken place in the country, things about slavery, indentureship and many of the unpleasant things that surround those events of the past, including July 27, 1990.

I remember I was asked to speak at a Rotary function in Port-of-Spain on tourism, and while preparing my speech it occurred to me that some things about that event should remain in a marked fashion as part of our history to remind us of what happened, where it happened, the extent to which it happened and the way that it happened. I suggested that every bullet mark on every wall should have been preserved around certain areas. Trinidad and Tobago Television House should be called “a garrison of resistance”. Part of the police station that was bombed should be preserved in its natural form of destruction, with an inscription, not for self-glorification, but for warning as to what happened at a certain time of our history. In other words, I take some of the things that the previous speaker was taking quite seriously because there has to be an enlargement of some of the definitions professed in the bill. I make reference to July 27, 1990 for the particular reason of trying to emphasize that we should also store in our heritage even some of the ugly things that have passed through this country.

Mr. President, there is a discipline in universities called ecology. It is linked to human biology and it concerns the bill directly—the aesthetics of the environment, what it does to your moods. In other words, the National Trust does seek to make us a more civilized people, to keep always before us, our memories. It is not a bill about buildings and land preservation only, it is a bill that really gets at one of the higher dimensions of human existence. The bill really demonstrates that we will take some measure to enhance our civilization. Again, I commend the Minister for bringing this bill.

In speaking about the ecology, Mr. President, the ecology means balance, more than anything else. It means an equilibrium amongst the things, including the animals and even the people—although sometimes it is difficult to distinguish; the way our hills are being burnt. There is what you call a symbiosis, a mutually beneficial relationship. When the bill speaks about making the public aware of the value and beauty of the heritage of Trinidad and Tobago, this objective will be lost if it does not take a holistic view of how people respond to such things.

I have no hesitation in raising, for the first time, something that has worried me very acutely with respect to a matter of, what we can call, a national trust. There have been very reliable reports of a Minister of the past Government hunting down

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a particular kind of bird in the Caroni Swamp. That issue has been reported so many times; that matter has been raised so many times in the other place and nothing has been done to convince the public that those in power are serious about preserving, at least, certain aspects of our national trust.

So when people come and express a view in the Minister's presence, I do not believe that it is against the Minister personally. It is how people have lost confidence in Government's determination to preserve the kinds of things that this bill includes. It is an historical event that is taking place. It is a pity sometimes, very unfortunate, that a Minister such as this one we have before us, has to stand and take the pressure. It is not against her, personally, it is how the public wants to express its disenchantment on matters of this kind—that being one.

How can a community have appreciation for its buildings and artifacts when they live in a community with a business-place and a factory from which poisonous fumes emanate; a place to which the Ombudsman was called several times and on which he gave a written report, calling upon the owner to close down the place or remove the factory to somewhere else? I speak about lower Boundary Road. That case is documented. When the last Government was in power a lot of noise was made, over 10 years now, but there is a connection, there was a family relationship there, I believe between the Minister and that particular businessman—and again the community of that area lost confidence in Government's determination, not merely to preserve the environment, but to look after the security of the person in such a matter.

So all these things have to come up in a debate of this kind, not because people want to be irrelevant, but out of a deep concern for the environment. This is right, because the environment is not something you reconstruct as a house. When you lose your natural environment, flora and fauna, as they say, it can never be replaced. We are having the bitter lesson with the Buccoo Reef in Tobago.

In the debate of this bill making the public aware of the value and beauty of our heritage, I really believe two fitting examples will have to be the scalping of the Northern Range and the killing of the San Juan River; two pitiful sites, especially for those who have seen the grandeur that was the Northern Range, and for those who, not only have seen, but who have enjoyed the serenity and beauty of the San Juan River.

3.10 p.m.

So again, when a bill like this is brought before the House or before the national community and people tend to respond with some emotion, I believe it is out of a very deep concern as to what is happening to the environment, because frankly speaking, the richness and naturalness of the wider environment takes primary importance over a bill like this because it is in that general context, these artifacts, buildings, properties of interest, will be lodged.

My distinguished colleague, Sen. Alexander, lives in the same area in which I live, and I have just confirmed it with him as I have done with many other people, that the East West Corridor is about the burning and the brutalization of the hills along the Northern Range. You might say that some of the lands are private but I say to you and I say to the Government, through you, Mr. President, it is time we think of a strategy to get those private owners moving so as to avoid what happens to their land, whether it is squatters, trespassers of any kind, whatever damage that is done to their hillside even if it is privately owned, there should be some kind of prohibition so as to motivate these private land-owners to take stock. This is what I mean by the ecology. There are no boundaries in nature. At a higher philosophical level, man and nature are one; they are destined to be one.

There is heavy digging with all the attendant problems of flooding and soil damage on the Northern Range, and for some strange reason, it takes place generally on Saturdays and Sundays. So you no longer have the beauty of the Northern Range, but you have a set of crying hills. They are actually crying. If you look at it very closely, with the sense of aesthetics that this bill seeks to arouse in us, you feel a sad sense of pity. To whom do people look for correction? To whom do people look for rescue? The Government, because you have a Ministry of Environment. It is only now I understand, that the Minister is calling a national consultation on the environment at this late hour in the day, when what we should be having is a clearing up and a culmination of policy in action. So what do you expect the national community to do? With due respect to the Minister, these are the sentiments that get aroused in the nation's mind. What is this, a national consultation at such a time on the environment?

I wonder what that Ministry is doing. I am always forced to ask myself what is that Ministry for. It has noble objectives. They have held a consultation on national service and that was another mild fiasco, but you now have something on national environment. I believe, Sir, sometimes you cannot blame the public for attributing

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blame to this Government. I think what they are really suspicious of is government as a whole. They do not trust governments and it has happened incrementally. I want to repeat myself. It is a pity that this Minister sometimes has to bear the brunt of this retaliation.

The San Juan River is a disaster. How can you teach children in school about the aesthetics of what you have here—buildings, amenities—when they know that the river at the back of their homes has not only grown stale, withered and dried up, but it is filthy with pollutants of all kind? How can you really have a public education programme in such a context? This is very critical for the youths because a river is like a mountain, where people used to hike on the Northern Range of El Tucuche; cross over the range to go to Maracas. Along the way, it was a joy of childhood; it was the exhilaration of growing into adolescence, to go over the Northern Range from Santa Cruz Old Road into Maracas. So it was with bathing in the San Juan River. The youths used to meet there every Saturday morning and they had an appreciation for the environment. They used to save the trees along the river until you had, what you call willy nilly cutting down by some of the owners. But it is not only a problem of private owners, certainly. The Government itself has had difficulties in properly maintaining State lands. I do not want to venture too far and tax your own patience in terms of the parameters of my presentation. I think enough has been said on that point.

This morning I heard on the radio that the St. Vincent National Trust is criticizing the Government for being careless with what has been called a national artifact—something that they have been treasuring for many years and the government has now taken it upon itself to interfere with that particular artifact—the national trust. I hope that our National Trust has the courage—the legislation is there in large part—to undertake such missions, whichever Government is in power, and it is for those reasons on a close reading of the bill, that I stand to commend the bill and to commend the Minister for taking this step. I do not know—I understand this bill needs special majority. So when Sen. Persad told me he is not voting for it, I do not know if that means the whole UNC would not be voting for it or whether half would vote for it and the other half would not vote. That is another matter, but I must tell you it sort of distorts Parliament—at least this Upper House—in terms of how we ought to vote for bills. That is a serious but separate matter.

I think that the financial provisions in the bill in terms of accountability have been well laid out and again I commend all those—the technicians, the draftsmen—who have contributed to the framing of this particular piece of legislation. All in all, I think it is a good bill and I wish the Minister and her Government well in making sure that it meets its objectives. Thank you very much.

3.20 p.m.

Sen. Wade Mark: Mr. President, one of the most sacred duties of any Government is to preserve and conserve the cultural and natural heritage for both the present and future generations. Whilst this bill has taken some 29 years to arrive in this Parliament, the struggle to protect and preserve our natural heritage has been going on for near 100 years.

Our natural heritage is priceless and fragile. One cannot quantify the extent of destruction and irretrievable loss to our natural and cultural heritage in money terms. This may run into billions of dollars. It is estimated that man has been on planet earth for over 2.5 million years and it has taken more than 4,000 to 5,000 million years to fashion the mountains, the rivers, the lakes and the diversity of our ecosystems all over the world with a manifold variety of plant and animal species that have evolved since life first appeared.

Mr. President, in the existing conditions of wanton and indiscriminate destruction and over-exploitation of the country's forest and natural communities, we, on this side, fully appreciate the urgent necessity for the establishment of a National Trust to protect our monuments and historical architecture and to prevent exportation of national heritage objects, among other things.

The natural communities of Trinidad and Tobago are world renowned for their outstanding variety and exceptional natural beauty. The mountains, rivers, forests, savannahs, low-land rain forests, the mangroves, some of the worlds finest coral reefs, fresh and salt water swamps, as well as beaches, bays and rocky coastlands of Trinidad and Tobago, provide habitat for an unusually diverse flora and fauna. There are over 2,000 species of flowering plants in Trinidad alone and more than 110 of these are endemic to the country. There are over 100 species of mammals, more than 400 species of birds, 55 species of reptiles and 25 species of amphibians. Our natural communities and resources have served man for centuries and must continue to do so in the future.

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In recent years, however, growing population pressures, indiscriminate industrialization and rapid and wanton exploitation of our natural resources, have demonstrated that unless positive and decisive action is taken to safeguard the most outstanding examples of our country's heritage, these resources may become irrecoverable. Forests have been rapidly converted to other use. Land erosion has become a serious problem and habitat loss has resulted in reduced numbers of species of plants and animals. In addition, natural areas which support out-door recreation activities are rapidly being lost.

Mr. President, I draw your attention to the Aripo Savannahs. It is a scientific reserve located in East Central Trinidad and which represents the only relatively undisturbed savannah area in the entire country and which provides the habitat for a number of the country's rare and endangered species of plants and animals. Many are now in danger of irreversible loss, owing to the indiscriminate and unregulated quarrying of the area—and in an area that is prohibited—by two major quarrying companies. I do not want to mention names, but I will tell the Minister at the end of the sitting because I have the names of these companies.

The Aripo Savannahs represent an outstanding example of marsh formation, consisting of marsh forest, palm and savannah. In spite of the efforts of the Forestry Division and, in particular, the National Parks Commission, indiscriminate quarrying continues. This has led to the destruction of the natural vegetation, pollution of the river and the displacement of the habitat of our rare animals and plants. These companies, I understand, pay no taxes and they enjoy fantastic profits, since they are operating on prohibited lands. This recklessness and illegality must come to a halt and the Minister is hereby informed and advised that action should be taken immediately to halt this wanton destruction of our unique, scientific reserve which is called the Aripo Savannahs.

Mr. President, the Aripo Savannahs is part of the nation's scientific reserves. This reserve protects nature and the natural processes and is still in an undisturbed state and provides areas for scientific research in environmental monitoring and related educational uses which do not disturb the ecosystems that are protected. The truth is that existing legislation does not specify or deal with the management of our natural communities or natural heritage. It is the absence of this legal and management framework which has led to the indiscriminate and wanton destruction of the natural habitat and recreation potential of many reserves and

sanctuaries and the degradation of many outstanding natural phenomena in our country.

The destruction of the San Fernando Hills is another example of the injudicious, indiscreet and mad-cap approach to the nation's natural and cultural heritage. One of San Fernando's most outstanding natural landmarks was cold-bloodedly and heartlessly crushed under the heavy weight of an unregulated industrialization and development policy executed by the previous administration. Many varieties of geological processes and features may have been lost forever.

Mr. President, the Caroni Swamp is another example of indiscriminate destruction. There is an encroachment of the natural forest. This has come about as a result of the dumping of garbage, which has led to its widespread destruction and the need to conserve the forest is now even more urgent. In the Caroni Swamp there are over 150 species of birds which is more than three-eighths of the country's total, including the Scarlet Ibis, one of the national birds of our country.

3.30 p.m.

With increased fishing, recreational and touristic use, as well as threats of pollution and water changes originating outside the area, the protection and management presently provided is not sufficient to assure the ecological survival of the Caroni Swamp. The Caroni Swamp has been recommended as a national park and is based on a policy of protection of the natural eco-system, environmental education, research, facilitation of recreation and tourism.

A lot of industrial, agricultural and domestic waste, distillery waste, waste from the sewer treatment plant located on the Beetham Highway continue to pollute the swamp. Increased food production has stimulated more intensive farming practices which take a toll on the fertility of the land, and demands increased use of insecticides. Pollution of the water occur from the Point Lisas Industrial Estate which discharges heated water into the Gulf and depending on the current, could carry same into the swamp. Quarrying and gravel-washing activities in Wallerfield and Arima have also contributed to the pollution of the swamp and there are also numerous industrial enterprises operating in the vicinity of this particular swamp, contributing to its pollution.

Once properly protected and preserved, our natural heritage and communities could serve and could contribute a variety of benefits. It can provide a significant source of revenue from increased tourism—I would have more to say on that later

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on. It also affords aesthetic pleasure and opportunities for healthy and constructive activities. Our natural heritage could provide irreplaceable laboratories of science for both basic and applied research as well as opportunities for formal and informal education. These are among other benefits that can be provided if we protect and preserve our natural heritage.

The rapid destruction of the natural environment makes it imperative for the Government to take firm action to provide a degree of protection to the remaining natural areas of our country, thereby creating a sound basis for socio-economic development.

However, growth in industrial, agricultural, residential, water resource, forestry, recreation and other sectors are creating increasing and conflicting demands on the remaining natural communities. Technological advancement has intensified the rate of this destruction to levels unknown only a few years ago. The dwindling diversity of habitats and natural communities is threatening the survival of many species of plants and animals. In addition, the consequences of unsound land management practices are creating flooding, erosion, siltation and other undesirable social economic and environmental situations.

However, existing legislation governing protected areas is totally inadequate to assure proper protection and use of the country's outstanding national heritage resources. For example, in the games sanctuaries, only hunting is prohibited whilst forest exploitation, quarrying, petroleum exploration and other practices that often destroy recreational values, natural habitats and disrupt the functioning ecosystem, are continuing to lead to the destruction of wild life habitat in several sanctuaries.

My colleagues and also Sen. Deosaran made mention of the fact that in the past, we used to experience free flowing rivers, undisturbed. These are now rare in our country. In fact, I am sure that we can all vividly recall our experience. I am not as old as some of us here but I am certain that we can recount our experiences as young men and women in our various communities, having experienced nature in its natural form. I was brought up in the Carenage district and where I used to live, behind my residence, there was a river in the early 1970s with clear flowing water. Today the river exists no more. It is a virtual dump.

I am saying that is the pattern of development. It is an indictment against our whole spiritual being as a people. We have the wrong concept of development. We focus on development that deals, not so much with the preservation and protection

of our environment; that is secondary. If we had that approach, a lot of our natural heritage would have been preserved today.

There is a report entitled "System of National Parks and other protected areas in Trinidad and Tobago." This report was presented to the past regime in May, 1980 and the report examined in detail, the need to establish a system of national parks, to protect the nation's natural heritage and simultaneously, to provide a variety of recreational, educational, scientific and environmental services. Sad to say, both the past regime and the present dying one have both failed to establish any policies and corresponding legislation to provide the necessary mandate to establish and manage national parks and other protected areas.

In this said report—a joint effort of the Organization of American States and the Forestry Division—sites have been systematically identified and selected, which could best provide protection to our nation's heritage. A virtual inventory has been established.

For the purposes of the establishment of a national park system a total of 61 units have been recommended by this report. Of this total, eight units are recommended as national parks; eight as natural landmarks; 13 as scientific reserves; 13 as nature conservation reserves; 13 as recreation parks and six as scenic landscapes. This represents 69,000 hectares of terrestrial area or 14 per cent of the total land surface.

Nothing has happened to this report and these far-reaching recommendations since 1980. Certainly no government's policy and legislation have been formulated and pursued. Not one single national park has been established in law as an example and eight were recommended, including Chaguaramas, Bucco Reef, Matura. [*Interruption*] Yes they have to be established.

3.40 p.m.

It is against this background that I want to analyze some aspects of this proposed National Trust. The bill before us attempts to establish an umbrella organization dealing with all aspects of national heritage, including movable property. The trust is also envisaged as having total control over the use and disposition of national heritage property, including the definition of such property and creating lists of protected monuments and objects.

Under clause 5 of the bill, some of the functions outlined appear to be duplicating the functions of other agencies and ministries. I know that the Minister

in her opening remarks made reference to the overlapping, but she did not indicate to this House how this overlapping is going to be dealt with. Clause 5(b), which deals with, "permanently preserving lands that are property of interest and, as far as practicable, retaining their natural features and conserving the animal and plant life," seem to be in conflict with the functions of the Forestry Division of the Ministry of the Environment. The Forest Act, Chap. 66:01, and the Conservation of Wildlife Ordinance, as well as the Marine Areas Preservation and Enhancement Act of 1970 seem to be in conflict with this particular function that is outlined for the National Trust.

These Acts give the Forestry Division and other Ministries the power to regulate, preserve and conserve animal and plant life, as well as marine life. There also appears to be some confusion between the function of the National Trust in clause 5(c) and the Town and Country Planning Ordinance of 1960. I do not know to what extent the Minister has been able to synchronize this particular activity, but I have been looking at the Town and Country Planning Ordinance, and under the Second Schedule, there is a section dealing with amenities. Item 4 reads as follows:

"Preservation of buildings, caves, sites and objects of artistic, architectural, archaeological or historical interest."

This is a function of the Town and Country Planning Ordinance, from what I have been able to interpret, and this is the said function that has been given to this trust. I am saying that there is some confusion and there is need for proper co-ordination. There appears to be a conflict of interest or duplication again between the National Museum functions under the Royal Victoria Institute Act of 1945, section 5(c). Section 5(c) of the Act reads:

"The National Museum has responsibility to procure and maintain specimens of flora and fauna, the national products of Trinidad and Tobago, objects found in the records of Trinidad and Tobago of geological or historical interest, and to establish and maintain an art gallery, among other things."

In addition, there is a proposed draft National Museum Bill which has not been brought before this Parliament to date, and this bill defines the functions of a National Museum which functions overlap with those in the proposed National Trust Bill as well. The proposed draft National Museum Act gives the museum the authority and power to advise the Government on any and all matters of conservation and preservation. This bill before us also gives the National Trust that

same responsibility. I am telling you what is happening here. On page 8, clause 5(h) states:

"advising the Government on the conservation and preservation of property of interest and on any or all of the matters referred to above."

This is also a function of the proposed draft National Museum Bill.

Mr. President, I am saying also that in the draft National Museum Bill, "property" is defined as:

"Artifacts or such like, any work of art, fossil, any printed work, manuscript, or any other chattel having historical, artistic, or scientific interest of value."

Further, the collection of moveable heritage objects is the function of the National Museum: archaeological and historical artifacts and samples of flora and fauna. Indeed, this country is too small and resources are too limited to allow two agencies needed research, conservation, storage and registration facilities that such collection entails and which the existing museum could perform. I guess that the museum does not have the resources, either financial or human, to execute efficiently and effectively its various functions under the Royal Victoria Institute Act of 1945.

It is therefore necessary for the Minister to recognize and fully appreciate the possible confusion and duplication of efforts that could result if these facts are not taken into account. Indeed, it is very disappointing that not sufficient co-ordination and consultation have taken place among the various actors involved when dealing with such fundamental matters. I do not even know—the Minister must tell us—if the Town and Country people and the Forestry people are aware of this particular bill that we have before us. Did consultation took place?

Under clause 8(1) of the bill, it is said that:

"The Trust may with the approval of the Minister and in accordance with principles and procedures laid down in regulations made under section 29:

- (a) prepare a list of buildings and sites of particular national, historical, or architectural interest..."

And it goes on.

Is the Minister telling the country—and I want to take up the point raised by my colleague, Sen. Prakash Persad—that the Government does not have such a

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system? Is there not an initial list of buildings and sites that the National Trust could be provided with to work on from the outset? This is certainly unbelievable. This struggle to preserve the nation's natural and cultural heritage did not begin with the NAR in 1991. It has been going on for more than a century. Mr. President, we do not even have a preliminary list of buildings, sites and monuments for the council to work on. Is that what the Minister is telling the country and the Parliament? Mr. President, if the Minister is not aware, I have a listing here with some historical sites and monuments, which I could provide for her consideration.

Mrs. Johnson: You see, we do not want to do it like that.

Sen. Mark: If you do not want to do it like that, you have a report—you hold it. You are impatient. Mr. President, this is a report—do you know about this report? You seem to talk a lot. Do you know about this report? This report deals with the system of national parks and other protected areas. For the information of the other side, do you want facts? This is an OAS report, and that was in 1980. Look at you.

Mr. President, I would not bore you or frustrate you, but the list is so long. This is telling you the national parks that have been scientifically assessed in this country since 1980, and it talks about the Caroni Swamp, Chaguaramas, Madamus, Maracas, Matura/Nariva Swamp, and then it goes on to natural landmarks: Blue Basin, Cumberland Hill, Devil's Woodyard, Pitch Lake; it is a whole series. So what are you telling me, you do not have these facts? This is a report that was commissioned in 1980, so if you want to come to this Parliament and ask us to support something, let us give the council something to work with. Do you want to now re-invent the wheel? The wheel has already been invented. Do not go and reinvent the wheel.

Mr. President: I just want to draw the Member's attention to a little point. He is addressing the Chair and addressing the Minister at the same time and saying, "Mr. President, you come and do this and do that and the other." I hope you are not accusing the President of doing anything. You should address the Chair and address the Minister through the Chair.

Sen. Mark: Thank you. I stand corrected.

Mr. President, I want to indicate here that the Minister ought to take into account very seriously—I have done some work on this thing and I am helping and aiding the Minister, and I hope that, for instance, she will take into consideration,

through you, Mr. President, the submissions that I have made in terms of seeking to organize a list.

Clause 11(1)(a), (b) and (c), to my mind is inadequate and needs to be tightened. There is need for greater clarification in respect of the procedures involved, the rights of the owners, compensation, recourse to the courts, if necessary, by the owner. These areas have not been properly dealt with. We are not happy with this clause at all.

Clause 12 outlines the number of persons on the council. You know, in 1970, we had two drafts on a National Trust, and it was proposed that the council should be comprised of 13 members. This is in 1970. In 1975, the drafters went further and they said it should be comprised of 24 members. The Minister is now proposing 7, and not only this. The 24 members were to come from: The Ministry of Legal Affairs, Works, Planning, Finance, National Archives; all these things were outlined. I do not understand why you have a situation where you have a council and (1), there are only seven persons on the it; and (2), the Minister appoints these people.

We are proposing a distinction; they should be non-political. We are saying that the President should deal with aspects of the appointments. We believe that the President of the Republic, in consultation, should appoint these people to the National Trust. This should be done from a list of interested organizations. You have, for instance, a National Parks Commission, you have the Town and Country Planning, you have the Tourism Development Authority, you have archaeology, Law Association, architects. Mr. President, the number of members is too limited and as far as their qualifications, we do not know what their backgrounds are. We do not know, for instance, where you want to get these people from. What is the composition of this council? We need to expand the council to incorporate other interested parties and organizations, and we believe that the composition of the council ought to be defined. At the moment, it is too loose and too vague.

3.55 p.m.

Also, Mr. President, there is not, as well, a definition in the bill dealing with the regularity and frequency of meetings of the council. How often is the council to meet? *[Interruption]* Well, put it in the regulations. We are proposing that this be incorporated in the regulations, and at the appropriate moment we are going to move an amendment to deal with that aspect of the bill.

Part III of the bill, which deals with the question of financial responsibility of the National Trust, needs to be clarified by the Minister. I see here at clause 15:

"The funds of the Trust shall consist of—

- (a) all monies received by the Trust out of monies appropriated by Parliament for the purposes of this Act;"

I see also that the accounts are to be audited by an independent auditor. I am suggesting to the Minister that this issue ought to be addressed by the Auditor General. The Auditor General ought to examine the accounts of the National Trust. Once the trust is receiving public moneys—we do not know how much—we are suggesting that this should be subject to the scrutiny of the Auditor General's Department; unless we are otherwise convinced.

Mr. President, clause 22 (1) of the bill states:

A person shall not export any listed property without a licence issued by the Minister on the recommendation of the Council."

And it goes on to indicate what would happen in the event that you export something without a licence. One should not confuse—and I think the Minister is guilty of this act—moveable cultural property with a trust law. Law against exporters of national heritage property should be separate from the law incorporating the trust.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) has advised Government of this very important principle. The truth is that national laws and regulations governing the protection of moveable cultural property are not known by governments; many of them. In this regard, and conscious of the ignorance on the part of many governments, UNESCO has published two volumes of a compendium containing extracts from the legislation in force in 45 member states.

Mr. President, you see those two clauses in this bill dealing with the export of cultural property or listed property—you see this, this is entitled "The Protection of Moveable Cultural Properties", and it deals with that same thing which the Minister is talking about. It is from Kenya, and it is entitled, "The Antiquities and Monuments Act of 1983". This Act goes into detail. If I were to move amendments here, the Minister would say I am frustrating the effort. I have massive amendments to this bill. I am saying, for the sake of understanding this

thing, you do not put two clauses in a bill to deal with the export of moveable cultural property. I commend the Minister to look at these matters more deeply—I have something here for her, if she wishes to get it.

This is a serious matter because it gives the Minister authority to abuse. There is no role for the Customs in this particular piece of legislation. What is the role of the police in this exercise? You leave the thing open and vague. So, who is to define what is a cultural moveable property and what is prohibited from being exported from the country? If somebody exports something illegally and the Minister takes action, what is the recourse of that person? Is the Minister the "Ayatollah"? I am saying that it is weak and deficient, and the Minister must be aware of this reality. Then, when we are finished speaking, she will say that the Opposition did not say anything. That is ignorance and arrogance.

Mrs. Johnson: I did not say that.

Sen. Mark: You said that the last time.

Sen. Rampersad: Hon. Senator, are you telling the Senate that this country must legislate along the lines that Kenya—

Sen. Mark: You always amaze me. I am making a simple point. You do not have to legislate along the Kenya lines. I am simply saying, look at the experience of Kenya dealing with the export of moveable cultural property. That is the point I am making. That is what protection of moveable cultural property is all about; and not a mere two clauses which the framers seek to impose in this bill.

The people of Kenya are very serious about their heritage. In the Act to which I referred, the Kenyans not only fine but they also impose prison sentences. You do not impose a \$500 fine for exporting cultural property that is of value to a country, and there is no prison term after that. We are not serious. People will now export. If I could export something of value and all you are charging me is \$500 and I am not facing a jail sentence, we are not serious about protecting our national property.

Mr. President, I am suggesting that the Government of Trinidad and Tobago should move towards ratifying UNESCO's Convention on the Protection of Cultural and Natural Heritage if it has not done so. That convention was adopted in 1972. The Minister in her winding up could tell us if the Government of Trinidad and Tobago has ratified the UNESCO Convention on the Protection of Cultural and Natural Heritage. That is a convention that is in existence.

4.05 p.m.

Mr. President, in light of the shortcomings of the bill, the issue that should be posed is whether the proposed National Trust should be responsible for the listing of property or the prosecution of the public.

Mr. President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. P. Persad*]

Question put and agreed to.

Sen. Mark: Mr. President, the Town and Country Planning Division of the Ministry of Finance already has that responsibility. What is the role of the Attorney General in this whole scenario? Should the prosecution of infringement of regulations not be the task of the Attorney General? There are many unique and rich experiences in the life of our beautiful country that ought to be remembered by our citizens and shown to our visitors.

The first capital of Trinidad and Tobago was known as San Jose' or St. Joseph. It is reported that Sir Walter Raleigh sailed up the Caroni River in 1595 in search of the famous El Dorado. The St. Joseph River, a tributary leading to the Caroni River, could be the scene of some kind of re-enactment, in dealing with seeking to preserve our heritage. That is a fact of history. Today, the St. Joseph River is a garbage dump and is polluted.

What about Point Galeota and Guayaguayare? It is reported that Columbus entered this point when he first arrived in Trinidad and Tobago. Why not have a plaque identifying that historic site? If we are serious we will look at these things. What about the Moruga River? It is reported that this is the river from which Columbus' men first drank water in 1498. That is part of our heritage. Let us preserve that as well. What about Punta Del Arena, Icos and Sandy Point? Again, this was Columbus' first encounter with the local Amerindians—the Arawaks and the Caribs. There should be plaques and so on established in these areas so you could identify those spots, not only for the people of our country, but for visitors who are coming here. The Minister of Industry, Enterprise and Tourism, through you, Mr. President, ought to pay close attention to what I am saying. He has to see the link between tourism and our natural and cultural heritage and not this slogan, "It is nice to be nice". Let us deal with reality.

Mr. President, Mucurapo is the first area in which the Europeans attempted to settle in Trinidad and Tobago—Antonio Sedeno. Those are things we ought to preserve for our children. This place is boring. Apart from the Government being boring, the country is boring. You cannot go anywhere of value on a Sunday with your family. You have no national parks of value you can visit. The recreational facilities that we have are very limited. We have so much potential but we need imagination and creativity which the Government does not have.

There are many villages and communities of historic value to which we have not paid any attention, and we talk about tourism. The Minister of Industry, Enterprise and Tourism must begin to see the link between a successful tourism thrust and the development, preservation and conservation of our natural and cultural heritage. Tourism is seen in too narrow a perspective. It is not seen holistically. Tourism must spread and not be merely confined to the major hotels and Port-of-Spain.

What about the people of Toco? They should become involved. Develop and preserve historical sites and beauty spots in Toco, among others. Let the people of the country feel intimately involved in this exercise and not subject themselves to servility and subservience. As I said, inappropriate slogans, “Be nice, it is nice”.

The proposed bill is riddled and loaded with a number of deficiencies and contradictions in respect of functions and responsibilities of different Government agencies and ministries. The Minister owes it to this Senate to explain the confusion that would arise in terms of the functions of the National Trust as they relate to Forestry Division, Town and Country Planning Division and the National Museum of Trinidad and Tobago. Those are only three. I am going to make sure that she does that. She ignores us, but I am not going to allow it this time. These areas need to be cleared up and properly addressed by this Senate, if the proposed National Trust is to make sense and have any real meaning and effect, hence our amendments to some clauses of the bill.

We are also going to be moving an amendment on a declaration of interest. We believe that confusion could arise, if you have a council and an Act, and there is not a section focusing on declaration of interest. Suppose I am a member of the council and I have a few old buildings that I want to promote—this thing can become corrupt, you have to be careful. You must have a declaration of interest in this bill. Because I can have a building and I want to push it off, but I am a member of the council; it costs \$150,000, I say \$500,000, or I remain in the meeting and

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promote my cause. That is unacceptable and, therefore, we are going to move an amendment dealing with a declaration of interest to avoid corruption.

This bill on the National Trust, as the Minister indicated, quite rightly, is long overdue. Let us not place on our statute books a law which is inadequate to the requirements and tasks at the moment and in the future. Let us put a National Trust on the law books about which this country and its people can feel justly proud; let us seek to preserve our cultural heritage for future generations. Let us ensure that this exercise is a worthwhile one. Let us not make the error of seeking hastily to put into our statute books, legislation that is inefficient, that is riddled with contradictions, that has many elements of duplication in its framework, so that at the end of the day what we may have is what I would like to describe as administrative confusion as to who is in charge of what. Town and Country Planning is saying, "I am responsible for that." National Trust is saying, "I am responsible for this." That is confusion. I am seeking for this Senate and the Minister, in particular, through you, to avoid this confusion. Let us outline clearly those areas that are going to overlap, those areas that we know for a fact the National Trust has to carry out, and those responsibilities that we know Town and Country Planning, Forestry and the National Museum will also have to carry out. So what you have is a co-ordination and a smooth consultation so that when the bill becomes law, we would not have administrative confusion and, therefore, the tasks, objectives and aims of this exercise would be worthwhile and fruitful, both for the present and future generations. Thank you, very much.

4.15 p.m.

Sen. Prof. John Spence: Mr. President, having spent a great deal of time on this bill both in the debate on the previous presentation of this bill and on the select committee, it is not my intention to say very much this afternoon. I would just like to reiterate some of the points I made on that occasion and, indeed, they have been touched on quite extensively this afternoon.

The first one relates to the relationship between this bill and matters to do with the environment. In the previous debate when the Minister was making her presentation, I interrupted to enquire whether there would be any overlap with the proposed bill on the environment. She said there would not be. But the discussion this afternoon has indicated that this is something to watch. In fact, the other bill has not yet come up. So presumably when it does, one would hope that overlap would be addressed in that bill if it is not being addressed in this.

It seems to me, however, that one still has a problem when it comes to certain provisions of this bill under clause 5 and I would just refer to these. It is clear that in the Lower House this issue was causing some difficulty because in clause 5(b), there has been an amendment in the Lower House which deletes the second to last phrase "and conserving the animal and plant life." One wonders why that deletion was made. Perhaps the Minister can explain in her winding up, especially when one looks at 5(e) which says:

"encouraging research into property of interest including where applicable any animal, plant or marine life associated therewith."

There seems to be some difficulty in sorting this out. Personally, I think that it would be better if this bill did not deal at all with land or with plant and animal life and that the Environmental Bill, when it comes up, encompasses those facets.

As Sen. Mark has pointed out, there is also a difficulty with the Museum Act which happens to be an old one and when that was enacted it was also given the power to deal with flora and fauna. Clearly, in the amended Act, when the new one comes, as one hopes it will, that duplication would have to be eliminated. I think it would be better if this bill did not deal with land, plant or animal life.

The other issue which has come up and which I had some difficulty with the last time, is the question of listing. I pointed out then that in the United Kingdom, listing is not done by the National Trust; it is done under some Government authority, either central government or the local government. It is still my preference that the Town and Country Planning, as has been pointed out by Sen Mark, should have some authority and that the National Trust should not in fact do it. But even if the National Trust is going to do it, I had pointed out that there is a difficulty in that the Ministry to which the National Trust is responsible is different from that Ministry in which the expertise lies.

The expertise with regard to buildings, clearly lies with the Town and Country Planning Division which is in a different Ministry to which the National Trust would report. Again, I would prefer that in clauses 8 and 9, the Minister there referred to should be the Minister responsible for Town and Country Planning and not the Minister of Culture because I do not believe, as I said in the earlier debate, that one can run a system efficiently in which one Ministry has to draw on the expertise of another. In my experience, this just does not work so I would much rather that we avoid that difficulty.

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Mr. President, to conclude, I have always favoured a national trust which is structured like that in the United Kingdom which really operates as a very substantial pressure group with a large non-governmental component. So on the one hand, you have the government making the regulations, enacting and carrying out the policies of those regulations but you have a pressure group coming partly from non-governmental sources which ensures that the Government does not abuse its power or does not ignore certain aspects of preservation which need to be looked at. So personally, I favour that system.

On the other hand, it is true that we have been attempting to have this legislation—as Sen. Mark has pointed out—since 1970 and we certainly should not ever want to contemplate not arriving at a conclusion. I think with that in view some of us in the last debate were prepared to go along with the bill having achieved some modifications from the original draft which moved in the direction of removing some of the anomalies. My position is, yes, I certainly think it is important to have this bill enacted; yes I would support it. I would rather that we remove those aspects of the bill that deal with land, flora and fauna and that we allow the Minister responsible for Town and Country Planning to be the one that looks at the list which is being prepared by the National Trust. Thank you.

Sen. Gerald Furness-Smith: Mr. President, I will be very short. Sen. Spence having referred to the work of this Senate with respect to the previous bill, I should like to mention that I think the contributions this afternoon from those who were not here on that occasion, would perhaps have been more positive in favour of the bill if they had been here.

The previous bill is not the same as this bill; it was a more elaborate bill and it was very fully debated. Many of us had very serious reservations about it. It went to a select committee which worked on it under the distinguished chairmanship of Sen. Bradshaw for about two or three months, as I recollect. Week after week, it was most meticulously considered and the select committee reached agreement in the end. That is to say, not only the Government Members but the Independents and the Members from the then Opposition. It seriously modified the hon. Minister's bill.

I congratulate the Minister, not only for her presentation of this bill, but on her obvious capacity to listen and to take advice. I wish my friend Sen. Persad could have been equally so disposed. I think it would have helped him if he had listened to those of us who were trying to set him on the right path in respect of this bill,

because we all do need to listen to the views of other people. I congratulate the Minister on, not only carefully considering the report and recommendations of that select committee, but indeed for adopting them and obviously changing her views to some extent.

4.25 p.m.

I found it difficult to entertain this lengthy talk about the environment this afternoon. I fully agree with Sen. Deosaran—the environment is a matter of immense concern. I can understand his anxiety to mention it, when this or any other subject related to it, comes up for debate. We have been debating those things as long as I have been in the Senate, repeatedly. I, myself, have spoken, I think, with some vigour on numerous occasions. It is a scandal.

Mr. President, we are in an election year and talk is not only plentiful, but it remains cheap, particularly from Opposition Members who appear to feel themselves, and to be considered, entitled to speak on any subject and criticize the Government in the worst way, without having any clearly defined policy of their own to put forward. Environment is something we could all talk about for weeks and, as I say, I have from time to time spent many—

Dr. Persad: Mr. President, through you, I would like to put a question to the hon. Senator. He did mention that it is an election year and he did mention that the Opposition should not talk in an election year. Since he is doing a lot of talking himself, and since he has indicated that he does not belong to any political party, but nevertheless, he sees it necessary to attack the Opposition and praise the Government, I am beginning to wonder for whom he is campaigning.

Sen. Furness-Smith: I am always particularly grateful to Sen. Persad for these interventions, because like his predecessors, he always gives me the opportunity to make points which I otherwise could not have made.

Of course, it is the business of politicians to talk. That is the way they put their ideas over to the public. It is the particular business of the Opposition in this House, and presumably in the other place, to say anything useful which may be said in opposition to any of the Government's measures. That is their right and their duty.

The point I was making, which I have had to make before and I am proposing to continue to make, is that talking here as independent, unbiased people, who in our private capacity will be called upon in a few months to exercise a very

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important right we have, which is to vote, either for the one side or the other side, or for somebody who is not here at all, when listening to all this talk, I want to know what they are going to do. That is what I want to know. I have been trying to help these gentlemen since they arrived in this place by saying that. It is not that I am against them. I want to help them to put forward policies which I, at least, can understand, so that I will know when that time comes whether to vote for the one or the other.

I do not want to hear just talk, even on the subject of the environment on which we all feel deeply, because we know that there is very little which this Government or any government can do about it, because the people of this country have been trained not to pay attention to any laws. The police force, they stand up and watch offences being committed every day and it will be exactly the same if Sen. Persad succeeds in persuading the people of this country to put his leader into power next year, or whenever it is. The laws will continue not to be enforced and that is a very sad thing. We passed a Litter Bill, nobody takes that on; they litter just the same. There are ample laws about burning land and squatting on state land, but it goes on all the time. Even on private land it goes on because you get—

Dr. Persad: Mr. President, is he advocating that we need not pass laws? If he believes in what he is saying, why is he still here? I think he should do the needful. If he believes in what he is saying, he should not be here. Because if he says the laws have no effect—I think he should be consistent.

Sen. Furness-Smith: Politics, as he knows, is the law of the possible. Because everything is not right, we are not going to all just walk out. Many things are wrong and we are here to try and improve them. My point about this is that, even with the Environment Bill which somebody is going to pass, it will make little difference, because there are laws there already. But this Minister is doing something and she has had the good sense to take some advice and try and limit that something to what she believes—and I agree with her—hopefully will be able to be achieved. It may not be much, but it is a step in the right direction.

It is somewhat limited as Senators have pointed out. It does not include all the things which were in the original bill. All kinds of artifacts, jewellery, everything was there, but on examination it was found that would not have made sense to give this National Trust the right over people's private property in respect of their jewellery, their pictures and so on. It would not have made sense and she accepted

that advice; so this is a limited bill. There are many very keen people who are interested in supporting this measure and taking part and being on a trust of this nature.

These private people who have an interest in these things, they will get things done, I think. They will not have that much money—I do not know where they are getting too much money from, but they say they will be able to get it from foreign organizations which are willing to help. The Government, sooner or later, may be able to find a few dollars, but whatever it is they will start and they will get something done. I support the hon. Minister. Thank you.

4.32 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Robert Amar: Mr. President, I would like to start by saying that I feel in the interest of the development of Trinidad and Tobago, the bill that has been brought forward by the hon. Minister, is one that must have some level of compliment. I feel, as my goodly friend in the Senate has said, that 30 years we have been waiting. I think it is a grandiose step. At least we have something now and we can stop talking about what never existed and start to talk about something that exists.

So, I would like to share in congratulating the Minister and I would like to express to her that I do not think the Opposition is really fighting with her, with respect to this bill. It is for the development of this country and I think anything that is going to be for the development of Trinidad and Tobago, the people of this country care and are very concerned about it.

I too would like to say that I feel that the problem, with regards to the environment, is something that must be taken into consideration, with regards to this particular bill; it must be talked about and looked at. I give you a practical experience. In 1980, I went to Paris and those of you who have travelled to Europe, know that the condition of the buildings in Paris were black. The concrete had changed colour. That came about as a result of massive pollution. I am sure it cost the French government a substantial amount of money to have those buildings refurbished.

I want to reflect again on the United Kingdom. I am sure some of you have travelled to the UK and have visited Big Ben. Now, how nice does Big Ben look today in relation to how it looked in 1985? Big Ben had a transformation. They

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spent thousands of pounds, I am sure, on refurbishing Big Ben because of the same problem.

The bill addresses a number of very broad issues which are very important. I am one who believes "let us try it, if it does not work, let us fix it". Because by spending the time to keep going around in a melee of things, nothing happens. I would really like the Minister to consider very strongly, some aspects of the environment, relative to specific things, and I think that the Minister must not just put on a hearing-aid—historically, as has happened in the past—to the contributions made by the two honourable Senators, both Persad and Mark. I think they have made two of the best contributions since I have been sitting in this Senate, relative to the subject matter and I think they need to be given credit where credit is deserved.

In looking through the bill, I made a few points I would like the Minister, through you Mr. President, to take some notes. I want to start off with the Explanatory Note. When I look at (a), I keep coming back to asking the Ministers responsible to please—I know this has nothing do with the Act, the Act is the Act, how we make the Act work is a different story. I am a firm believer that a business plan supercedes the business. I am a firm believer that if we are to make this thing work, the Minister must have clear mandates laid down for the people who are going to be put in power to handle and control this.

Therefore, I always try to ask, what are the priorities? Are you addressing the priorities? You are going to be delegating authority to take on the first set of people—providing, of course, this bill does not get changed as we go along—relative to the implementing of the first scheme that is going to work in this particular environment. Do you have a clear mandate to give them? I believe that Members of the Senate would willingly want to go along with you if in your winding up you could say, "Here is what I intend to do. I intend to do a, b, c, d, e, f, g and I intend to complete it in so much time."

It makes life easier and we can then appreciate the sort of dimension that you would be working under and I tend to believe that somehow or the other, if you can really inform us as to your plan, it would be very enlightening to us and I feel we could be more comfortable, that something positive could come out at the end of it all.

Under (c) of the Explanatory Note, it states:

"preserving and arranging for the preservation of artifacts, furniture and other chattels having national, historic, artistic or scientific interest or value;"

I am concerned because in the presentation that was made, I heard the statement that the museum does not have money to operate. These things require special environment in which to keep them. Have we considered where we are going to store them? Are we just going to get this in place and then worry about where to store them?

I think these things need to be thought out very clearly and I think the Minister needs to be paying attention specifically to that because the artifacts are very small and fragile. Those of us who have gone to the Wild Fowl Trust know very much what I am talking about. They have a substantial amount of artifacts on display in this place but they are running out of space. The place does not have the facilities to take care of them properly, whether it is humidity control centers because we are not talking about things now that can just be put into a glass case.

If we are going to preserve them—I know that is the job of this team that is going to come on stream—what are they going to work by? It is like somebody going to get a job and when they line up to get the job the boss does not tell them the expectation. I am saying, let us make the expectations clear to these people. Let us make sure that we have a defined policy for them and let us make sure we have some mandate. These are the things I think I would like the Minister to address in her winding-up, relative to this whole issue so that I think everyone can feel a little more comfortable and satisfied.

I could not help, as I told Sen. Rampersad, but to disagree with his statement relative to what he said with regards to Kenya. I think he now understands what Sen. Mark and I were trying to say during the tea-break. It was a clear situation of do not re-invent the wheel. Barbados has one of these Acts; Jamaica has one, Grenada has one, St. Vincent has one. The potential of looking at them, finding out what is happening with them and telling us practically, "Look, I have investigated and we find that Jamaica has made an error, they did not take care of a, b and c but we have taken care of them; Barbados has made an error, they did not take care of a, b and c but we have taken care of them."

I think that lends credibility to the Government and further enforces its control and ability to resource information and make the right sort of presentation so that

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the population at large can appreciate the Government's diligence in coming forward with trying to get legislation passed.

5.10 p.m.

The Minister made the remark: "We cannot start that way. We have got to start clean." I believe we have a starting point, and I believe, quite honestly, we must definitely have what I would call the historical things that we know. We know the Magnificent Seven is a part of the historical heritage of this country, and everybody went off on a tangent with everything else, but I know this bill is addressing multiple things and I am sure it will address some of those issues of the rivers and the pollution and things like that in due course. I do not believe that Sen. Persad was wrong in bringing it to the attention of the Minister, because I think that he is trying to just make sure that the Minister is sensitized in a general sense and to make sure that when she addresses these issues, she addresses them not in part but in total. We cannot fix this problem by only doing one thing: preserving the national flag. What happens to the pole that keeps up the national flag?

I looked at (g) in the Explanatory Note:

"making the public aware of the value and beauty of the heritage of Trinidad and Tobago;"

and in relation to this legislation, I would like the Minister to take into consideration, if possible—because the Government according to the Radio Licence Act of Trinidad and Tobago has some rights with regards to radio time and public relations time, *et cetera* for the benefit of the country—using a stipulated amount of time where the radio will give information on environmental or heritage matters or on the social development of this country so that we could at least help the community to develop a sense of awareness as we are going along, and I would hope that she will take some strong consideration with regard to this whole issue.

I always have these problems when I see these documents because, in part it says, "this Act binds the State..." I can imagine if I sign a mortgage bill of sale, I am indebted to the company from which I have taken this mortgage. I keep asking for these limits to be put in because we cannot leave these things open-ended. When we first came into the Parliament, there was a debate on raising of the borrowing limit, and it had to come here for us to move it from \$2 billion to \$5

billion. I hope that the Minister will address the situation as to what level of debt the state is going to put itself in with regards to this particular entity.

Then under the aspect of the Income Tax Act and the charitable institutions, I somehow would not like that to be exploited, therefore, I feel that the Minister should address some maximum amount as to what people can invest into this thing that could become a tax write-off.

I would also like the Minister to address the criteria for appointment. We are talking about a very specific type of business here and, therefore, I would not like the Minister to look at the situation of just appointing anyone. The point was made earlier on that it must be someone who really cares about what he or she does, and we should not just take a person as chairman of this trust just for the purpose of putting him or her as a chairman. I feel the person must be real close to the ground, must love the project, must love the objects, and we must also make sure that this person who is appointed as chairman of this team has some clear marks of distinction in his own right, because in the bill there is talk about reappointing him after three years. I am thinking, yes, we could reappoint him, but on what criteria? I do not expect the bill to specify that, but I expect, Mr. President, that the Minister will address that in the mandate handed down to the council so that they will be able to make sure that if they do not perform, we do not keep them.

Under clause 6, it is stated: "raise money by borrowing." You know, this is a broad statement. I would like the Minister to ensure that the borrowing limits are specified, because I do not think that we should just leave it as a blanket statement to say, "raise money by borrowing." Borrowing how much? Who will have to repay it? If, according to the bill, when it is law, the Act binds the state, are we going to end up in a situation of a probable payment that has to be made by the state, for a wrong decision that was taken? At what level are we going to cut it out? I would also like the Minister to pay attention to this particular aspect.

Then there is the clause that says, "to retain the services of professionals and technical advisors and pay the fees of such advisors." From my experience with the little interaction I have with the embassies, there are many benefits we can get from many of these foreign bodies and they do not charge for them. It is a part of the service because they have people there who are crazy about keeping the environment, wanting to preserve an old building. My problem in this, which I would like the Minister to address, is whether these advisors should be local or

foreign. It is an open thing; it can be anyone. If it is foreign, to whom do we talk first before we employ someone like this? Should we make some approaches to the people at the Canadian Embassy, for instance, who are conscious of the environment, as I am sure we are, before we employ a foreigner? Get the facilities and services that are available at a low cost because Trinidad and Tobago is a developing country and there are many benefits that can come out of these two-way relationships.

Then somehow or other, Mr. President, in clause 6 (d) states:

"employ upon a temporary or permanent basis professional, technical, clerical and other officers and servants..."

My view is that I would hope that the Minister has what I would call a manpower utilization chart from start-up to five years. We know very well what we are planning to do and, therefore, the Minister should be able to define how many people would be needed in year one, year two, year three, year four and year five, in order to make this project work. Again, it comes back to the mandate that she will have to give to the council.

I have a problem with regards to the situation of valuation. I feel that there must be, not controls, but better policy. From what I read here, it is very loose and I feel that we must be able to get some sort of professional evaluators, especially if the state is going to take over some historical buildings. I share the sentiments of Sen. Mark when he talked about making sure that there was this so that persons who sat on that board did not end up in a position of trying to look after their own interests. I feel it is an important thing that the Minister must address.

I did not see, in this particular document, anything relating to the insurance. You know, we are talking about artifacts and things like that, and I am sure that the Minister has not forgotten and that she will make sure that she puts some notation about the liability of the state for the buildings. These buildings are very expensive and, therefore, who will be carrying the responsibility or the onus of carrying the levels of insurance? Who is going to pay it? How much is it really going to cost? If we take over something from someone, we will have to maintain it. It is still theirs. But I feel somehow or the other, although there may be charges to bring income back, based on what we put in the buildings, I feel the Minister must address the issue of insurance, and I think attention should be paid to it. There was the question of rates and taxes; my concern in regards to that is, if there was a building that we are taking over and there are outstanding rates and taxes, what happens to the outstanding rates and taxes prior to the takeover of the

building? Do we pay those rates and taxes for the original owner, or is the owner to be held responsible for paying them before we take it over? How are we going to work that out, bearing in mind that collection of rates and taxes is not the most efficient thing in this country.

Then clause 17(5) says:

"The Trust is exempt from customs duties, stamp duties and value added tax on goods imported for its official use."

I feel that there must be some attention paid to that aspect relative to competitive bidding, and somehow or the other, it just allows the guy, because it is duty-free and VAT free, whoever is running this organization, to deal with maybe the highest bidder, pay the lowest price, and end up with a situation where he refurbishes the building for a dollar when it should have been done for ten cents. So I think that some attention must be paid to that aspect of the bill.

Then under the financial section, I think that, like the Carnival Commission Bill which we recently debated, we should have a financial year, Mr. President, and I feel that we should make sure that we set deadlines for submission of all the reports relative to this particular thing, since it is something that is very important. Therefore, if we take too long to find out what is going wrong with it, I think we could end up losing all of the inputs into this particular project and thus making it an exercise in futility and of no use to us.

I would like to say, Mr. President, that I feel that if the hon. Minister would look at these particular things, I believe that we would have no trouble. I still believe that there is no problem in getting this bill passed because I think the Opposition is in favour of making sure some legislation like this is put in place. I hope that the Government has not misunderstood the contributions that have been made by the Opposition. They were very genuine contributions towards really trying to tie environment up with deterioration. We cannot fix it if we do not start from the source. I hope that the Minister would use her good office to talk with the other Ministers responsible, those in Drainage, in Health, and all the other areas, because this must be now a total package where we do not only try to fix it by putting legislation, but try to fix it from the sources that exist, so that we could possibly become a stronger nation with many more people who better understand what we are trying to do, not forcing it down their throats by means of legislation, but making sure that we communicate the information to them by the media that exist and try to bring them around to understanding that this is really protection of patrimony. Mr. President, I thank you very much.

Sen. Prof. Kenneth Ramchand: Mr. President, I am glad to have a chance to contribute to this discussion without resorting to the lengthy preamble to a question that you quite properly did not allow me to complete.

The establishment of a National Trust to preserve our national heritage has always been a fanaticism of mine, and I am therefore in complete agreement with the hon. Minister that it is long overdue, and I am happy to see that the Government is initiating action through the present bill. I am sure that all the Members of this House are supportive of the decision to establish a National Trust. The debate then, as Sen. Amar has pointed out, is a discussion of how to make the bill better and more manageable. The debate is an exercise in co-operation, as debates in this Senate ought properly to be.

I want to begin with a few points arising from Sen. Persad's contribution. I formed the impression that he was suggesting—and I agree with him—that the National Trust should not be called a national trust if it is limited to historic buildings, historic sites and monuments. Now, the question as to whether the trust should include many other items or whether it should be limited to buildings, sites and monuments may well be the crux of the matter. We could probably end up, if the Minister would agree to amend the name of the bill, with a bill that creates a National Trust for buildings, historic sites and monuments; a trust which would combine what Professor Spence was suggesting, a kind of pressure group and a trust that is open to influence from other pressure groups, and that would be involved, informally and piecemeal, in enlarging the responsibility of the trust over the years; a combination of a pressure group dealing with the whole larger meaning of National Trust, and a group given a specific mandate, as Sen. Amar has asked, working on, in the first instance, buildings, sites and monuments.

5.25 p.m.

Sen. Persad also suggested, and clearly he wants a larger National Trust, that the trust should have power to extend its protection to natural features, including plants, animals and marine life that may be endangered by irresponsible or unwittingly harmful environmental practices. In this, he is supported by section (a) of the Explanatory Note. He suggested that the bill should enlarge upon, and specify its interest in, elements of the national heritage in addition to sites, buildings and monuments. I find that these suggestions are constructive and unexceptionable, and I believe it will enhance the bill to include the provisions the

Senator requires with respect to plants, animals, marine life and natural features, whether or not there is a bill on the environment.

The question of the overlapping of agencies has cropped up all through the debate. A bill on the environment should be seen as something to which the trust can refer and depend upon in carrying out its work. By the same token, we have to expect that the trust will find itself drawn into areas covered by other laws and bodies, and it will need the co-operation of these laws and bodies. For instance, the trust might find it necessary to require that the size of the holes in seines should be regulated depending upon where and when the seining is taking place. Or, the trust may object to people coming in and making better films of carnival or Divali than we do, or are able to do. The trust may well wish to make statements on this matter and to have assistance in this matter, and it cannot do it on its own; it will have to apply to other bodies in the country.

There were several issues raised by Sen. Persad's contribution that I feel need to be thought about and solutions found for them. The question of listing has come up; the question of the size, the composition, the method of appointment; the powers of the council and its relation to the Government of the day, have also been raised. It should be recognized that you cannot list in advance all the things that the trust may find it necessary to protect; nor will the trust be able to give equal attention to all elements of the national heritage. The trust, in other words, will have to make crucial decisions about what to include and what are the priorities.

While I agree with Sen. Amar that Government should give a mandate to the council, I believe it should be a general mandate and that the working out of the details should be left to the council. I am anxious, therefore, that the council should be larger than seven in number; that it should be clearly a council of experts regardless of party political affiliations; that it should be a council that can act independently of, and even in opposition to, the Government of the day. For instance, if there was such a council in existence, and if there were plans to convert part of the island into a mini-Disney World, I would expect the council to want to be satisfied that such plans were consistent with preserving the national heritage. I feel therefore that some more thought and precision should be given to the size, the composition, the method of appointment, the powers of the council and its relationship to the Government of the day.

Mr. President, I can summarize by saying that if we are going for a National Trust in the larger sense, a great deal of work still needs to be done. If we are

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going for a National Trust for historic buildings, sites and monuments, we should remove all ambiguities by amending the title of the bill to so state, but this will still leave us with the problem of the nature of council.

I thank you.

ADJOURNMENT

Sen. Alloy Lequay: Mr. President, it does not appear that there are going to be any further contributions. I have been advised that the Minister would like some time to assess the contributions of Senators on new points which have been raised in this debate, compared with what had taken place in the previous debate.

At this stage, I am therefore going to move the adjournment. In doing so, I wish to advise hon. Senators that we expect to complete this bill, have its passage at the Third Reading at the next sitting, and start debate on the NAMDEVCO Bill—the National Marketing Development Company which is replacing the CMA—a bill which was tabled about a month ago. Debate on that bill would be started, so the Senators should note it and prepare themselves for that debate.

With those comments, I beg to move that the Senate do now adjourn to Tuesday, June 18, 1991 at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.33 p.m.