

SENATE*Tuesday, October 8, 1991*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**SENATORS' APPOINTMENT**

Mr. President: Hon. Senators, I have been advised that his Excellency, the President has appointed Mr. Abdool Wahab to be a temporary Senator during the absence from the Senate of Sen. Dr. Sahadeo Basdeo, with effect from October 7, 1991.

I have also been advised that his Excellency, the President has appointed Mr. Trevor Belmosa to be a temporary Senator during the absence from the Senate of Sen. Robert Amar with effect from September 7, 1991.

I have also been advised that his Excellency, the President has appointed Mr. Guy Hadiz to be a temporary Senator during the absence from the Senate of Sen. the Hon. Herbert Atwell with effect from October 7, 1991.

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Senators Abdool Wahab, Trevor Belmosa and Guy Hannays.

Hon. Senators, I understand that the public address system is a little defective today, because certain microphones are not functioning. If we cannot get all the microphones to work, it may be necessary to have a short suspension for about five minutes while the matter is being attended to. We will continue and see what we can do.

ORAL ANSWERS TO QUESTIONS**Loans Contract**

The following questions stood on the Order Paper in the name of Sen. Wade Mark:

65. Is the Minister of Energy aware of a letter dated January 9, 1991, which forms part of the loans contract between Trinidad and Tobago and the Inter-American Development Bank?

If the Minister is aware, could he provide a copy of the same letter for the information of the Senate?

**Hydrocarbon Sector
(Role of Ministries)**

66. Could the Minister of Energy state:

- i What would be the new roles of the various government ministries involved in the Hydrocarbon Sector Rationalization Programme?
- ii Could the Minister identify these government ministries and outline their new roles in the context of the Inter-American Development Bank Loan?

Establishment of Holding Company

67. Could the Minister of Energy state the rationale for the establishment of the holding company under which all the country's hydrocarbon enterprises will now be placed?

Sen. Alloy Lequay: Mr. President, the incumbent Minister of Energy is out of the country and we have agreed, with your kind consent and the consent of other Senators, to have the question deferred until the Minister is back.

Questions, by leave, deferred.

**RENT RESTRICTION
(RE-ENACTMENT AND VALIDATION) BILL**

[SECOND DAY]

Order read for resuming adjourned debate on question [October 1, 1991]:

That the bill be now read a second time.

Question again proposed.

BUSINESS OF THE SENATE

Mr. President: As I indicated, we will have to wait a little while the microphones are reconnected. Dr. Persad's microphone is not functioning.

Hon. Senators, I believe the technician would feel a little more comfortable if the Senators were not around. I think we should take a short suspension. Before I do so, however, I welcome in the distinguished visitors' gallery, Dr. Basil Matthews, whom I invited to the sitting today.

Dr. Matthews, who will be doing research work in the United States of America, only last month celebrated his 80th birthday, and he is here to

participate in the celebrations marking the 35th anniversary of the St. Benedict's College, at La Romaine, which he founded himself.

The sitting is now suspended for 15 minutes. We will resume at two o'clock, or when the public address system is functioning once more, whichever is earlier.

1.45 p.m.: *Sitting suspended.*

2.00 p.m.: *Sitting resumed.*

**RENT RESTRICTION
(RE-ENACTMENT AND VALIDATION) BILL**

Sen. Dr. Prakash Persad: Mr. President, let me again welcome the hon. Attorney General to this honourable Chamber. Let me also welcome belatedly and *in absentia* the Minister responsible for housing.

Mr. President, it always appears to me that the hon. Attorney General made rather undistinguished presentations. I thought that was my opinion alone, but apparently his Government thinks so, too, because it has sent a back-up in the Minister of Settlements. As one goodly Senator pointed out to me in private conversation, the back-up was sent under the cover of darkness, as it were, to ambush us, because we were not informed, as I thought courtesy would have demanded, that the hon. Minister would be sitting here listening to the debate and would contribute to the debate. Rather, she came by stealth and to make matters worse, she came, let loose a lot of propaganda and subsequently disappeared.

Now, if she is contributing to the debate, one would expect, again, as proper parliamentary courtesy would demand, that she would sit for the debate. Unfortunately, she did not see it fit to do so. It is a rather regretful situation. It is a black day for this honourable Chamber.

Mr. President, the bill before us is to re-enact the Rent Restriction Act, Chap. 59:50, and to validate things done thereunder. This is that Act we are considering. This Act provides a mechanism to provide affordable housing to members of our country, who are at the low end of the salary scale. It seeks to put a limit on the rent that can be charged on certain categories of furnished and unfurnished accommodation. It also seeks to provide some security of tenure to the tenants.

Let us look at the specific category, dwelling-houses, and the rent limit imposed in 1981 by section 3 of the Rent Restriction (Dwelling-Houses) Act, No. 45 of 1981, which indicated that for unfurnished houses the upper limit was

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\$1,000; for furnished houses the upper limit was \$1,500. Since the legislation must be read in conjunction with the bill before us, what they doing, in effect, today, is continuing to impose such a limit on dwelling-houses.

Mr. President, the question is that if we seem to retain this limit, why has the Attorney General not come forth and provided some sort of statistical evidence as to why such a limit was retained? Has he considered the fluctuations in the value of property, such that property owners will find it to be a reasonably profitable business to lease their properties? Where are the figures? Where is the rationale for keeping the same limits? Where is it?

Mr. President, he has come with no figures whatsoever, again, showing a complete lack of preparation. Let me draw to the attention of the honourable House, some information from the CSO, and I refer to the annual report of 1990, table 18. The table is entitled "Persons with Jobs by Sex, Monthly Income and Occupational Group". Mr. President, do you know the average income for 1990 of all workers in this country is \$1,600? You are coming to this Chamber to tell us that you want to provide, you want to accommodate low-income wage earners, and you are saying the limit is \$1,500 and you are going to tell me that is for low income where the average income in 1990 was \$1,600.

To make the matter even worse, the medium income for all occupations is \$1,200, yet, the limit for furnished accommodation is \$1,500. Whom are you targeting? It could not be the average worker. You are certainly not helping the property owners either. What is the purpose of this legislation? If you want to help the low-income wage earners, if you are serious about it, then you would have done some surveys and come with an appropriate limit. How can a man who earns the average income of \$1,600 a month afford that sort of rent limit, \$1,500; or the average worker, in the medium income, \$1,500?

Mr. President, sales workers have a medium income of \$900. So to come to this honourable Chamber and say that this legislation is to enable lower income people to have affordable housing is a myth. The situation in 1991 is no different, because I have the CSO report for the first quarter of 1991. The average income is \$1,600. So what we will see is that if this Minister and if this Government were serious about providing affordable housing for low-income people, they are certainly not doing it.

Mr. President, they have recognized the problem. For the *Draft Medium Term Macro Planning Framework 1989—1995*, page 153, in which they admit that

11,000 units would be required annually for the next five years. So they recognize there is a housing problem.

Mr. President, I have here a document, the source being *Marriages and Divorces Bulletin 1989*, from the CSO again, Volume 1, No. 8, November, 1990. It states the total number of marriages per year. In 1987, there were 7,602 marriages; 1988, 7,327 marriages; 1989, 6,794. Maybe the turnaround in the economy has caused people to stop getting married. There is a decrease in marriage. Maybe it is too easy to get married now.

The purpose of this document, Mr. President, and the purpose of quoting such figures, is to show that, annually, some 7,000 couples are married and when people get married we all know they want to own their own homes, even if they have to rent. So just in terms of marriage alone, there is an upper limit of nearly an average of 7,000 couples per year entering the housing market who want to rent, *et cetera*. Obviously, they cannot rent with this \$1,000 and \$1,500 that you have so generously provided for them. In this document, Sir, these are legally married people. I am not talking about *de facto* spouses; there are a lot of *de facto* relations and we are not even talking about those. Probably they would increase.

So this Government has admitted in the official documents that they need housing.

Mr. Smart: I loathe to interrupt when a Senator is speaking unless I think my interruption would help the House and possibly help the goodly Senator. I think his argument is that this piece of legislation protects only those persons whose rents are \$1,000 in the case of unfurnished premises, and \$1,500 in the case of furnished premises. I think I ought to point out that the purpose of the legislation is to protect those tenancies in respect of which the rent is \$1,000 or less or \$1,500 in the case of furnished premises or less. So that premises rented in 1978, for \$200 a month or \$500 a month would be protected, too, under the Act.

Sen. Dr. Persad: Mr. President, I thank the hon. Attorney General for restating what I thought I stated before, and I said "limit". I might point out, if this hon. Attorney General was *au courant* with what is happening outside that for instance, and I give a simple example: at the University of the West Indies, where students rent, the hon. Minister who would know, who would be intimately acquainted with such procedures, the Minister responsible for tourism—*[Interruption]* I see, the LID Programme was extended to ministerial portfolio also, acting 10 years later, well, I congratulate you.

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For one room, students normally pay \$300 a month. What house are you going to get for less than \$300 a month? Where can you rent a decent dwelling-house for \$200 a month? You must be joking! You obviously are totally out of touch with what is happening outside there.

Mr. President, as I pointed out, they have recognized that there is a need for housing. His presentation here would indicate that he is totally out of touch with the realities of the rental situation, and to make it even worse, he did not even investigate the situation out there.

Mr. President, last week, the hon. Minister responsible for housing came in here, as I said, under the cover of stealth and decided to indulge in propaganda of the worst type—and she is not even here today—about the great accomplishments of this Government. I am quoting from the *Guardian* dated October 6, 1991, page 3:

2.15 p.m.

"Among the on-going and planned activities..."

Notice carefully, nowhere is stated what was done during her tenure of office, which is coming to an end. I continue:

"A 24-flat building..."

Imagine—a fantastic number

"A 24-flat building..."

I continue:

"...construction work on over 500 houses in Chaguanas, along with 150 at Malabar and 40 buildings at D'Abadie.

First batch of land development under the Inter-American Development Bank...for Bon Air West (820 lots); Couva North (500-plus lots) and Harmony Hall over 500 lots."

These are on-going and planned activities. But the Minister was very careful not to point out what was on-going and what was planned, because nothing is going on.

Hon. Senator: He is practising for the platform.

Mr. President, let me quote from the National Housing Authority's Settlements Policy, February 1987, a government documentation from that very same Minister.

Hon. Senator: Who was the Minister then?

Sen. Dr. Persad: Appendix I states:

Summary Sheet

Sites identified for village expansion; comprehensive development and regularization by County.

<u>County/Type</u>	<u>Approx. yield (plots)</u>
St. George	6,083
Victoria	3,142
St. Patrick	1,281
Nariva/Mayaro	1,376
Caroni	1,434
St. Andrew/St. David	1,349

In other words, the total number of plots for comprehensive development and regularization in Trinidad alone is 14,665 plots; and in Trinidad and Tobago, 15,009. This has been planned. This is not only a policy, they have plans. The document goes on to state the County/Area; Approximate yield; Approximate Area; Scheduled Starting Date; Remarks.

She talked about Harmony Hall. Since 1987, Harmony Hall was identified with 500 housing lots, and now we are coming to the end of 1991, four years after, and the Minister is harping on the same thing—"we will develop, we have planned this, we intend to do this." It is a joke. She is a dismal failure, an abysmal failure, an absolute failure. Here it is on page 16, Mr. President. It states:

County/Area	Approx. yield (plots)	Approx. Area (H.A.)	Scheduled Starting Date	Remarks
Harmony Hall	500	34	July	Development guidelines prepared. Outline permission granted. Requires careful design and land management.

Sen. Rampersad: Mr. President, on a point of information. Could the hon. Senator tell this Senate what document is that? Is it an NHA document or a government document? He is misleading the Senate. NHA is a fully autonomous body, and if NHA says something, it does not exactly mean that the Minister or the Ministry says it.

Sen. Dr. Persad: Mr. President, as usual, this Government never takes blame for anything. When we spoke about the health, that the Government run down the health institutions, we evidenced from the draft estimates that it decreased the health budget, the hon. Minister said that it was the PNM's fault. Last week, when the distinguished Sen. Mark pointed out the failure in housing, the hon. Minister said it was the PNM's fault. Anything bad that happens in this country is the PNM's fault. You have a right to say so because your presence has been negligible—you have not been there at all—you have been an absolute failure, abysmal, no performance. It is nauseating to say every time, "PNM fault; PNM fault". It is a disgusting singsong, and maybe they should learn some new words.

Hon. Senator: I think you should learn to speak the English language.

Sen. Dr. Persad: Mr. President, this Minister has been involved in propaganda all the time. Maybe it will serve the Attorney General in better stead the next time, if he brings a back-up that has some credibility, not one who is an abysmal failure.

Housing is a basic need—it is not a luxury—and people need housing. Food and shelter are required for life. Certainly, to use car parts, as my colleagues pointed out, does not alleviate the problem.

Mr. President, as I pointed out, the Government has failed totally in housing. To make matters even worse, despite the propaganda, in this document they pointed out that Dyette Estate in Cunupia—and I wonder if the Minister knows where Cunupia is—is included in that. Since 1987, people bought 309 lots in Dyette Estate, Cunupia; since 1987 they have paid totally for them—and to date there are no utilities: no water and no electricity. Maybe the hon. Sen. Felix Rampersad should tell me who is to blame, this time. Maybe WASA and T&TEC are also autonomous bodies.

Sen. Rampersad: I can answer that by telling you that we have put in water and electricity in areas that were long overdue, like La Horquetta and Maloney.

Mr. President: I appeal to hon. Senators—for I do not know how many times, dozens of times—to restrict the interruptions.

The Standing Orders require that one Senator at a time shall address the Senate, and unless the Senator is offending the Standing Orders and somebody rises on a point of order, which should be short, Senators have the right to listen to what the Senator is saying. If he is saying something that is all wrong, you have no right to get up and speak and show that what he is saying is all wrong. So that we must restrict these interruptions. Senators must follow the rules prescribed for Senators who are not speaking and listen to the Senator in silence and stop interrupting him.

Insofar as I am aware, the National Housing Authority is a statutory board which falls under the jurisdiction of a Minister, as all statutory boards.

Sen. Dr. Persad: Thank you, Mr. President. I did not want to point out his ignorance to him, I thought he should learn it elsewhere.

Mr. President: If you would address the Chair and stop paying attention directly to those little interruptions—

Sen. Dr. Persad: Mr. President, as I was pointing out, in Dyette Estate, Phase II, Cunupia, since 1987 there are some 309 lots which were all sold and, to date, the utilities are not provided, and apparently the local health body, the Caroni County Council, refuses to grant permission. The Public Health Ordinance, Chap. 12:04, clause 36 (1) states:

"No owner of any land wheresoever situate shall utilize such land for the erection of buildings or lay out such lands into building lots without having obtained the previous approval in writing of the local authority."

This ordinance is still in force. If the local health body in Caroni is refusing to grant permission to the owners of such lots in Dyette Estate, Cunupia, my question to the Minister is: Was such approval obtained? All the evidence would point that probably it was not obtained and that is why the local health body is refusing to grant permission to build. If that is the case, I ask the question: Is this Minister above the law? I mean, they are disclaiming responsibility for everything. Have they gone one step further and are saying that they are beyond the law; that they do not need to comply with legal requirements? They must answer.

2.25 p.m.

If the situation is not bad enough, would you believe there is worse to come? They are unable to provide housing; they are unable to provide utilities. Do you

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know they are now obstructing people who are able to provide housing? I refer to the sugar industry where there is a Labour Welfare Committee, and a part of this committee there is a board which deals with housing. This body was incorporated on December 1, 1951. It has been in existence for a long time and I am sure the hon. Sen. Martin Sampath would know about it. They have been doing a great job. They have been very efficient in providing houses at a very, very low cost to sugar workers. Do you know that this same NHA which this Government has suddenly disclaimed all responsibility for, wants to subsume that board?

I have documentation here from one Fr. Ronald Tagallie, the chairman of the Sugar Industry Welfare Committee, pointing out their problems, in that the NHA wants to subsume this body and stop them totally from clearing lots, cutting up lots and providing lots for housing. So they want to put an end to a body that works. What sort of madness is this? This body has been around since 1951.

Sen. Furness-Smith: On a point of order. I have been listening closely and as always, with great interest, to the learned leader of the Opposition but I am submitting that I have not heard anything which is really relevant to this debate yet. This is not a debate on the housing policy of the Government. This is a debate on whether we renew the rent restriction laws or not. I am yet to hear from either opposition, who have spoken at length on the housing policy of the Government, whether they are in favour of this bill or not. I submit that all this talk about the Government's policy or lack of it, in their housing condition in the country, is irrelevant to this debate.

Mr. President: Hon. Senator, I appreciate the point you have made. I believe that certain matters were introduced in this debate at the last sitting by other speakers and it is not easy to have a dividing line when it comes to a debate on rent restriction to escape the question of housing policy, because I think that is at the basis of it all, to a great extent anyway, that the need for rent restriction is because of the whole housing situation. So that although some speakers may dwell a little more than it is really necessary to develop that point, it is difficult to rule them completely out of order. I would just ask the Member to pay a little more attention to the Rent Restriction Act aspect.

Dr. Bahadoorsingh: Mr. President, since you have so ruled, would the Senator give way to a question which I have been holding for the most appropriate time?

In asking this question, I just want to preface it by indicating that I am doing so out of a genuine desire for information and not in any way to put the Member in a position of discomfort. I would like to ask the hon. Member, without his referring me to any party manifesto which I have not seen—and I do not know whether it is printed and available—his view and his party's policy with respect to housing in Trinidad and Tobago to augment the number of houses—which I take your point, Mr. President—is relevant to the bill before us today. I asked this out of a genuine desire for information—and I wish I would receive it on this occasion—and not in any way to put the Member in any discomfort. I would appreciate getting this information.

Sen. Dr. Persad: First, let me point out to Sen. Furness-Smith, my good friend, that patience is a virtue which I thought he had acquired and a virtue he demonstrated an abundance of during the Minister's presentation. It would seem that he demonstrated so much patience then that he ran out of it now.

Sen. Furness-Smith: On a point of explanation. Sen. Mark started this off. The Minister, I thought, was entitled to reply. What I am raising now is, is every Opposition speaking to spend their three-quarters of an hour in giving us the same message, attacking the Government's policy and not speaking about the bill? There must be some limit, Mr. President.

Sen. Dr. Persad: Mr. President, the hon. Sen. Dr. Bahadoorsingh being a Member of Parliament and a keen follower and practitioner of the political situation in Trinidad and Tobago, I am sure, is fully aware of the achievements made in the Sou-Sou Land concept of hon. John Humphrey and I think that will point him in the right direction of our policies.

As was rightly pointed out, if people have access to bodies that provide appropriate housing at a reasonable cost, then there will be no need for this rent restriction. I must continue on my point that this Government has been trying to emasculate the Sugar Welfare Board, which is extremely distasteful.

As regards the Rent Restriction Act itself, the Minister said last week that he could not give the figures for the statistics of the rent assessment boards. I have here a document from the Office of the Attorney General, 24—28 Richmond Street, Port of Spain, dated July 11, 1991. It is a pity that he does not seem to be aware of the documentation that comes from his own office. It is with regard to the request for statistics on the number of cases before the rent assessment boards. For the San Fernando Rent Assessment Board, as of July 30, 1991, there were six

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matters. On Dwelling-Houses and matters pending, as of July 30, 1991, 26 matters. For Port of Spain, under similar headings, 17 and 7; Arima—nil and 13; Tobago—2 and 9.

At the first glance it would seem that these statistics indicate that the boards are working quite efficiently and that there are very few cases. But upon investigation, it was found that most people did not know that such boards exist, and those who knew had such a bad experience with the operation of the boards that they did not bother to use them. Maybe this is why the statistics are this low, and maybe the Attorney General should indicate to this House what is being done to rectify this situation.

If this Government is serious about protecting the right of tenants, why have they not made it compulsory that all landlords be registered for the purpose of tax collection? Because, surely, when you rent premises you earn extra income. If you are serious about tax collection, there must be some central data base that would link all these various factors, a sort of relational data base.

2.35 p.m.

Whenever I try to find out exactly what the National Computer Agency does, I get the impression that it is Trinidad's equivalent to the FBI. It is shrouded in mystery like some secret organization. Nobody knows exactly what they do and apparently they do not do much. What I am saying is there must be some system set up to ensure, if we are serious about this country and serious about progress, that people pay taxes as are due. Why are landlords not registered? Or why should all landlords not be registered? Maybe the hon. Attorney General could indicate what is Government's policy in this matter. I am sure hon. Senators on the Independent Benches would be quite happy to hear what policies we have.

Mr. President, what about those residences in which people rent a room or two? Who is to ensure that the tenants are protected from fire hazards; that there is proper construction; that the building codes have been enforced; that they are protected from the crime situation? As you know, this country has an escalating crime problem. Who should check it? Why are landlords not registered? If they ought not to be registered, the hon. Attorney General should state what is Government's policy in this regard.

What I find extremely disturbing is that they have allowed this bill to lapse for 20 months, and the hon. Attorney General has the gall to come here and say it was an administrative weakness; and to gloss over an administrative weakness.

This bill impinges on the constitutional rights of citizens of this country, and maybe this is an indicator of how the Government treats the constitution of the party. They seem to have scant "disregard" for it. This is a point that was made by my honourable friend, Sen. Ramesh Deosaran, that the executive seem to think that they are not bound by the laws of Parliament; that they can do what they want; they can do as they please, he referred as much, and if he did not, let him say so. *[Interruption]* I was not aware that the hon. Senator had appointed spokesmen, or is he self-appointed?

This is most disturbing—20 months—and then he comes in and wants us to agree to clause 3, as stated:

"All acts and things done or purported to be done in exercise of powers conferred under this Act are deemed to have been lawfully and validly done, notwithstanding that the Act ceased to have effect on the 24th February, 1900."

So, for the past 20 months, we have had rent assessment boards that were not duly constituted, making decisions. I do not know how many decisions they have made. He did not indicate because he seems to have a definite aversion to statistics. The numbers seem to frighten him, so he did not bring any.

So, for the past 20 months we have had boards which were not duly constituted; they had no jurisdiction to rule on any matter, then this hon. Attorney General wants to come and tell us "We must agree, and make lawful, what they had done"; or what they have done. I am absolutely against that. If this Government has scant "disregard" for the Constitution of this country, and scant regard, it would seem, by extension, for this honourable Chamber, I do not share such disregard at all.

This hon. Attorney General must give a better excuse, other than this lame excuse of administrative weakness. What was the administrative weakness for 20 months? Twenty months people's constitutional rights have been infringed and he does not know about it? There are points of reference in this. If you look in the Constitution, in terms of powers in emergency situations, a definite period exists. You must come to Parliament and have a definite period because you are infringing on people's constitutional rights.

He comes here and glibly glosses over the fact that people's constitutional rights could have been affected for the past 20 months and wants to make it lawful too. I say thank God that elections are near; that we would put an end to this sort

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of madness; this sort of incompetence; this sort of arrogance that having made this mistake, he does not come and offer apologies to this country and this Chamber, and try to rectify the situation.

It saddens my heart that this sort of situation is allowed and Ministers treat people's constitutional rights with such disrespect. I am stating clearly, that I cannot agree and no right-thinking person would agree to allow clause 3 to become law. Thank you.

Sen. Alloy Lequay: Mr. President, my short intervention is more on a procedural point, than to deal specifically with the bill before us.

The hon. Attorney General and the Minister of Settlements have both been attacked. The hon. Attorney General was attacked for needing what has been termed by Sen. Persad as "back up" because he did not know Government's policy on housing and he had to bring with him, the hon. Minister of Settlements.

If we ourselves, in this honourable Chamber, are not aware of our own Constitution and our Standing Orders, then we are not going to be in a position to make criticisms of the media when they misrepresent what we say. It is clear from the comments by hon. Sen. Dr. Persad, that he was either playing politics or he is not aware of the Constitution.

He has sent certain signals to the public and to the media that the hon. Minister of Settlements had no right to be here.

Sen. Persad: Mr. President, on a point of order. I did not say that. What I said was that they displayed lack of courtesy in not informing us that she was going to be here for the debate. That is what I said. I did not say she had no right to be here.

Sen. Lequay: Mr. President, he rose on a point of order, do you want to respond?

Mr. President: The Senator is quite right when he indicated that it was a lack of courtesy by not informing the Senate. I do not think he has in any way challenged or objected to her presence and contribution to the debate.

Sen. Lequay: Mr. President, I am claiming that the Government Benches have no obligation to advise the Opposition when a Minister of Government is due to come into this Parliament to join in a debate. The Constitution under section 62 is very clear on the Minister's responsibility to come in this House.

2.45 p.m.

We anticipated that this debate would have been taken beyond the narrow confines of the bill and Government's policy on housing would have been criticized. Therefore, we invited the hon. Minister responsible for housing policy to be here, to listen to the comments of the Opposition, in particular, in case there was need for response.

As Sen. Furness-Smith has said, the whole thrust of Sen. Mark's contribution was a criticism of Government's policy on housing. The Minister responded adequately and there was no need for her to be here again to listen to other Members of the Opposition reiterate the same criticisms about Government's policy.

I do not want to have to read the Constitution for hon. Members but if I am permitted to quote section 62 (1):

"A Minister who is a Member of the House of Representatives, and a Minister who is a Senator, has the right to attend any sitting of the Senate or the House of Representatives."

That is a right and we do not have to inform Opposition Members when a Minister is coming to this Senate.

Our Standing Orders tell us, and we amended it to satisfy that particular aspect of the Constitution, that "a Minister who is attending a sitting of a Senate, pursuant to Section 62 of the Constitution, shall be deemed to be a Member of the Senate for the purpose of these Standing Orders".

I want to reiterate the point which I am making. If we are going to behave in such an irresponsible manner when it comes to the interpretation of our Constitution or the interpretation of our Standing Orders, which we approved, then how do we expect the members of the media to properly represent you?

Sen. Persad: Mr. President, on a point of order. Again, the hon. Leader of Government Business is concluding that I am irresponsible based on the assumption, I believe, that the hon. Minister cannot be here. I have made this point clear that I have no objections.

I made my point of courtesy and yet the hon. Leader persists in his erroneous and discourteous line of argument.

Sen. Lequay: The main problem is that on every single issue, the Senate minority Leader finds it necessary not to deal with the issue, but to deal with politics. That is his main problem. He has politicized every single issue. It does not matter how important, or how serious it is, since he came into the Senate, he has attempted to politicize every single issue which has come before us. He has attempted it again today, by pointing fingers at the Attorney General and the Minister of Housing and Settlements.

I am saying that it is an irresponsible approach and it shows a lack of knowledge and understanding of the Constitution and our own Standing Orders. I am contending, that if we in this Senate give those signals to the media, then it is clear that the media who will not know or properly understand our own procedures, will wrongly report us. Then, we are going to complain about not being properly reported. I urge Members of the Opposition Benches, notwithstanding the political season, that we are here as hon. Members to deal with serious public business.

Sen. Persad: On a point of order. The hon. Leader of Government Business is stating that we are showing disregard to the oath we took. I take great offence to that and he must withdraw the comment.

Mr. President: Sen. Persad, I think the Leader has long ago finished dealing with that. He is dealing on a general principle. I do not think he is dealing with what you specifically raised. I think he has passed that stage.

Sen. Lequay: To conclude my remarks, what I am attempting to say is that I accept that we are in the political season and that there will be some "ole" talk and crosstalk here and there and a few political comments would be made, but I want to really make a serious appeal, particularly to Senators Mark and Persad, to understand their responsibilities.

Sen. Persad: On a point of order. He is saying that we do not understand our responsibilities and he must withdraw the comment. He is specific now, he has called us by names. He must withdraw it.

Mr. President: Sen. Lequay, I tried to indicate that you had passed that stage. I do not think it is fair to say that the Leader of the Opposition of the Senate does not understand something merely because you have a particular interpretation and he has another one.

There are times when all of us would not agree with a particular interpretation. There was a time here yesterday, I did not agree with a particular interpretation, but I would not make an issue out of it. I think if you are dealing with general principles continue, but I think Sen. Persad has made it quite clear what his position was in this debate. We are finished dealing with that part of the matter.

Sen. Lequay: The hon. Senator rose on a point of order and, with due respect, it does not seem to me that you have ruled that he had a point of order.

Mr. President: He had a point of order because I am satisfied that repeatedly, you are attacking him for something which had been settled earlier in your contribution. He rose on a point of order before and I told him that you had passed that stage, but to continue accusing him of not understanding the Standing Orders or the Constitution, I do not think anybody inside here, apart from the few lawyers and the Attorney General, could consider themselves constitutional experts. Many of us can understand the Standing Orders, but if your opinion of the Constitution does not agree with his, that does not mean that you should take the right to tell him that he does not understand the Constitution. I feel that can be avoided.

Are you finished?

Sen. Lequay: Yes, Mr. President.

Sen. Gerald Furness-Smith: Mr. President, I was not sure if the hon. Leader was finished. I certainly do not wish to continue the debate of the Government's housing policy.

I am hoping that we could now return to the question of the extension of the Rent Restriction Act. I think one thing that the hon. Leader of the Opposition of this Senate cannot accuse me or any other Member of is a lack of patience. I think we have all demonstrated an extraordinary patience, including yourself. It is quite true, as you stated, that the provision of houses and the availability of houses could be relevant to the question of whether we need a Rent Restriction Act.

But I am yet to hear how that has been connected because, as we know, one can widen a debate but one must first connect one's argument to the matter before us and that has not been done. All I have heard in two speeches is a full-scale attack on the Government on the basis that there is a serious housing situation in Trinidad and Tobago.

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2.55 p.m.

Last week on another bill it was the question that the health of the country was in a parlous condition. We are not debating housing generally here, we are debating whether the Rent Restriction Act should be re-enacted.

Before I leave what I may call the political issues which we have to contend with every week, I would like to suggest to the honourable Leader that however ignorant some of us may be of our own Standing Orders, I would not like anything coming from this place and, particularly from him, to suggest that it somehow gives a licence to the press to commit a contempt of this Chamber. I express my regret, I am sure he did it unintentionally, but the message which he sent this afternoon indicated that perhaps the press, in doing what was the subject of our debate yesterday, could be excused in some way. I think that is an unfortunate message.

Sen. Lequay: Mr. President, I had absolutely no intention of relating what I said today to what took place yesterday. I was attempting to point out that when we are dealing with constitutional matters and matters relating to our own Standing Orders, we must be clear what we are saying or we will send the wrong signals to the media who will not be in a position to understand our own Standing Orders as we should be in a position to.

Sen. Furness-Smith: I agree.

If I could turn very shortly to this bill which I did not originally intend to speak on, but having heard the contributions from this side and indeed the hon. Attorney General, my view on the bill has somewhat altered, as so often happens.

The position at the moment is that for some 20 months the rent restriction law has not been a law at all. It is not the law of this land. It has expired. For 20 months there has been no rent restriction law on the statute books. I think that is perfectly and absolutely clear. Now, what we are being asked to do is to, in effect, re-enact it by extending it and making that re-enactment and extension date back to 20 months ago when it expired. That is a proposition that in principle I find difficult to accept. There are cases in which it may be necessary, but I certainly need to be very well-satisfied that this is one of those circumstances because, in the meantime, people's rights have been changing and for Parliament to pass a law that says for the last 20 months the law has been different from what it has been, retroactively, is a very serious matter. I think it brings the law to some extent into disrepute.

I gather from the contribution of Sen. Persad that there are not too many matters before the rent boards. If this law was important and needed to be re-enacted, why has there not been a public hubbub when it expired 20 months ago? Is it suggested that even the rent boards were unaware of the expiry of their jurisdiction? How is it that somebody has not made a great fuss if the protection of these laws is so important? The deduction I would have thought was, if this law has expired without a funeral note, as it were, the matter is of no importance, so why do we need to resurrect it? It expired like Sir John Moore. "Not a sound was heard, not a funeral note" and, in those circumstances, I think the proper reaction of this Chamber should be, "well, let it lie". Why reintroduce it?

I am particularly concerned about anything directly or indirectly undermining the validity of our laws. Our laws are subject to continual attack. Most of them are not regarded at all. Anyone who drives in this country or who walks down the street knows that everybody disregards the law, except my learned friend here, who I am sure stops religiously on every white line and fulfils every last word of the Highway Code. Most of us drive in a very good way, but we do not drive strictly according to the rules. The law is not observed. Then we have cases where the laws which are on the statute books, have been on the statute books for years, somebody in the police service get a rush of blood and they start enforcing them in a totally unacceptable way.

Mr. President, I, myself, would be very careful of the language I introduce into this Chamber. We are all careful in this Chamber not to use unparliamentary language, but, we know that in the streets in common parlance all sorts of words are, in fact, used. We are not living up in the clouds. We know those words. I would refer to them compendiously as four-letter words. They are part of the daily speech of ordinary people of this country and, I may say, most countries in the western world. That is a fact. For the police to invoke the Obscene Publications Act—I think that is the name—in order to suppress—

3.05 p.m.

Mr. President: Sen. Furness-Smith, you are the last person I thought I would have to remind that this matter, as far as I am concerned, is *sub judice*. I would like to remind you of the provisions of the Standing Orders that we should not refer to anything during the debate in such a manner as to prejudice the outcome of any matter pending before the courts. Happy as I am to hear your views, we may prefer to hear them privately rather than publicly at this stage

Sen. Furness-Smith: With due respect, Mr. President, I am not aware that any charges have been brought. I see a report about an arrest made. I am not aware of any matter being *sub judice* at all, and I would have hoped that the very short remarks which I am making here today, would avoid the crass stupidity of the matter being *sub judice*.

Mr. President, it reminds me—and I am on the subject of, respect for laws—
[*Interruption*]

Mr. President: Sen. Furness-Smith, I am allowing you to proceed on the assurance you have given, that the matter is not *sub judice*.

Sen. Furness-Smith: I do not know which matter this is, except what was published in the newspapers. I am not aware of anything but I am giving an illustration of a matter which took place many years ago on the subject of respect for the law and obscenity.

Mr. President, it was about 25 years ago, some time in the 1960s, there were some vendors in St. James, I think, selling all sorts of scurrilous and obscene pamphlets with illustrations—extremely undesirable for young people.

Sen. Persad: Mr. President, on a point of order. What is the relevance of this to the Rent Restriction Act?

Sen. Furness-Smith: Mr. President, unlike my friend, I have prefaced my contribution by bringing it in the context and making it relevant to this bill, on the point of respect for the law. I submit to your ruling. I wish to inform the House of this incident.

Somebody decided that these obscene publications in the streets should be put down and stopped. The police—I think it was called the Ethics Squad in those days—thought it necessary, instead of going to St. James and taking these clearly obscene publications off the streets, no, no they had to go to a book shop owned by a very respectable and, indeed, a very devout gentleman who happened, of course, to be complexionally disadvantaged like myself. They went into his respectable book-shop where he sold, what may be called “Romance. I think there was a particular volume by a fellow called Harold Robbins and as is the custom in the trade, the cover gave a presentation rather more lurid and appetizing than the contents, in order to sell the thing. It actually showed a young lady, obviously about to undress and go to bed. That was on the fly-sheet. The goodly sergeant from the Ethics Squad comes in and sees this volume and lays a charge against the

book and this worthy devout citizen under the Obscene Publications Act. The miserable man had to retain Mr. Malcolm Butt QC, to defend him.

When it came into court we asked the police to particularize the passages which were obscene in this book and they went away and they came back in a week's time with the markers throughout the book. Do you know what it was? What was obscene about this book—because he could not rely on the cover of the young lady going to bed, because there was no man there. She was going to bed. This was a romance about a young couple who got married at the beginning of the war in England. He was a member of the army and on the wedding day he received a message from his colonel saying he had to report that very afternoon for duty and his regiment was posted to the Middle East. So he got married in 1940. At the end of the war, in 1945, his regiment comes back. Five years have passed. The book was the story about the emotional reactions of the young girl who was married and deprived of her husband from her wedding day for five years. He came back and wanted to consummate his marriage and he made arrangements, I think it was at the Ritz Hotel. He wanted everything to be done in style. They met at the Ritz Hotel and, you know, Mr. President, the book, not like modern books, where they give you chapter and verse, but it made clear that the marriage was going to be consummated, and that was considered obscene.

3.15 p.m.

One would have thought, even though it is 25 years ago, the ridiculousness of that case would have discouraged any similar case coming again. I will say no more.

But now, not only are our laws being generally disregarded, and apparently—I do not know whether the rent restriction boards have been sitting for the last 20 months, but if so—we are having laws which are not laws being administered and given effect to; and in addition to that, we have some laws when some jefe feels that something is wrong, the full weight of the law with 12 or 15 policemen, heavily armed, is brought down on some miserable citizen.

Mr. President, it is just not good enough, and I am sorry if my remarks have been a little bit beyond the point, but I feel strongly about the law being sacrosanct and we must not do anything here which upsets that.

Now, my one concern is—and I am worried as to how one should vote on this bill—that we should not, by failing to re-enact the law, cause some serious

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hardship to any citizen, probably of the poorer classes. Now, that requires one to consider just how effective is the Rent Restriction Act at the present time. What effect is it having?

Now, as the hon. Attorney General indicated, for many years, the Rent Restriction Act was being phased out. I think it was in 1954 that an order was made stating that any new buildings would be free of control. I may have got the date wrong. There were further orders reducing the rents. So I think, in the end, it was rents below \$30 a month or a year, that were subject to control. Sen. Tiwary can correct me, it is a long time since I practised in these matters. So it went on, so that the rent restriction law was being gradually phased out, as buildings got older and more decrepit and all new buildings from 1954, which is now nearly 40 years ago, were de-controlled. Until, in 1981, in December—in fact, I remember the date very well, because it was the date on which I first joined this Senate—December 18, 1981, in fulfilment, I gathered, of an election promise, the former government came with the Rent Restriction (Dwelling-Houses) Act to place control back on all dwelling-houses other than those above a rent of \$1,000 unfurnished or \$1,500 furnished. That was a most scandalous enactment, Mr. President.

I had to speak on it without any notice one hour after I was admitted to the Senate. But, of course, in those days nobody paid any attention to my views, certainly, and a bill, however iniquitous, passed through, virtually without comment. It was a scandalous bill, because it created rent control retroactively to the rents in 1978, that was three years before. As was perfectly clear, Mr. President, tremendous hardship was going to be done to many people who had bought properties on a rising market with mortgages which had to be repaid out of the rents, and the rents were subsequently slashed. In those days, inflation was running well, and three years made a big difference.

It was not an Act which should have been passed and, of course, it was stupid, because very shortly after, the whole property market collapsed. My information is that, today, that piece of legislation is just not necessary, no doubt for the reason mentioned by Sen. Persad. People do not have the money to pay rents for dwelling-houses. The market is even. Because, you see, if you have property and you cannot rent it because there are not enough people earning enough to pay the rent you want, you have to take a lower rent. That is all there is to it. Of course, if you introduce rent restriction when you do not need to, you are destroying the possibility of there being a sufficient supply of rented houses at all.

So that for a few cheap, political points, the Government passing that kind of legislation is going to destroy the prospects of there being housing available for the citizens of this country. But landlords are always fair game; there are far, far more tenants than landlords. So for a few cheap, political points, a few votes, you are going to destroy the possibility of people having the housing which they need.

One of the things I have not heard in all the hours of abuse of the Government, except inferentially, is what the policy of this Opposition would be. They suggested that everybody has a right to a house, so is it their policy that every 7,000 of these married couples will be given a house courtesy of all of us? Is that their policy?

Sen. Persad: Mr. President, a point of information for the goodly Senator. What I indicated in terms of the number—

Sen. Furness-Smith: I cannot hear.

Sen. Persad: The reason to quote the statistics is to give an indication of the number of married couples entering the home market. I nowhere made the suggestion that we were going to provide houses freely for everybody. I mean, the Senator may choose to conclude and infer whatever he wishes, but I did not say so.

Sen. Furness-Smith: Of course he did not say it. He did not say anything specific. He never commits his party at all. I have been asking him week after week what his policy is, and he tells me, "Well, it is coming". There is a big paper coming there. We have read headlines about it: "The UNC Manifesto is in draft, it is coming. The leader has approved it." But what does it contain?

Mr. President, my understanding is that the market for housing, at the moment, has achieved a certain equilibrium. In my view, it would be quite wrong to put back control, unless there is a very strong reason to do so.

Now, in respect of building land, many poor people have their chattel houses on building land. We do not need to worry about that, because by the Land Tenants (Security of Tenure) Act, No.11 of 1981—that was, you see, the election year—they were given security of tenure. They can buy their land; a statutory lease was created. Of course, with certain safeguards which Sen. Horne made a very material contribution in securing, in that bill, No.11 of 1981, but three years later

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they tore up all the safeguards. However, I am not worrying about land tenants, because they are protected.

I believe, though, that there may be a number of people still having the old control of renting properties from the 1940 Act, rents fixed, it would be, I think, under \$30, whether it is a month or a year, I do not know. It is possible that unless the Attorney General succeeds in passing this bill, there could be some hardship.

My answer to that is that if there is the possibility of hardship, we should be told about it, and the legislation which we are asked to pass should address that hardship. Maybe we should do so in the way that the original Land Tenants Act, No.11 of 1981, addressed it for chattel houses, giving the tenants a right to buy the premises at some price, because those people have been there for 30 or 40 years. So what is the problem about dealing with that? But let it be dealt with. The landlords, they have given up a long time ago. They had their rights confiscated way back in 1940 or 1942. So they have given up.

But do not let us ruin, again, the market for rented houses by re-introducing rent control over dwelling-houses around the country. The 1942 Act, the original Rent Restriction Act, was passed during the war, at the same time they passed that, they introduced slum clearance legislation which was a constructive proposal; namely, you control the houses, you have scheme for the rebuilding. There was a commission set up, which would buy out the land and buildings with poor houses on them and new flats or houses would be built. That is the way these things should be dealt with.

In fact, I understand, the National Housing Authority still has power to do that. But why do that? Why spend money on buying out, paying out money to landlords to buy their land, when you can leave them to rot? You can let those houses rot, because the landlords cannot do anything with them. They are certainly not going to build new houses for rent. so the land and the buildings gradually go to waste and this last Government, had millions and millions of dollars, billions of dollars were spent on fancy housing schemes all over the country. But unfortunately, of course, in that milieu, some of them were not so fancy, there were leaks. But millions of dollars were spent for some lucky people who got a house worth \$150,000 or \$200,000. What about the rest of the people who were not lucky in the draw? What irresponsibility.

So, Mr. President, my position on this, and I have approached it with great difficulty, is that I am against the hon. Attorney General's bill in principle, unless

he can clearly show me the hardship which would be caused by not passing it and some reason some proper legislation should not be passed to deal with those poorer people who, I suspect, might be affected if we do not pass this. He could well say that if following this bill not being passed, landlords try to take advantage of that, the Government fully intends to bring a new bill quickly to address that situation.

I think that is a practical solution to this problem, and I recommend it to the House, thank you.

Sen. Prof. John Spence: Mr. President, my contribution will be very brief, because I think many points that I would have made have already been made. I think if there is a shortage of housing then clearly one may have a social problem which needs to be addressed. So in principle I do not have a difficulty with rent restriction under those circumstances, if it is equitable. But I feel that, particularly the provisions of the 1981 Act are not equitable, and indeed are unfair to many persons, the way in which it was enacted, by rolling back rents.

It would seem to me, also that under that Act, the possibility of changes, of assessment of rents were to restrict it. So I believe that if one is to have rent restriction, which we may need to have in certain circumstances, one must have provision for rent restriction boards to be able to assess equitable rentals, not based on very restrictive criteria.

Some of the things that need to be taken into account in making those assessments would be current cost of repairs, current rates and taxes and, of course, current interest rates on mortgages. So it would seem to me that one would need a different provision in the Act in order to deal with those problems. It would also, of course, necessitate proper staffing of the rent restriction boards because if one were able to achieve that possibility for assessment, then it is quite possible that there may be a number of applications to the rent restriction boards for reviews.

I believe the fact that there are so few applications now is occasioned by the rather restrictive basis for review. This is why I am suggesting an amendment which I hope would address that problem of equity, also meeting some of the issues that have been raised here with respect to the fact that many properties are allowed to deteriorate because landlords cannot afford to maintain the properties on the rentals that they are getting and so your housing stock is deteriorating. Added to that, there are the changes in income tax assessment which might reduce

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the maintenance of owner-occupied houses, which means that your house, again, tends to deteriorate under those circumstances.

It would seem to me, therefore, that one would need to add to the present Act some provision that would allow for a review of that type. So, Mr. President, I have circulated a proposed amendment, and if I may just read the relevant clause of that amendment, it states:

“Notwithstanding any provisions of the Rent Restriction Act, Chapter 59:50 and the Rent Restrictions (Dwelling-Houses) Act, No.45 of 1981, either tenant or landlord of property falling under either of these Acts, may apply for review of the rental to the Rent Restriction Board which is hereby empowered to fix the rental. In so doing, the Board should take into account the current social and economic conditions”.

Now, it may be that one may comment on this that the statement “current social and economic conditions” is somewhat vague, but it would seem to me that it would be difficult to list all the criteria that the rent restriction boards would have to take into account and, therefore, they would have to be given the latitude to make assessments based on a number of factors which would fall under those two categories: they would be economic circumstances, which I have just outlined, but they also must consider the social situation of too few houses to accommodate the number of tenants and, therefore, the need not to create hardship by the rentals that they set.

So, basically, Mr. President, that is my position. I do not oppose rent restriction. I think that it is necessary under certain circumstances, but I think that it must be equitable, and I think we must find some way of making it thus. Thank you, Mr. President.

Sen. Horne: Mr. President, I just want a bit of information. When I was preparing to speak on this—

Mr. President: At this stage, leave it for the committee stage. If I allow you to speak at this stage I think you will be speaking twice in the debate. Whenever we reach the committee stage you will have an appropriate opportunity.

Sen. Allan Alexander: Mr. President, this bill before the House is in the nature of social legislation which I am inclined to support. I was very happy when I saw the hon. Minister of Settlements gracing this House with his presence, because I felt that we would have been informed as to the quantity and quality of rent restriction tenancies under the original Rent Restriction Ordinance, and

perhaps she would have been able to tell us what the expectations of the Government were in respect of remedying that situation.

I expected, for example, that we would have been told how many of those persons in rent restricted tenancies were in a position to afford the \$70,000 to acquire their own homes, and what was the Government's intention in respect of those tenants who could not afford the \$70,000. In that regard, she would have given us some information on which we could decide whether the continuation of the Rent Restriction Act was necessary. If it was necessary, whether it would be reasonable to extend it to 1993. Because the original Act, the Rent Restriction Act, so far as I recall, is related to buildings which were constructed before 1954, buildings almost 40 years and over, where the rents were very low, very reasonable, and that was the reason for the establishment of the rent restriction boards.

It may very well be that some of these buildings are almost in a state in which they are not fit for human habitation. If that is so, the extension of this bill will be the continuation by legislation of some of our citizens living in sub-human conditions. That, in effect, might be the situation. I do not know what the situation is, because we do not have the statistics about it. I do hope that those statistics would be provided, because they are very important. As I mentioned in my opening, I am inclined to support this bill, but I do not know what I am really supporting.

That brings me, Mr. President, to the 1981 legislation, which my learned friend, Sen. Furness-Smith referred to as "stupid", but it was bad legislation. It purported to be rent restriction, but it had nothing to do with housing at all. It was a measure which was instituted to assist those persons whom the Government felt needed assistance to maintain a certain standard of living, but it had nothing to do with social legislation in respect of housing. It was bad legislation. It was the fixing of an arbitrary rent with absolutely no reference, either to the value of the house, or anything whatsoever in respect of those premises. The real result of that legislation was that reasonable landlords were the ones who were stuck, and those who were exploitative were allowed to continue their exploitation. It is as bad as that.

3.45 p.m.

How many households are in that bracket? I prefer to deal with the household rather than the tenants or the landlords. How will the Government's policy in

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respect of housing deal with those households which fall within the Rent Restriction (Dwelling-Houses) Act? These are matters which I would like to hear something about. In respect of that Act, I am inclined to agree with the idea projected by the amendment tabled by Sen. Spence. In effect, the amendment seeks to get away from the arbitrary nature of the fixing of the rent by the Rent Restriction (Dwelling-Houses) Act, and is seeking to have a realistic assessment of those premises based on value, neighbourhood, and all those criteria on which the value of premises is based.

Mr. President, most of what needs to be said about this piece of legislation has been said. As Sen. Furness-Smith rightly pointed out, the Rent Restriction Act was running in tandem with the Slum Clearance Ordinance. It was as a result of the number of units which the Planning and Housing Commission—which was established under the Slum Clearance Ordinance—was able to build by 1954, that it was then reasonable to take houses which were built after 1954 out of the Rent Restriction Ordinance.

The Slum Clearance Ordinance was repealed when the National Housing Authority was established. The powers of the Planning and Housing Commission, under the Slum Clearance Ordinance, were given to the National Housing Authority, obviously with the view that the National Housing Authority would have continued the work of the Planning and Housing Commission. If that work had been done, by now there would have been absolutely no need for rent restriction.

Unfortunately, I am not in a position to say whether there is need for the re-introduction of the Rent Restriction Act. If there is need, do we need it for another six months, another year? Do we really need it until 1992? I must be satisfied on these matters before I decide how I will vote.

Thank you very much.

Sen. Trevor Belmosa: Mr. President, I just want to make a brief contribution on this bill that seeks to re-enact the Rent Restriction Act. Before I do so, I would like to make reference to the Minister of Settlements' contribution on the *Hansard* records, since I was here during that debate.

Firstly, I was very disturbed by the Leader of the Government stating that they have no right to allow or inform the Opposition that a Minister from the Lower House will be coming. This disturbed me because if this is truly a democracy, and we are truly professional politicians, I see no secret in hiding someone who is

competent, or so-called competent, to give information and not allow the people of Trinidad and Tobago, which the Government and the Opposition represent—

Mr. President: Senator, I think at this stage it would be in the interest of all concerned if you could stay clear of this problem which we have dealt with, as far as I am concerned, at an earlier stage of the proceedings—and especially as you were not here last week—and get into the meat of your contribution.

Sen. Belmosa: Thank you, Mr. President. As I understand, this Rent Restriction Act came about during World War II, based on economic and social consequences in terms of housing and one's ability to afford housing. Today, when I view a particular part of the country, particularly the East Dry River/Laventille area, I see in areas such as Sea Lots, John John, Beetham Estate, and Laventille in general, that slums continue to exist, and I question whether there was a government's policy to clear these slums. What is the Government's policy in terms of housing for these poor people?

When I look at the Minister's contribution she mentioned that part of the Government's policy was a movement to remove the people from the dependency syndrome to independence; movements to self-reliance; movements to self-esteem. During my daily walks through these areas, the people have mentioned that they have not been able to move anywhere to independence, self-reliance, or self-esteem. In fact, there were temporary dwellings which were built by the previous regime—concrete plannings in Pleasant Terrace, Beetham Estate, and the people there have indicated to me that there should be some policy where they will have a choice to own these particular temporary dwellings or apartments, and whether the Government had any policy on bringing that sense of independence to those people.

All I see is that the meagre rent that these people have to fight daily to pay, is just a policy of the Government continuing to suck the pennies of the poor, because instead of taking them out of that state of dependency, this present regime has continued the same policies. Therefore, in trying to show a fine line between rent restriction and housing, it is very difficult not to address the failure of the housing policy of this present regime.

She also mentioned in one of her contributions, that she went to St. Paul Street where there is a multi-purpose complex and she saw children coming out of those wooden shacks, and they looked like "zombies." Instead of doing something, they continue to blame the past regime. I think the people of this country are fed up of

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the whipping horse of the past. They want some hope for the future. They want to be able to assess the four years of this present regime and to see what hope they have given to poor people.

3.55 p.m.

After listening to some of the senior Senators and their clarification of this particular Rent Restriction Act that started maybe before I was born, and the nature of the Slum Clearing Ordinance that went alongside this Rent Restriction Act, again I want to know if there needs to be some war on poverty, some war on clearing these slums. Because when you go into Sea Lots and you see the poor housing condition, the health hazards, you want to know if there is a Ministry of Health under this present regime. The children there are faced with pools of water when it rains, mosquito infestation, roads that are filled with water, and we question what has this Government done.

I recall in a book *Forged from the Love of Liberty* written by our first Prime Minister where he said in the 1950s that the places like John John and St. Paul Street were not fit for roaches and rats to live, much less human beings with these overcrowded shacks, latrines and so forth. Yet after four years, this present regime's political leader could build five communal toilets to serve 500 families. I question, what can hungry, homeless people do with toilets? Is this a pragmatic solution to the needs of these people in the poor areas? Are we maintaining the slums or are we prepared to act on removing them?

The Leader of the Opposition mentioned that the 20-month absence of the Rent Restriction Act had in some ways violated the constitutional rights of certain tenants and, maybe, landlords. The good Sen. Furness-Smith mentioned that there seemed to be a breakdown in respect for the law concerning that particular matter. I remember reading in *The Caribbean Man* by the present Prime Minister, that the collapse of most governments is due to the breakdown of constitutional law, the lack of respect for law. What I am seeing here is this constant disrespect for the law and I wonder if after July 27, and after this constant disrespect when going into movie houses and theatres, if this disrespect for the law is just a sign of the breakdown of democracy in Trinidad and Tobago. I hope that some solution would be forthcoming.

As Sen. Alexander mentioned, under the Rent Restriction Ordinance and the Slum Clearing Ordinance, in 1954 so many units were built and, therefore, units after those years were not put under rent restriction control. This, I think, could be

another solution to the present crisis because there have not been any units in Sea Lots, in John John, in the Beetham Estates, anywhere in those particular areas I am focussing on today, that show that the Government is prepared to clear the slums.

As I mentioned before, I came in late on this debate and, therefore, I did not have the time to go through the particular fine points of this bill. Therefore, I would conclude by stating that around the Catholic church there are many homeless people. Again, it points to the housing policy. What can be done about it? What should be done about it? If we allow this Government to continue, let us see clearly what are the plans to clear the slums. Thank you, Mr. President.

Sen. Kelvin Khan: Mr. President, while listening to the story of Sen. Furness-Smith about the young couple who had to wait five years for their marriage to be consummated, I started to imagine and I thought of the ardour with which they would perhaps approach this. In my imaginings, I wondered whether any of the younger people present would think about it in the same way and I hope that they would not be unduly moved. I wish to assure you that my concerns were not obscene.

To return to the Rent Restriction Act. The Act infringes on certain rights and it infringes more on the rights of landlords than tenants and I would therefore consider it discriminatory. Because of this, a great deal of care should be exercised. Like Sen. Alexander, I am concerned that legislation is brought to this House and there is insufficient or perhaps no data provided to assist in making a decision. It is so often left to emotion and, of course, when one makes decisions based on emotion, quite often, one makes mistakes.

Surprisingly, data on housing can be very easily compiled. Those of us familiar with the United States newspapers would see how much information is always available on housing. This legislation has been on our statute books since 1941—Act 13 of 1941. It is 1991, 50 years, and we are speaking of extensions three years beyond 1993, and yet there is no data to assist in making decisions.

Questions that need to be answered are: How many houses are affected by the Rent Restriction Act? Where are they located? What is the average monthly rent? Are the number of houses affected by the Act increasing or decreasing? Are the houses affected by the Act being allowed to deteriorate because their owners cannot afford to maintain them and, therefore, are we creating slums? There are a host of other questions that need to be addressed which would help us make

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decisions as far as the Rent Restriction Act is concerned and I am sure would assist Government in its housing policy.

The Minister spoke of La Horquetta, Maloney and other developments. Sen. Horne referred to someone whom she knew had a property in Woodbrook on which some \$360.00 rent was collected annually. I have difficulty in believing that anyone who pays \$30.00 a month to live in Woodbrook is going to move to La Horquetta and Maloney. So what are we achieving? People are going to continue to live in those places once those rents apply.

Has Government ever considered that tenants may, in certain instances, be in a better position to afford housing than landlords? Should there not be a means test whereby the total income of a household is considered; there is some minimum, and tenants whose income exceed that minimum will not have the protection of the Rent Restriction Act? This will avoid abuse, where an Act designed to help the poor could be abused by people who do not need that assistance.

4.05 p.m.

Now, over the years, landlords have been subsidizing tenants and, in my view, this is wrong. That is the duty and a function of Government, not landlords. But we continue to do it and in the absence of data, there is the question of emotion. I am concerned that if this Act is repealed or not revalidated, there could be a great deal of hardship; there could be many unfortunate people evicted from their homes.

So, on the basis of emotion, I want to support this bill. At the same time, I am not prepared to let Government off the hook. It is their responsibility. I use the word "government" in the broadest sense without reference to any political party. It is government's responsibility.

I was inclined to say that I would support the bill, but rather than the three-year extension that is sought, I would support it for only a one-year extension. But having heard Sen. Furness-Smith, I will reserve my position and await the summation of the Minister. Thank you, Mr. President.

Sen. Abdool Wahab: Mr. President, I rise in support of the bill to re-enact the Rent Restriction Act, Chap. 59:50, to validate things done thereunder.

I listened with rapt attention to all the contributions made and one thing seemed to slip the minds of the Opposition Senators, in particular, and that is the

fact that this bill is seeking to revalidate or re-enact expired legislation and that the period for that legislation is not lengthy. What they sought to do is to create the impression that we, on this side, are seeking to revalidate this legislation for yet another time and they wanted to compare us with the PNM, when Sen. Mark himself alluded to the PNM re-enacting this same legislation some years ago.

One has to consider that this Government has been in power for just over four years, and we must give credit to this Government for the amount of new legislation that we have brought before this House and the number of bills brought here to repeal old legislation; the number of amendments we have done to old legislation. I think that it is unfair to say that we are attempting, as a permanent solution to the Rent Restriction Act, to have this Act revalidated once again.

The bill seeks to give some kind of reprieve to the poorer class of people, and I would have thought that Sen. Mark, in particular, who always speaks about the workers, and in this Chamber he has always used the words "the working class", I wonder how he managed, really, to talk about the working class so much and yet oppose a piece of legislation, as Sen. Khan pointed out, which is seeking to ensure that hardships are not brought upon those same workers.

I want to remind him that this Government has a housing policy, unlike the past Government. Therefore, when we seek sometimes to point out that the fault lies with the past Government, we see immediately the Opposition taking a position to defend the PNM. But we understand that, because they are brothers in the business. When you oppose the PNM, you oppose the UNC. Therefore, I want to remind the goodly Senators that the NAR Government, from its inception, as soon as we got into power, put into effect that part of the manifesto—the manifesto is the document which has been accepted as the working document of the Government of Trinidad and Tobago—and we have proven that we are working towards this question of alleviating the housing problem. More than anything else, we are putting into practice, policies and plans that are designed to bring ease to the poorer class of people who rent homes; who squat; who cannot afford to buy homes. Therefore, I would just like to quote from the manifesto, so that he can understand that it is the poorer class of people whom we are seeking to protect. That is not to say that some other people will not also benefit from it.

4.15 p.m.

With your leave I quote from page 27. I want to pay particular attention to the heading Part 6 which says: "Human Dignity And Social Progress". So that the

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exercise is one about human dignity. It is not just about building houses as the past regime did and putting people as though they are animals in a pig-pen or something like this. We are doing it with dignity. It says:

"Under an NAR Government, the State will spare no effort to fulfill its obligations to our citizens in all areas of social system."

It goes on to say:

"Revaluation of NHA Houses:

Revaluation of NHA 'low income high cost' houses will be undertaken on the basis of current market value and a new mortgage rate level will be determined which will be affordable and efficiently implemented."

We have done that. Let me quote further. From the same page it says:

"'Squatters' Settlements: All squatters on State and State Enterprises land will be given a moratorium period in which not a single house will be demolished."

Now that is significant when you talk about the working class. These are the people we are seeing about. If you go to Esperanza, you will understand the thrust of the NAR Government; if you go to Korea Village, Wyar Biropsingh Road, Hermitage Village in the South, Bagatelle. If, for instance, instead of looking at the slums of the Beetham Highway Sen. Belmosa will direct his attention closer to home, he will understand the work that we are doing in his backyard, regularizing the people in that area. Perhaps, he felt that because of the 600 votes he got there, it is not significant enough for him to mention. However, I do not know if he has ambition to fight the seat across there in Laventille.

Perhaps he has not gone across to Laventille and the Beetham Estate. Anyone in his right mind passing through the Beetham Estate now can make a comparison of the time under the former Government when the Beetham Estate was a rubbish heap. Now, that we have beautified that area, we have lent dignity to the people there, and you come here to tell this Senate that we are doing nothing for the people of John John, the Beetham Estate and Sea Lots. You cannot go in Beetham and say that. Do not let them hear you saying that there. One of the things which I can assure you is that if you do not know anything about what is happening there, the people who live there, they surely know what we are doing there.

I cannot see anyone in his right mind, except if he has some interest otherwise, wanting to oppose a piece of legislation which seeks to bring relief, or ensure some

measure of security of tenure to the poorer class of people. We are mindful of the importance of the court whenever we have expired legislation.

This Government must be credited, as I said, for having taken the steps not only to re-enact this legislation, but also to ensure that all the support systems are put in place, so that when new legislation comes it will not be difficult for us to implement it. The policies of this Government on housing, whether it be on rent, on the question of site development—and I may mention at this point, having regard to what was said by Sen. Persad about Harmony Hall and Couva North, if he is not aware of the development taking place in both those areas, I invite him to go there and look and see what is happening. It is different from when you passed there six years ago. The project is well on the way and things are happening.

As a matter of fact, let me say this. The document to which Sen. Persad alluded did not say that the policy will be implemented the next morning. This Government is in this term for five years. Therefore, when we put something there, understand that the policy is within the framework of that five-year programme. This Government cannot be accused of not planning properly because you will have to understand that there was no planning ministry before we came to Government and we instituted the Ministry of Planning and things must be planned very carefully.

It is on the basis of careful planning that we are proposing a re-enactment of this Act, so as to allow for more long-term planning to ensure that more effective, manageable and up-to-date legislation reaches the people of Trinidad and Tobago. I do not think that this bill needs a lot of explanation in order to ensure that people understand what it is about. I am convinced, in my mind, that everyone sitting in this Senate understands the need for this piece of legislation. No one can convince me otherwise.

4.25 p.m.

Therefore, in supporting this legislation, I appeal to all honourable Senators to do the right thing, for we cannot seek to play politics with the lives of people at this stage. Let me at this point mention that this Government has never been engaged and will never engage in playing politics with the lives of people. We have taken decisions—hard decisions, elections or no elections; unpopular ones. No matter when we brought this bill to the House; no matter when we brought the squatter regularization programme, someone would have had something to say about it. We are about governing, we are about the people's business and,

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therefore, I commend to this Senate that we should do the honourable thing and support this piece of legislation which, in my view, is really needed at this point in time in this country of ours. Thank you very much.

Mr. President: Sen. Horne, I believe you wanted to ask the Attorney General a question.

Sen. Horne: I heard that the Attorney General got figures as to the number of domestic houses affected, I would like to know how he got those figures. In my preparation for this debate I got in touch with the Port of Spain Rent Assessment Board and asked for figures: how many domestic houses were affected; if any commercial building houses were affected and they said to me, "none". None to help me make up my mind. So I heard statistics being read and I would like to know how he got those figures.

Mr. President: It is a convenient time to suspend the sitting. We resume at 5.00 p.m. Sen. Haji Ralph Khan will join the debate.

4.28 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Haji Ralph Khan: Mr. President. Let me begin by stating that in my contribution on this bill, I speak neither in the capacity of a landlord nor a tenant. I will anticipate, therefore, that whatever I say here shall be without prejudice.

Mr. President, due to my absence from the Senate when this bill was introduced last Tuesday, which was October 1, I have made it my business to read with very avid interest, the reports that appeared in the various newspapers because I wanted to be *au courant* with the contributions made by my erstwhile senatorial colleagues who made their contributions on that day, to be aware of what transpired in my absence.

Mr. President, from my observations, I have gathered that arguments have been advanced or may appear to have been made on behalf of landlords on one side and on tenants on the other side but, as Parliamentarians, as law-makers, as people who are entrusted with the responsibility of enacting legislation in this Senate and, talking and hearing about the qualities of equality of justice all the time, I think that both sectors, in my opinion, are equally important. One cannot go without the other because, to me, it is not reconcilable or very easily

comprehensible to have tenants without a landlord whether it is the government, state sector, the private sector or an individual being the landlord.

Mr. President, I have heard it and gotten the reassurance from the legal luminaries here in our midst, that the Land Tenants (Security of Tenure) Act was passed in 1981; it confirms my knowledge. I am not prepared to go into the details of that, but my understanding is that when this piece of legislation came into effect and was approved by the previous regime the attendant regulations were not published and, further, up to this day, if my information serves me right, such regulations have still not been published, as a result it has become more or less virtually impossible under those circumstances for the rent assessment boards to properly administer the rules and functions. If the rent assessment boards are appointed to arbitrate on matters where tenants or landlords, whichever party might be aggrieved, and are dissatisfied about the agreements which exist between them, then obviously the rent assessment boards will be the arbiters in such matters. But if my information is correct, Mr. President, and these regulations have not been published, well then we have a very serious vacuum existing here in the absence of these regulations.

Sen. Wahab: Mr. President, I would just like to draw to the attention of the Senate that under the Land Tenants (Security of Tenure) Act of 1981 as referred to by the goodly Senator, the rent restriction boards have no jurisdiction and, therefore, any regulations that are not yet published, as he said, will not have affected the rent assessment boards.

Sen. R. Khan: Mr. President, I acknowledge that these are two different matters. However, I also believe that there have been in operation rent assessment boards until such time as this Act expired. If this is not so then I am to be corrected and if this has been so, then the rent assessment boards have had a difficult time in being able to function effectively.

Mr. President, when we talk about landlords the impression is easily conjured up that a landlord is a very wealthy owner because he can afford luxury, owns a home and so forth but, in my daily business in dealing with a cross-section of the community, I have come across many landlords who are not wealthy people.

5.10 p.m.

One of those categories comprises people who have retired; they have worked their whole lifetime and they have saved up some money. As a matter of

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fact, to earn an income, they have invested in a property so that they can have additional income to face the rate of inflation and additional expenses which they inevitably must face as they live from day-to-day.

Further to this, Mr. President, we would find that some of these landlords who invest in such a manner specifically to gain a small income may have young children who are of school or university age, which adds an additional expense to that family, in addition to the everyday living expenses. So we must not look at the situation cock-eyed and say, "Well every landlord is a rip-off man, or a man in a certain economic position; that he is in a different category or in a different bracket by himself." These are matters which I think we must also address. Mr. President, we know for a fact that every one of us here, has had to face increased expenses in our daily lifestyles.

With the Rent Restriction Act in force, you find, that over the years, rentals remain standard or static; for a very long number of years they were not subject to increase in most instances. On the other hand, the landlord, be he small or large, would inevitably have had to face increased taxation. The landlord would have to face increased taxes for water rates, housing and all other expenses which can be categorized as taxation. I want to reiterate, Mr. President, lest my information is misconstrued or my contribution is misconstrued, I am not referring to wealthy business people and I am not defending them either. I am trying to categorize, for obvious reasons.

So in the event when you have the smaller landlord, who is depending more or less solely for income from that particular line or type of investment, and he is now faced with that kind of economic hardship, well, we just have to imagine what is the economic situation or position of such an individual. These are some of the things that I believe we must address without prejudice.

Mr. President, I have seen during my lifetime in this country, the previous Government, as well as the present Government, attempting their own ways to construct and to develop housing estates for our citizens. I think, in my view, a certain degree of credit is owed to them for such type of enterprise.

However, Mr. President, conversely, in my mind, it is my considered view, since I have seen it work and work very successfully, that instead of building homes and allocating them to people in the prime housing areas, in the urban areas of the country, these housing developments have been either neglected or

totally “brutalized” by such people because of the fact—and this is generally speaking, Mr. President—that the majority have not laboured, and they have not toiled to build, as opposed to other people—and, again, I am not referring to very wealthy people. I am constrained to make these remarks, sometimes, for obvious reasons, but I want to be very clear about what I am saying for the records and that what I am saying here will not be misconstrued.

Mr. President, we know for a fact that the tenancy is for an individual to cherish whatever he provides for himself. If he works to own a motor vehicle, if he works to save money, if he works the hard way to build or construct his own home, or even with the help of the state, which is commendable, then you find that more care and attention is given because he, himself, has put effort, and he has made sacrifices to bring the project into fruition. So you find, eventually, we as humans beings will exhibit that tendency to protect what we have worked for, because that would have entailed some degree of sacrifice, sometimes to ourselves, to our families, and some of our immediate needs. So we have to address these situations.

I will throw the question to our colleagues who are the administrators and who run the Government. When this question is posed, I think it is an opportune time to weigh this properly and search within themselves, if this method is a better method, or a method whereby we help people to help themselves to provide their own homes.

Mr. President, I am constrained to making my comments on the bill before the Senate. In stating that, may I mention that sometimes I wonder if I am in the right place when I observe what goes on in this honourable Senate which I personally regard as the highest forum in the land. This is how I regard it, and I have seen it disregarded by many here on both sides. I am not here to judge; that is the work of the Almighty. However, Mr. President, it is just an observation, and in making this observation, I also want to mention that during my short stint here, I have observed also that even your job is becoming a little more difficult as the days go by. So we have reached a very worrisome situation.

I am not criticizing any particular individual, I am making a broad statement, Mr. President, with the hope and the prayer that someone may answer or observe what I am talking about and strive to improve our decorum in here. Because if here, as what I have stated, is the highest forum in the land, and we ourselves are not able to set an example for the rest of the country to follow,

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particularly when we are portrayed in the media as the kind of people we are, this is a sad day for the country.

I have almost invariably, in all my contributions, made reference to the kind of morality or immorality and the decadent and the degenerated society in which we live, and the corrupt means by which people exist. So where do we go is the question, Mr. President. Because, in my mind, we are here to set an example to the rest of the nation.

Probably in stating these few words, I might be classified as preaching a strange philosophy. However, be that as it may, I recognize it as a responsibility of someone being an integral part and parcel of the deliberations of this Senate. I view it as my responsibility, as well as that of any other Member of this august Chamber, to address such important matters.

Mr. President, I made reference earlier on to the Land Tenants (Security of Tenure) Act and the regulations pertaining to it. It is with respect to that, particularly, that I ought to mention, instead of doing it broadly, when I stated that those regulations have not been published up to this date.

We sit here to deliberate upon and to enact legislation for the rest of the nation, if these are guidelines which we are supposed to follow in enforcing the relevant laws of the day, then these guidelines which are missing form a vital part of the basic structure of the law which has been legislated upon. If these are missing, then there is a serious omission or error of omission or commission. If this was an oversight by the previous regime, then it is my contention and my conviction that this is a matter which should have been addressed by the present Government.

In our Attorney General's reply—I am subject to correction, Mr. President—I hope he will correct my statement and enlighten me on what I am saying. Because I am speaking here in layman's terms, but I am stating what I have been made to understand by people who are exposed to that type of litigation; people who are exposed to the courts and dealing with such matters, or have been dealing with such matters for quite some time. So this is one of the crucial questions which I would like to put before our Attorney General; I have a lot of respect and esteem for him. He is a hardworking person.

There are a couple of other questions which I would like to ask briefly, before I close, Mr. President. I promised the Leader of Government Business that I would

be short. One of the questions that I would like to ask and get an answer for: In view of the fact that the Act which we are now trying to validate has expired, assuming that clause 3 of the bill which gives the Government, if it is passed here, the prerogative to pass the legislation retroactively, if this is done, Mr. President, then I would like to know whether all the matters that have taken place during the period when the Act had expired to the present time, are not contentious matters, and if litigation cannot arise from such matters, subject to the jurisdiction of the courts. If this is so, then we will be giving the authority to the Government to approve legislation, which I am not against in principle, but I think that the Government would like to address this matter. If a series of court matters arose because of those cases that have taken place from that time to now, then this is another matter for very grave concern. I would like an answer to that question, in our Attorney General's reply.

Mr. President, realizing that the legislation that we are dealing with is old and antiquated, from that time to now, has any substantial revision or any sort of exercise been made by the previous Government to enhance that type of legislation which already appears on the statute books? With the passage of time, we face changing times and changing situations, whether we like it or not. In revising legislation, we know that we try not only to address the current-day situations, but we try also to focus our minds into the future, to some extent, so that we would be able to obviate the need for certain problems that may arise which might be of a predictable nature, a foreseeable nature and within a foreseeable span of time. I am not querying that, Mr. President, but I would just like, for my personal information, to know whether that sort of exercise has been done.

Mr. President, not being, as I stated initially, a landlord nor a tenant, and I want to state further, not being one versed in the legal aspects of what prevails in this Senate, these are the observations that I wanted to make, and I thank you very much.

Sen. Mootilal Moonan: Mr. President, I will be very brief this afternoon, but I was forced, after hearing everybody talking, to say something this afternoon concerning this bill.

I am of the opinion that we must run this country under the Constitution of Trinidad and Tobago, we must work within the Constitution, all Government Members or otherwise must be very careful with the Constitution.

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Now, I notice here, on page 4 of this bill, section 3, in the column, “Validation of acts and things”. I do not know what they mean by “things” because it reminds me of someone saying “*et cetera, et cetera* means the price of a contract.” So this is why I am trying to bring these words very carefully to everybody, because the word “things”, any Government Minister who is in power can put “things” means anything. We have to be very careful, Sir.

I cannot stand in this Parliament or sit in this Parliament and agree to back-date a law. Could they back-date a law to hang somebody? If the Government has failed, according to the new Senator, to re-enact the Rent Restriction Act, that means the Government failed 20 months ago to update all the laws or have somebody set up a follow-up system.

As I have said before, Sir, what could happen in four years, as the goodly Senator made a statement; he said that they could have destroyed the country in four years in the same way the PNM did in 30 years. That is possible. I am not saying it was done. So we have to be very careful with what is done in Iraq. What was built over a period of time was destroyed in a few weeks. So these are the things I want clearly known, and clearly understood so that the Government of the day does not use that authority against the citizens. Although I personally do not believe in rent restriction, because it has good and bad; it is like having a cake and eating it and still having the cake. The point is, in life you do many things like this.

In this case, what I am saying is, it is good to have your rent restricted, but you get a low standard. The landlord cannot afford to pay the taxes and add in a 15 per cent VAT here and a 20 per cent upgrade tax and so forth. It means the poor landlord—they said the poor tenant, I say the poor landlord—would be in trouble, because he cannot meet the taxes so he leaves the place and says, “let the Government take it, let the fellow do it.” Then what do we do? We create a slum which we do not want in this country. This is what we have been doing all along and as the new Senator said, you read a big manifesto, that is a policy, not actually doing the thing. It means we can write a policy, we could pass a law, all these things are okay. But the position lies, we have to force it and make sure it is workable.

Now, we could go back 20 months. I would not support that bill by going back 20 months. Most probably I may support it if it was dated from today, but you cannot back-date something. If we set a precedent in this country, under this Constitution, it means many things would be back-dated and, I believe many

citizens could be penalized. Maybe the same Members who are sitting there, when they are out of politics, they might be penalized. We do not want that to happen. We want to know that in Trinidad and Tobago we have the honour to live in this country; the love of Trinidad and Tobago we must always have. There is no other place on earth better than Trinidad and Tobago to live in, I could tell you that, because I have travelled widely and I endorse that whether you are poor, rich, middle class, upper class; we all must work within the Constitution and within the law.

Any government or any person who is in power and does not deal with the Constitution, then something is wrong. What I am saying is that now, Sir, going back 20 months to enforce that is unconstitutional in my layman language, in my layman understanding. You cannot back-date these things. Because a court may charge for a crime and they say lifetime, and then they back-date the law and say "hang everybody". The same thing could happen. We are not going to do these things. I do not think the hon. Member in this Upper House would sit here and want to pass laws like that.

Mr. President, again, I must repeat this: There is good and there is bad for the rent restriction law, because if it is good and it has a good rental rate, the people would maintain an extra-high standard. If it is low, they say, "Listen, the property has gone down". And what happens when you encourage the people who have money and the rent is good? They will create employment, build more houses and the Government would not have all the responsibility for building houses. But if there is no rent, why should the fellow take a risk of borrowing \$50,000 or \$100,000 to build a house, because most of the banks in this country, as you know, these days, have formed a cartel. Even if you bad pay for a month, or two, if you go to another bank they say "no". Especially if you belong to a certain ethnic group. It is a fact of life, I know it, because I am there both places, up and down. I am there, I know the people, I live with them socially and otherwise.

So what I am saying here, I am not saying this because I want to criticize, but because I have practical experience and knowledge and I know them and have the privilege to come to the telephone to call them; they come to my home. I could also extract information. So what I am saying, the country knows that and I have been doing this for 30 or 40 years and I know it, and I pass on the information.

Today, three or four banks have formed a cartel. So if Mr. President goes and he borrows \$20, and he cannot repay it this month, they say, "Ah, boy, we can't

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give you because ...” and he goes to the other bank, but they know the other bank would not do that. This is why I mention this to you, because this is the way, Sir, when you build a house, you borrow money to build a house. That is an all-important priority; you have to pay mortgage, taxes and all the things already said, I am just re-emphasizing.

The Government has to be very careful. I will tell you, Sir, as a matter of experience, I have four houses that I was renting for \$2,000 a month, Mr. President. Then the economy dropped. I asked for \$1,500 I could not get that; I went to \$1,200 and I decided to rent them for \$800, and by the time I got them rented for \$800—I did not have a mortgage on the property. Fortunately, I did not have a mortgage to pay. I then came up with a new idea. I decided to sell the houses to the people. I told them to pay down \$5,000 and take them for 7 per cent interest. I am collecting \$1,500 a month and the houses still belong to me. I have given them 35 years to pay for them. I have put a clause into it that every year I have to inspect the houses to see that they keep them to a certain standard. Therefore, the people have the ownership and they are keeping them good; they belong to them. I am not paying the tax, I am not paying the water rates and I am getting \$1,500 a month on each. I gave the houses to them for 35 years and 7 per cent interest, and nobody gives 7 per cent. So you just have to know how to do it.

In this Senate, we have certain people who would never go out—I do not know how they get into Parliament, but they are here. This is the Upper House, and certain people get here maybe through the back door or the front door or whatever door, or maybe through the roof. Mr. President, I apologize.

Mr. President: I do not think you should challenge how people get to the Senate. They are all appointed by his Excellency the President, the Head of State.

Sen. Moonan: Thank you very much. I think they were appointed by recommendation. I apologize.

Sir, if we take off that restriction and encourage the private or the retired people to take their money and put it into building houses, we would be able to get more homes.

Now, this Government had a policy, which I am not here to criticize, but I am just giving a suggestion. When you buy a piece of land, it takes 10 years to pay for the land. They say they developed a plan to sell the land in 10 years. That fellow cannot live for 10 years, he is trying to pay for the land. I say they should

build start-up houses or small houses where a fellow could expand, like how they did in Diego Martin. I do not agree with selling a lot of land; they have to take 10 years to pay for it, so how are they going to live, where are they going to sleep?

I told the last Prime Minister that they must not build one-bedroom houses because that is immorality in people's affairs. Because when you build houses and someone has two children and everybody has to sleep on the same bed, or in the same room, it is bad. I never agreed with that. I still do not agree with one-bedroom houses. I say this because the Minister of Housing would continue to build and they say build one. The cost of a two-bedroom house is almost the same as a one-bedroom.

If you are in the construction business as myself and Sen. Bahadoorsingh and different fellows. Most probably the hon. Sen. Dr. Rambachan, who was in construction business himself, I apologize. I have said something wrong again, Sir. I mean, I am just trying to bring a certain point out, Mr. President.

Mr. President: Is your conscience bothering you? Nobody has made a comment yet.

Sen. Moonan: Nothing in my lifetime ever bothers me, Sir. What happened, we are here to bother about people's affairs. We are placed here to think about the people outside, both landlords, tenants, rich, poor or different; the people of Trinidad and Tobago. This is what I keep saying all the time.

5.40 p.m.

Mr. President, I want to let you know—again I want to repeat—that more damage could have been done in four years than in 30 years. I do not know which one is right or wrong; statistics have not proven that as yet, but it will be proven in time, as I said before. I am not here to play politics. I do not want a seat; I am not fighting; I am not looking for a job, fortunately—I am too old to get a job, they will not employ me—I create my own job. I am always motivated to move people from the grassroot to the upper branch. You get out from the root and you go on the top branch. This is what I am here to tell people. Do not give a man a fish but make him a fisherman; let him catch his own fish. This is the way we have to think, and I think the Government is trying to do that. They say to give them another five years. They took five years to make the policy and maybe they need another five years to put things into operation. I do not know what will happen, I do not have the authority to give.

Dr. Rambachan: How are you voting, Mr. Moonan?

Sen. Moonan: Mr. President, I think the doctor has started asking questions like politicians. For instance, one person asked my good friend, our Senator, what was our manifesto? I thought we came here to see about the Rent Restriction (Re-enactment and Validation) Bill, but they are talking about manifesto. In future, I think I would advise our clients to walk with a set of manifestoes and I will ask the President for permission to distribute them. If this is the place they want to use for election campaigning, and nobody says anything, I would acknowledge that and advise my friend what to do. Some of the manifestoes which were brought here are four years old—if he were in the computer business he would have to get rid of that in a year's time. Every year you have to update the hard disk, all the programming has to be changed because you are modernizing. We are going forward. Trinidad and Tobago is a country going forward. That is why I am saying that we should not get involved in going back to this antiquated law, passing a law to restrict rents.

The Government is saying that it is removing the negative list because it wants free enterprise and the same Government is saying to put back the rent restriction on buildings. It makes me wonder if it is consistent. I suppose they are very brilliant people. Maybe they got a little complacent. You see, they do not do cross-referencing and you have to cross-reference when you are doing these things. It is important to note what you say here and what you put there. Many of us, when we walk the first step, forget that we have a second and third step and when we are coming back we lose one step and we fall to the ground; and that is the danger.

I am advising this intelligent hon. Attorney General—a long time ago, I recommended that the Minister of Settlements—unfortunately she is not here today and I will not say anything behind her back, and we are not talking politics, as I said, before. Sen. Rampersad has to say that because the Minister of Settlements is his relative, his aunt or something. I agree with that because if I were in his place, I would have done the same thing. I congratulate him for that.

Hon. Senator: They did not give you any NHA contract.

Sen. Moonan: Mr. President, I heard a comment. I thought they said that the Minister does not have the power to give contracts. A Member of the Upper House said that because they did not give me any contract—I am very shocked and disappointed to hear that this afternoon, and it should be noted what happens

when you have a Senator like that in Parliament. Whatever he says, we do not take him seriously, and we have no comment to make.

Mr. President, you have advised me to continue addressing you and talk on the subject matter. I have taken your advice, and I will continue to do that.

We have to create employment for the unemployed, and both the private and public sectors should do that with respect to housing. The only way to do that is to create free enterprise, more competition, so that a fellow will be able to sell. Just as one sells tomatoes from \$4.00 per pound to \$1.00 for five pounds, the same thing will happen with houses. We have to try to put a certain amount of—I cannot find the word right now.

Dr. Rambachan: Momentum.

Sen. Moonan: You have to motivate the people. As I said, the honourable doctor would help me with words, it is a contract. We have to motivate all the people here, like the hon. Sen. Bahadoorsingh, to build more houses, create more jobs. He will be able to create maybe 10,000 to 15,000 jobs, and that responsibility would not be the Government's. The Government must be able to govern—stop the crime rate, build hospitals, look after that, do this, do that; not to build houses. This is not a communist state so that we have to build houses and give them to the poor. The poor has to become rich. I was very poor. I went to school barefooted, but today I drive the best car in the country. I was motivated to go upwards. Therefore, everybody started somewhere along the line. Once upon a time, this country was very poor, there were only a few people here. Today, we are in the millions, and we are allowing people from the Caribbean to come here. We gave 250,000 persons amnesty here. This country is a sacred country; many people make it great.

All the things, off the record, maybe do not refer to rent restriction but I believe, in the long run, if you put the whole thing on a spreadsheet, you will see that all I have said here this afternoon refer to the rent restriction issue.

Every subject matter that you bring to this Parliament, you cannot say yes and no. You have to elaborate. I admire you for that, Mr. President, because you give us an open hand to try to bring our points. A good judge allows a good lawyer to—

Hon. Senator: Do not beg!

Sen. Moonan: One of the things we want to eliminate in this country is begging. Certain Senators want to take the word "begging". I have said before that we must take out the words, "beggar" and "begging" from the dictionary of Trinidad and Tobago before the turn of the century, and we can do it.

Mr. President, we must work within the Constitution and not out of the Constitution. Yesterday, Sen. Deosaran made a statement when we were talking about the Ombudsman, that many things get to the executive and they stop there. Nobody has teeth; all the teeth are now lost—the tiger, the men, nobody has any teeth, they are lost in one area, one by one. This executive, or any executive, must always work within the Constitution of Trinidad and Tobago. I appeal to everybody here to work within the Constitution.

We must also work within the judiciary. If the judiciary passes a law, we must enforce that. We must not say we can do it, and only attempt to take over and say, "I am the Government, I was put here by the people and I can do whatever I want." I see much of this happening today.

They said that the Members of the Opposition should not get courtesy when we ask for courtesy. It means that all of us here are the Government. The Constitution gives everybody here rights—this section, that section, that section—so that we have to be within the Constitution.

Mr. President, I do not believe in the Rent Restriction Act. I do not know how I will vote, but I would never vote with clause 3 in it, to retroact the Act. That has already passed. You cannot bring back all these things. The Attorney General is intelligent enough to know that, and I am sure that in his amendment he will say to take off that clause.

If you have to go into the restriction, start from today, and most probably I will support it. Maybe some unscrupulous landlords, during the boom period when the inflation rates went up to over 150 per cent—but today it is different. The standard has gone so low that a fellow would prefer to rent the house for \$600 instead of keeping it empty—because he needs a watchman to look after the house—just payment to watch the building. Many banks are doing that.

We have the junior Minister of Tourism here, and I want to give him some advice. Like all the people in the Caribbean, we suffer with tourism. When the place is empty you must cut the rates down by 50 per cent, and keep it occupied. If they even pay for the cleaning of the towels, and to keep the water, it is better. I hope that the country is doing that.

5.50 p.m.

Dr. Rambachan: Mr. President, I want to ask the hon. Member whether he is aware that the Government does not own the hotels. The hotels are owned by private people and it is up to the private owners to make decisions, to cut rates or not to cut rates.

Sen. Moonan: Mr. President, the Government is in an advisory position; they are the ones who advise and make suggestions; they are the ones who lecture. As was said before, anytime there is a problem, a minister always says it belongs to another association, even in the public sector; it belongs to this or it belongs to that and they wash their hands. They are worse than Pontius Pilate.

I just want to put a view that other people may hear this and convey it and the Minister may hear my advice and try to propagate it to the private people. Because when they keep the hotels filled, they keep employment, because the Government's problem is unemployment. I am saying this not on the basis of any personal dislike or like for anybody but I am trying to say that we are trying to keep the people employed.

Mr. President, I know I went off the Rent Restriction Bill a little bit and you would say I should not do that. But everybody who spoke before did worse than what I am doing. I am giving advice to the Government for improving this beautiful country of Trinidad and Tobago. Thank you very much, Mr. President.

Sen. Fr. Winston Joseph: Mr. President, I think we owe a debt of gratitude to Sen. Mootilal Moonan for sharing his practical business acumen with us here this afternoon with respect to getting around this piece of legislation. That is to say, you buy the house, you rent it at a certain kind of interest and you get what you are entitled to.

It would be remiss of me if I did not say a few words, although most of the arguments have already been presented. When this debate started I asked the question: Has capitalism lost its social conscience and must market forces always prevail? Then I heard Sen. Bahadoorsingh create the right kind of balance in terms of the social consequences and the lesser of two evils.

We have thousands of our fellow citizens who have no prospects of owning a house and who depend on Government to deal with their habitat. Therefore, when one looks at the rental situation in this country, when one looks at market forces, when one looks at the landlord and the number of people who need housing in this

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land, I think the question of social conscience has to come into play. Although I sympathize with the landlords and people who have property for rent, yet I think in terms of social equality one has to go along with this piece of legislation.

I am surprised that there is so much debate here because I do not think that the Government has any other course of action but to re-enact this piece of legislation. My concern is, I keep hearing that in 1981 this was a bad piece of legislation. If in 1981 it was a bad piece of legislation, why is it that in 1991 we are re-enacting something that is bad? I am a little curious about that. What I am concerned more about is the whole housing policy in this land where we uproot basic communities and move them elsewhere. What I want to impress on this Government and any other Government, is that we look seriously at our housing policy with respect to where people are, and how we house them. But given the circumstances of the economics of the land, given the social consequences we need to pass this piece of legislation, in terms of social conscience. I therefore have no choice but to vote with the Government for this piece of legislation. I thank you.

ADJOURNMENT

Sen. Alloy Lequay: Mr. President, at this stage, I would like to take the adjournment. In moving the adjournment to Tuesday 15, 1991, I also want to indicate to Senators the necessity to sit on Wednesday so that we can complete the business that we started yesterday.

The President had indicated that he might have called a special sitting next Monday, but the Joint Select Committee on the Constitution is sitting next Monday, hence we are suggesting Wednesday.

I now move that the Senate do now adjourn to Tuesday, October 15, 1991 at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.55 p.m.