

Leave of Absence

Thursday, August 20, 1998

SENATE

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The Senate met at 1.30 p.m.

PRAYERS

[MR. VICE-PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, there is just one announcement. I have granted leave of absence to Sen. Mahabir-Wyatt from today's sitting of the Senate.

TOBAGO HOUSE OF ASSEMBLY (AMDT.) BILL

Bill to amend the Tobago House of Assembly Act, 1996 brought from the House of Representatives [*The Minister of Tobago Affairs*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate.
[*Hon. W. Mark*]

Question put and agreed to.

DENTAL PROFESSION (AMDT.) BILL

Bill to amend the Dental Profession Act, Chap. 29:54 brought from the House of Representatives [*The Minister of Health*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate.
[*Hon. W. Mark*]

Question put and agreed to.

PAPERS LAID

1. Financial Statements of the Trinidad and Tobago Export Trading Company Limited for the year ended December 31, 1988. [*The Minister of Finance (Sen. The Hon. Brian Kuei Tung)*]
2. Financial Statements of the Trinidad and Tobago Export Trading Company Limited for the year ended December 31, 1989. [*Hon. B. Kuei Tung*]

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3. Financial Statements of the Trinidad and Tobago Export Trading Company Limited for the year ended December 31, 1990. [*Hon. B. Kuei Tung*]
4. Financial Statements of the Trinidad and Tobago Export Trading Company Limited for the year ended December 31, 1991. [*Hon. B. Kuei Tung*]
5. Financial Statements of the Trinidad and Tobago Export Trading Company Limited for the year ended December 31, 1992. [*Hon. B. Kuei Tung*]
6. Financial Statements of the Trinidad and Tobago Export Trading Company Limited for the year ended December 31, 1993. [*Hon. B. Kuei Tung*]
7. Financial Statements of the Trinidad and Tobago Export Trading Company Limited for the fifteen months ended March 31, 1995. [*Hon. B. Kuei Tung*]
8. Financial Statements of the Trinidad and Tobago Export Trading Company Limited for the year ended March 31, 1996. [*Hon. B. Kuei Tung*]
9. Audited Financial Statement of accounts of the Water and Sewerage Authority for the fifteen months ended April 03, 1996. [*Hon. B. Kuei Tung*]

PLANNING AND DEVELOPMENT OF LAND BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [August 18, 1998]:

That the Bill be now read a second time.

Question again proposed.

Sen. Dr. Eastlyn Mc Kenzie: Mr. Vice-President, I would like to begin by making a few comments, probably not pertaining directly to the contents of the document in front of us. I start by recognizing the tremendous amount of work that must have gone into the preparation of this very complex document. I am sure that those who were responsible for it would have put in very much work, indeed. I also recognize the efforts of the team in seeking public consultation before the draft, by visiting communities. I know they visited Tobago and actually

went to the Roxborough and leeward areas. I also know that the attendance would have been extremely disappointing. Nevertheless, they seem to be the people who said one is enough and the small attendance did not deter them, so I congratulate them on that.

Mr. Vice-President, what I would like to say to the team at this stage, is that when you have a document entitled the "Planning and Development of Land Bill", ordinary people believe that the Bill has to do with people who only deal with

planning and development on a large scale. They would hardly believe that such a Bill would impact on the lives of very ordinary people who may just have a small house to build. At times we have to understand that why people do not turn out is not that they do not know, but they probably think that, according to the advertisement, this thing is not for them.

I recognize in the Bill, a very serious attempt at an integrated and co-ordinated process; an attempt at a one-stop shop in the area of planning and development. I dare say that I also thought the Bill was structured around a Minister who is very versatile—an architect, an engineer and someone who has his heart and soul in the development of land, settlements and housing. As such I think that if we are to take the Bill as it is, we would kill that Minister. He has so much responsibility in the Bill that I think being versatile is indeed a setback in this type of composition. I looked also at the various divisions involved in the simple process as outlined by Sen. Marshall on Tuesday—the Town and Country Planning Division, Valuation, Public Health, fire services, *et cetera*. I thought it must have been very difficult to pull all of this into one document in a one-stop shop. I thank the Minister for his explanation re the situation with Tobago, because as he would know, we are very concerned whenever the Tobago House of Assembly Act comes into play and as such your explanation, Mr. Minister, was very well understood.

Mr. Vice-President, I also looked at the types of complaints we have now and whether this Bill would remedy and correct those complaints. We hear people wanting, as Sen. Daly said, to have a plan passed to build a simple structure. We hear queries about delays in approval; about people who do not know where to go for what; people who do not know the sequence—where do I go first after I get my plan? Do I go to the Valuation Division, then to the Town and Country Planning then to the Public Health Authority, and then to the fire services? There is always confusion and a certain amount of doubt as to where to go first.

We have complaints of action in one area making action in another area negative. For example, I think two years ago I brought this matter where there was a complaint. Someone had gotten permission, through a will or probate or whatever have you, to divide lands given over to children and when an attempt was made to subdivide the land and give every child his or her portion, the Valuation Division prevented that. They were saying to these people, "You are trying to divide agricultural lands, and I assume that everybody when he or she gets his lot would want to build a house." And so there is permission in one area and objection in another.

I see where now, with the integrated co-ordinated approach, the one-stop shop will take into consideration several areas that would impact upon the development process—transportation, environment, building codes, recreation, *et cetera*. We know that at times, as actually happens in Tobago right now, under the state, people have paid for lots of land in Signal Hill and Belle Garden but cannot occupy them because the state had to put in the infrastructure before they could distribute those lands.

Mr. Vice-President, there are so many things people complain about that this Bill seeks to remedy. People are complaining now. In fact, I can complain that where I live, the permission or the reason for the construction of one building, for example, the marketing division which was there just probably to sell stuff, has changed in that, now they are into processing of fish stock for animal feed and whatever have you. The scent emanating from this process actually closes down the Signal Hill Senior Comprehensive School sometimes. This was not the purpose for which this building was constructed and permission was given for its use. I see this Bill is going to rectify all of that. You cannot say you are going to do one thing and do another. We hear of complaints of pig and poultry farms in residential areas, causing people to do the wrong thing, to march without permission and actually get arrested. Now I see that the Bill will take care of all those matters. I see that we may suffer less if we have an earthquake, as the one we had last year, if this Bill is put into effect, because now there would be building codes, and architects and engineers advising and monitoring whether you are doing the right thing.

But, Mr. Vice-President, I have some concerns. First, my concern is about the sort of continuity in Ministers of Housing and Settlements with the expertise there is in the present Minister. I am afraid that if we have another Minister of Housing and Settlements under whose portfolio this measure will come, we may very well

find that it is not fair. I am very concerned about the variety of competencies that the Minister will have in a situation like this.

I would also like to look at some of the work that would fall under this provision, and I tried in my own little way to enumerate it. The commission would have to do these things and more: advise the Minister; prepare plans; develop codes; ensure compliance; co-ordinate the process; grant approvals; ensure devolution to local bodies; process applications for land development; develop the capabilities of the local agencies to do their new job; monitor; and appoint staff.

You see, Mr. President, what I am talking about, an exhaustive list that this commission would have to perform.

I am concerned, again, and I look at page 35 of the document and I ask the question: When there is devolution—in other words I give over to a state agency, whether it is the Tobago House of Assembly or a municipal corporation—who becomes the new boss as Minister? Do I have a boss when I am seeing about local government business, and when I am seeing about planning and development business, the hon. Minister of Housing and Settlements becomes my boss? Am I at one time under the Chief Secretary and another time under the Minister of Housing and Settlements? I think we need some clarification.

I ask again, when I look at page 35, 17(b)(ii), the safety of buildings and demolition: Will the state have the power to order buildings to be demolished? We have a number of very unsafe and abandoned buildings. It seems to me from the Bill, that an owner would have to seek permission to have a building demolished. Would the commission have the power or the authority to observe that a building is unsafe and request or order at somebody's expense, that that building be demolished for the public safety?

I see under (iii) in the same clause where occupancy certificates would be given by this controlling body. I know at present public health officers have something to do with it. Will there be a transfer of this power or this rule? What would happen?

1.50 p.m.

I looked again at advertisements and I was very concerned about this. This is why I say the ordinary person needs to be educated. I see on page 59 that the second part of the clause indicates that:

"The use of any external part of a building for the display of advertisements shall be deemed to involve a material change in use of that part of the building.

So if I have a business which is multifaceted: I am selling clothes in Arima, but I have a food outlet in San Fernando and I have a backhoe service somewhere else, what this is telling me is that where I am selling clothes I could advertise for clothes, but nevertheless, I have other aspects of my business under my umbrella, I cannot advertise my backhoe service on my wall where I am selling my food or clothes. I would like some clarification on this.

Sir, my problem is with implementation and enforcement of this Bill. Daily we see where we have rules, laws, we give orders and we can see them being flouted and we cannot do anything about them. So I am concerned about implementation and enforcement.

I am concerned about the misuse of premises and I will give an example. Where I live is very near to the NIPDEC quarters—their big building with all their businesses in them. We know what these little parts are for, some have supermarkets and they have different things there. But very often they give over the compound of the building for a fete. That was not the intention at all. So those of us who live near to the building, when it is five o'clock in the morning, there is a fete going on in a place that was never designated as a dance hall. An open air fete where the music never stops until five o'clock in the morning. From eight o'clock the night before they are testing the equipment, they start the fete at nine, the loud speaker goes five miles off, and that was not the intention of NIPDEC.

So, this is why I brought the question last Tuesday about the legal aspect and having somebody with a legal mind on the commission. Here it is, a magistrate gives permission for a fete in this place and, probably, he may be violating the rules according to this new Bill, and nobody is saying to him, "Now, you sir, cannot give permission for a fete in this place because it was not designated for that, and if you do, this fete must stop at two or three o'clock," and we must see that that is enforced. The bar licences stop at two or three o'clock. They do not have to sell liquor, I could buy my liquor and keep it by the foot of my chair and drink whole night until the fete stops. But the music goes on and, as such, I am very concerned about the misuse of premises which might be sanctioned by another agency of Government, the courts and the magistrates and encouraged by the police who will be doing their work. I would like us to look at that.

I would also like to see whether there will be implementation and enforcement of the rules as far as change of use of a building midstream. I know that it is here, I am talking about implementation and enforcement. It means that officers and the public would have to be very well aware of what the use of this building should be, so that if there is a change midstream, as we have now with the Marketing Board manufacturing fish food, that something could be done about that type of thing.

Mr. Vice-President, I would like to suggest that there should be public education on this. Use the television, the radio stations, the newspapers and please

let us have some public education. I think with regard to loan agencies, planning officers, development agencies, architects, engineers, *et cetera*, knowledge about this thing should be compulsory for them.

I would also suggest that there should be a checklist printed so that if I want to build a house I could go and pick up a checklist. One wants to construct a house, these are the steps one must follow: get plan; permission from here; submit to this place; get this; get that; get the other; so I have no doubt in my mind as to what I have to do before I begin to work. These things must be made public. Put them in the newspapers so that people could cut them out and keep them in their files. Publish these things so people would know exactly what to do; if I want to subdivide my land, what must I do. I want to have an area designated as a tourist area where people could come and put up tents and live in their tents; tell me what I have to do. I want to build a complex for such and such; tell me, publish it, let me cut it out of the papers and keep it. There must be a checklist somewhere.

You know what is strange, Mr. Vice-President, I tried to make a checklist. I just said I would give myself a house to build and let me go through this document and make a checklist of what I am supposed to do. Mr. Vice-President, I know that I would never have finished that document, because the thing is scattered all over, I find this part here, I have to appeal over here, come back over here, go there, go next door. So I wish we could have a typed thing. It is difficult when one has a Bill as complex as this one to do that. I am asking whoever is responsible that we have something pulled together, even if it is a file of documents that we could flip through and pick out. People will buy it, people will understand.

I ask another question, Sir. How ready or qualified are these local agencies to do the work outlined here? Do they have the staff? I see where we can second staff, where we can employ staff, where the commission has to train staff; I see all of that. Do we really have that type of competence in our local agencies? How soon could we come up with people to do the work that one is supposed to do according to this document?

I ask another question: Are these people aware of the extent and the type of work that they will have to do and so begin to prepare themselves?

I make a final plea. I agree that we should have a committee set up. I do not think, from my own knowledge of how much consultation was done before by the team, that there should be as wide a consultation as we had previously. I think the consultation should be narrowed down to the people who have a part to play in the implementation, monitoring and actual execution of this plan. I would say that the committee should be given a deadline date to complete its work. I do not think that it should be a never-ending process and that we should take our own time.

Again, I would like to congratulate the hon. Minister for his zeal, enthusiasm, concern and the work of his team in coming up with this document. I think it is a really difficult task to implement this document in its present form. We can make it simpler and easier to follow by categorizing, by making our little checklists and easy-to-follow steps that the ordinary person will not feel overwhelmed in attempting to do any type of planning and development.

I thank you very much, Sir, and congratulations to the Minister.

Sen. Rev. Daniel Teelucksingh: Mr. Vice-President, first of all, I want to congratulate the Government for this most significant piece of legislation as a major instrument in its reforms for planning and land development. The hon. Minister is correct in emphasizing the need for a national development plan to rectify the irrational and irresponsible use of land in several parts of the country.

Mr. Vice-President, this debate on land use can leave one justifiably disappointed as to how we have managed land development, at least, for the past four decades, even more. Why should we not be angry and disgusted over the unplanned carving up of the hills, the destruction of the forests of Trinidad and Tobago and our precious natural watersheds? Why should we not be disappointed and disgusted with those unauthorized structures on the hills, along highways or

on borders of swamps or villages that seem to appear almost overnight with little or no planning? Why should we not be concerned with precious, prime, agricultural land that has been planted with concrete? The sad thing is that this was done over the years in the full view of officials of Government and state: Town and Country Planning Division; the Ministries of Housing, Planning and Development and Agriculture; in the full view of Prime Ministers and police officials. One wonders: What about development?

Of clause 23, I did not even know there was a National Physical Development Plan which became operative since August 15, 1984. Then, one has to forgive my skepticism. How operative was that 1984 plan? And I am sure there was a plan prior to 1984. Beyond these introductory remarks, let me share some concerns with the hon. Minister.

Firstly, as other speakers, I also think that we must be very cautious with the devolution of certain planning and developmental responsibilities to local authorities. The legislation in Part II provides for the decentralization of certain powers. As we have learnt from experience and history, that in a small territory as ours, this devolution of authority can be a prescription for chaos. It may well defeat the major principle in the Bill. The focus, the thesis of the Bill, is the need for a national plan not a sectoral plan. The proper, effective implementation of a comprehensive plan is to be the business of a national planning commission. This is at the heart of the Bill and it is not to be shared with municipal councils or regional corporations. We ought to be very careful. All other agencies—and this is how I understand this Bill should be; it is something we needed a long time—must fall in line with national, rather than any regional sectoral vision. We cannot have—and we are accustomed to this—in this kind of business, simultaneously, a PNM development plan in certain areas and a UNC/NAR development plan in other areas. We have learnt that this can be counter-productive to total national development.

Mr. Vice-President, I notice that in clause 23(3) provision is made for developmental plans to be reviewed by the National Physical Planning Commission at least once in five years. I wonder why five years?

2.05 p.m.

Will this coincide with the general elections? I am worried about this. We need to watch this five-year review provision. I am not talking about building a

few houses in some particular area, we could change that. As far as the national plan is concerned I do not believe that drastic policy changes in land development must come with successive governments, as proposed at least once in five years. I am very uncomfortable with that provision because I know what could happen.

Any physical development plan must be more of a long-term plan that will generally transcend one's election manifesto. Mr. Vice-President, I refer to two contemporary issues which I consider relevant to the burden of the Bill. The hon. Minister in introducing the Bill made repeated reference to private developers. I am glad he spent some time on that. Such clauses as clause 58 are commendable in addressing perennial problems of breach in planning and the introduction of an Environmental Repair Order, where irresponsible developers would be summoned to repair any damage done to the environment or whatever.

I now comment on the problem of flooding in certain areas. After the flood had subsided and much had been said, I do not think I heard anyone—maybe I missed it—talk about certain new residential areas where private developers had changed the course of waterways. They created their own *ad hoc* system of water control for their own profiteering and have contributed significantly to flooding. Many people blamed God.

Was any change in water courses for certain of these new residential areas as designed by private developers, done with official permission? Maybe it could be said that it was not done with official permission, not even official knowledge. Things happen in this country. Development in some of these areas is carried on for months and you mean to tell me nobody saw that. How could such matters escape the various divisions and ministries responsible for development?

On the next matter, the Bill focuses on development in urban and rural areas with its interest in the design, construction and occupation of buildings. If so, I now make brief reference to the John John Towers. Since those apartments were constructed there have been more than enough controversy and bitterness, threats and counterthreats, just and unfair allegations, enough political posturing both by the Government and the Opposition with more casualties than the fire victims.

I have noticed that the blowing hot and cold have subsided a little within the last few days. I do not know if it is going to last another year and then there would be another explosion of ideas and talk. I think the time has come for a decision of some kind to be made. We should see the Towers as a symbol of the kind of land and housing development, good for the image of Port of Spain, more of which the

city may need in the future. The John John Towers can be symbolic of the care of a wealthy and prosperous nation for its poor and depressed communities. It can be a sort of inspiration and hope for a virtually neglected inner city. Let the Towers be a sort of investment in the most underdeveloped part of Port of Spain.

Government would be wise to allocate those apartments only to persons of that John John community or its immediate environs, nobody else, with preference to any of the fire victims for whom it was alleged the buildings were originally intended. Work out the details: sale, rent or lease.

I think that the towers must not be considered a financial loss since our more worrisome loss in more recent times would have been the \$30 million in rice shipments, and of another era, I am more concerned with the Toronto towers.

Let me close, because in the course of this debate many contributors made reference to the whole business of the enforcement of law and the efficacy of legislation. Today we are talking about the enforcement of those laws, not only this one, but all those laws pertinent to proper land use. The question is, will this proposed law fail as the 1984 National Physical Development Plan or any other plan? How do we deal with citizens or organizations that disregard our land laws? If we are not serious about law enforcement, this legislation would be useless and the irrational land exploitation of which we are accustomed would persist.

How effective have been our forest rangers, officers of any of the ministries—and some of them are here with us today—whose business is land use? Who will see that the regulations of the proposed National Physical Planning Commission are enforced? Because of man's selfishness, greed and, of course, other weaknesses, there must be laws. Either God gives us laws or we see the need for us to make our own laws for the proper governance of society. Even sometimes when we break laws we retreat to places like Martha's Vineyard.

As we wrestle with the question of the enforcement of laws and we have so many precious laws, the question I leave with the Minister of National Security is: do we need a special unit of the police service, possibly a land protection unit, with specially qualified and equipped police officers to assist us in enforcing our various laws that relate to land preservation, land utilization and land protection? It is a unit in the police service that we need in this country.

Thank you.

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, thank you for giving me an opportunity to express my opinion on the Planning and Development Land Bill

1998. Most of what I have to say is in keeping with recommendations implicit in what has been said by speakers before me.

Some of these recommendations as I construe them, are firstly, that it is necessary to clean up the overlap between the proposed National Physical Planning Commission and the various institutions, organizations, ministries and other interest groups involved in land development.

Secondly, it is necessary to separate the planning function, *per se*, from the management, administration and execution and all other day-to-day matters. Thirdly, a recommendation which every speaker seems to have made is that this is a Bill that has to go to a select committee. So nothing I say will be going against these recommendations that have filled the Chamber on the last two sessions.

Although I do not differ from the majority who have spoken before me, I have to speak because it is our job to let the Government and the country know how many of us have reservations about a bill. We must let the force of numbers show itself, not just in the voting but in the way in which we get up one by one and say that we do not agree, we suggest so and so. In the way in which our country is governed and in the kind of democracy that has evolved here, nobody can stop an elected government with a majority. Once a party has won the elections and it has the majority, it is party rule, Cabinet rule, Prime Minister's rule. Nobody can stop them. Next five years you can stop them.

One of the important things of the debate in the Senate—I can speak about the Senate—is, that this is the place where arguments are made, suggestions are given, recommendations are put forward. We do our job. Our job is to advise, to give opinions and to discuss. Our job is not to throw down the Government but to throw up ideas and opinions. If other people do their jobs properly and the ideas, opinions and arguments presented here are presented to the people of this country, it matters not what is the outcome of a vote in this Chamber. The final arbiters would know that on a certain Bill, all the Senators and the Opposition were against it, but the Government squeaked through and did its thing. The final arbiters must be kept reminded of this kind of thing so that when the day of judgment comes, when the time comes, the final arbiters will have their say on how their country is being run.

That is why I have to speak even though much of what I say is in line with what has been said before. I also have to speak for a very special reason, and that is because I do not wish my silence to be misconstrued by people who can misconstrue for their own purposes, by people who benefit from divisions in this

society. I have to speak, lest my silence be misconstrued and used by these malicious people.

Mr. Vice-President, my contribution is going to be brief but I would let you know that since due notice has been served that we are going to be here till 10.00 p.m., we are prepared. I cannot promise that I would be here in sickness and in death, but those contingencies apart, I am not going home tonight.

This Bill offers to coordinate all land use in Trinidad and Tobago. Such a bill would be laughed out of court in large countries and quite rightly so. It would be dismissed as a megalomaniac's wet dream or as a workaholic's suicide note, because a large country is too large, has too many regional variations, has too many different kinds of developmental imperatives, for any one vision or any one unit to handle. But we are not a large country and one of the tenets of those who believe that small is beautiful is that it is possible in small countries to coordinate planning in the way the present Bill would like to; especially since the Bill wants to coordinate in a general way, but also at the same time to facilitate regional and local efforts within an agreed larger plan. Because we are a small country we cannot laugh out of court and attempt to coordinate land use in our country.

2.20 p.m.

The hon. Minister has always been admired as something of a visionary. He does not turn his back upon models and precedents in other countries. He always brings to them his own imagination and specific knowledge of local conditions. This is a valuable attitude in a country like ours where we seem to be bent upon implementing economic models and economic imperatives devised and controlled in other countries without working out what form these models should take in our context.

If I might digress for a moment, Mr. Vice-President, to illustrate what I mean. A policy of divestment in our country cannot be a free-for-all policy of divestment to existing business and capitalist interests, whether local or foreign. We may opt, like many other countries, for divestment but divestment in a country like ours, with a history like ours, must take the dominant form of worker co-ownership and worker participation. When the state divests it should divest in such a way as to give every citizen a stake in the ownership of the patrimony. We are open to external influences, we want to learn what other countries are doing but we need to adapt and modify those things to our circumstances and to our history.

I am not sure that was a digression, Mr. Vice-President, but I come back to the specific Bill. If I am critical of the Planning and Development of Land Bill, it is not because I oppose its intentions or philosophy. Every month at least one ordinary citizen comes to see me with a set of papers complaining and indicating that he has been refused planning permission to build his house. The plans were submitted by someone who prepared them, charged a stiff price and kept the owner in mystery. The owner now has to go back to the person who failed to secure the permission and pay him again to do the job of attempting to satisfy the requirements of the officer who rejected the plan first time around. Also, he now has to anticipate the caprice of the next officer who might be dealing with the resubmission; another six months. The poor owner cannot look at any form that has been handed to him and say "these are the things I have to do, these are the steps I have to follow". I cannot do that either so I have to get on the telephone and phone up a dozen people, pull strings and say, "Boy, how will you get through with this thing? What does the man have to do?" In the end, the person will say, "Ken, that is trouble. If I explain it to you, you will not explain it to the man good. Tell him come 10 o'clock and I will talk to him and tell him what he has to do." After all of that I cannot be against the intentions of this Bill.

Every month and everywhere I see people putting up houses. Recently two houses were built right against the fence of a friend of mine. I advised him to report it to Town and Country Planning Division because I felt sure that the houses were put up without permission. Mr. Vice-President, how can people get water and electricity for a house that was built without planning permission? Does the electricity commission not say, "Show me that this house was legitimately built?" Does the Water and Sewerage Authority not say, "Show me that this house was legitimately built?" My friend said that he did not dare report because in the first place Town and Country Planning Division might not do anything and, secondly, these people who are breaking the law would know that it was he who made the report and since they are now living virtually on his verandah they could stretch out a flambeaux and set his house afire in retaliation.

That is what is happening in this country. People are building houses where they like, impinging on other people's privacy and there is nothing we can do about it and nobody is doing anything about it. Drive towards any school and you will find that someone was given permission to open up a hardware along the road to the school which causes trucks and large vehicles to be on the road and

pavement, across the road, moving, parked up, abandoned, obstructing the life of the residential area and creating a traffic hazard morning, noon and three o'clock. How do they get permission to do this? Is there any law regulating what you can build where? If there is such a law, is there any implementation?

In a bright hopeful moment of my life, Mr. Vice-President, I wanted to build my little retirement condominium at a choice spot on the piece of land where my present house is located. People tell me I cannot do it. They told me I am on agricultural land. You cannot put two houses on agricultural land. You cannot subdivide; only one house. When I die I cannot cut it in two for my children. Somebody said I cannot subdivide. I have not bothered to work out what is myth and what is fact in all of this but what I know for sure is that there is a feeling out there that our planning and development procedures are hostile to people and obstructive to their plans and their dreams.

It is more than obvious that our Town and Country Planning regulations and the implementation of these regulations are ossified and inflexible and completely out of sync with new demands, new conditions and new developments in our rapidly modernizing society.

The first paragraph of the explanatory note to the Bill recognizes this. It says:

“The main objective of the Bill is to provide a legislative framework for reforming the administration of what, in Trinidad and Tobago, is traditionally referred to as ‘town and country planning.’”

Is the Town and Country Planning Division going to be abolished? Is it going to be absorbed within the new commission? I ask that because that body is mentioned specifically very early in the Bill but the same question can be asked about a number of other institutions and organizations. Are they going to be absorbed or abolished when the commission comes into place?

Although I am not opposed to the intention and philosophy of this Bill, I am troubled about implementation, I am troubled about enforcement, I am troubled about the problem of overlap, I am troubled about the delimitation of jurisdictions, I am very concerned about the practical and human problems that would arise in what, unfortunately, looks like a takeover bid. The areas of overlap and the possible confusion have been indicated by speakers before me.

Mr. Vice-President, I just want to read again the long title of the Bill to show how, from the long title, you can well imagine that these overlaps are bound to arise:

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

In thinking that is not a sentence. That is only a sentence because it starts with a capital letter and ends with a full stop. The overlap and confusion of it is indicated both in the form of the sentence and in the content of the sentence.

Mr. Vice-President, National Trust, EMA, TIDCO, CBA, various Ministries, National Housing Authority, NIPDEC, the EPZs, other tourism interests and investors and investors in Tobago; all of them have some kind of relationship with this commission and, in some way, have to come to terms with this commission or the commission has to come to terms with them. These are the areas of overlap, confusion and jurisdictional squabbles.

I want to repeat that some of the recommendations that have begun to emerge have my support. I want to repeat one of Sen. Daly's comments that one of the first steps to be taken by the select committee would be to remove overlaps and duplications. The Bill itself is not stupid or incompetent. This Bill is a visionary document. It really cares about the future development of Trinidad and Tobago and it is out of this caring that it offers this large embrace. It is also out of a kind of frustration that if we do not do it in this one embrace and 20 other persons are doing it, it will never get done and will be totally uncoordinated and we would have the typical Trinidad confusion, repetition and reduplication. Although I am critical of the Bill I am not critical of its intentions or its philosophy. I can see in it this whole recognition of the problems it has to face.

Mr. Vice-President, I would just like to take you to clause 11 on page 32. This is a very significant clause. If I were a priest I would tell them go back and form a select committee again because this is a confession of how many different things the commission is being asked to do:

“The commission shall appoint standing committees to deal with the following matters:

- (a) The national physical development plan;

- (b) codes and standards;
- (c) development control;
- (d) national land use policies and long term goals.”

What this clause is telling us, Mr. Vice-President, is that the Bill recognizes that there are many different kinds of things that it wants to do and it cannot do them all at the same time. It has to invent standing committees with specific functions.

The first of those standing committees’ jobs would be to prepare the national physical development plan. I think that that standing committee should be the thing we call the National Physical Planning Commission. That should be the commission responsible for the planning, the co-ordinating and the envisioning of the land use for all of Trinidad and Tobago, to produce the master plan, the flexible blueprint and to feed itself from different sources.

Mr. Vice-President, this is a committee which should not have executive power, which should not have responsibility for day-to-day administration and which, in Sen Daly’s words, should be able to stand back and take in the situation whole. Take a long view, see the twin islands, dream about them and prepare a map of how we would like to see it 50 years down the road.

2.35 p.m.

But, Mr. Vice-President, I am not suggesting that this function should be put in the hands of a bunch of poets, lunatics and dreaming architects. If we did, I would join the company and we would produce something that is totally unworkable and economically disastrous, but it would be a nice place to live. We would just assume that manna would fall from heaven, honey would ooze up from the streets and we would not bother ourselves with economic matters. So that, the idealists, philosophers, poets and dreamers will come up with an ideal landscape—we do not want to eliminate that—and I think this Bill has the wisdom to know that it cannot eliminate that because it is very clear, on page 6 of the Explanatory Note, Part III, what it tells us is as I envisage this National Physical Planning Commission, made up of people who do not have economic axes to grind, but who have a vision of how they would like our landscape to look 50 years from now, who have an imagination of the lifestyle and the kind of civilization we want to produce and create who must enter the real world. The blueprint which they develop must be consistent with social, economic, regional, environmental and cultural development policies; provide policy framework; draw together and link functional plans prepared by individual agencies, *et cetera*.

That item in Part III which tells us what clause 23 indicates, is something that the National Physical Planning Commission, as I envisage it, would have to take on. It would not only be a bunch of dreamers inventing a new world and a new landscape; it would be a bunch of dreamers with their feet in reality who know that there are people living and working here, who have to earn their living, who have to relate to the world.

I am looking for a separation of the planning and dreaming function from the management and administrative function. I can see that the National Physical Planning Commission would produce the map or blueprint. It would adumbrate principles to guide future developments and it has a third function, to which I would come.

I like very much in the Bill the phrase describing the Commission as “a body corporate with perpetual succession”. Governments come and go; Government policies may change, but the dreams and visions of a national planning commission will be eternal. It must think and plan in such a way and in such a flexible way, that what they produce as desirable will be able, at every phase in history, to integrate new developments. That blueprint must be flexible enough, like a structure, to replicate, change and develop itself, so it would be a changing blueprint that has the capacity to absorb new policies to deal with new governments. I like the phrase “a body corporate with perpetual succession”.

Mr. Vice-President, I come to the third function that I see for that Commission. To put it in vulgar language, it would be a police function. The function of that Commission is to check up on the kinds of developers and development which Sen. Rev. Teelucksingh was talking about. People who are laws unto themselves; people who interfere with the water supply; people who interfere with drainage; people who make up their own sewerage systems; people who do not care what the Government thinks; people who do not have to care what the Government thinks; people like those people who took some of the finest agricultural land in Trinidad and developed houses for rich people and fat mosquitoes in Valsayn. Valsayn was prime agricultural land. All that is there now is rich people and fat mosquitoes. We talk about the food supply. My brother lives there, too, so I know about the mosquitoes. Mosquitoes are a good sign that a place is good for tomatoes and “baigan”. Wherever there are mosquitoes, the soil is good.

But I want to illustrate the police function of the Commission as I envisage it, by reporting what could be a hoax. I say it could be a hoax. I prefer to think it is a hoax.

One day there was a debate in the Senate when I got very angry about underdevelopment and the southeast peninsula and I made a big noise about it. Twenty-four hours later, I get a phone call from California in the United States from a lady telling me how glad she was to know that I was interested in the southeast peninsula, that they had a plan with the Government then, to set up a shrimp farm in the southeast peninsula. Mr. Arneaud was in the country; she gave me his telephone number; she told me to telephone and tell him I supported this plan for the southeast peninsula and she sent me their portfolio for the southeast peninsula. There is serious competition between Trinidad and a Central American country for this shrimp plant and, if they did not get Trinidad to move fast, they would go elsewhere. They would really prefer to come to Trinidad, but please speak to Mr. Arneaud.

Well, I do not know who told them to telephone me because they did not know I am an old "Commi". I am not in favour of these people coming and taking over the southeast peninsula with a shrimp farm. Mr. Vice-President, have you ever eaten shrimp produced on a shrimp farm? They taste like cardboard; it is like chicken; that is not real shrimp. Real shrimp comes from the sea out of dead dogs, dead horses, dead donkeys and rubbish and so forth. That is where real good shrimp comes from. So they are coming here to produce a shrimp farm, and when I looked at the portfolio and I started reading the letters, there was a US Senator there writing to them informing them that he supported them. "Yes, you have my total support for this shrimp farm."

Mr. Vice-President, do you realize that if we set up this shrimp farm in Trinidad, an American supplier would make billions off supplying the feed for the shrimp farm? More than they would make of the shrimp farm. So I am looking at this thing and wondering how this lady was so stupid to give me all this. It has to be a hoax.

"Bram", I get another telephone call. "Do not worry. Mr. Arneaud has done his work. Cabinet has approved. The southeast peninsula is ours." I said, "Well, when are you coming to visit? I would like to speak to you. I have some concerns about this thing." I never heard from her again because, by this time, people must

have told her, "You told Ramchand that. You told the wrong man." I hope that is a hoax.

What I am saying is, if indeed people wanted to take over the southeast peninsula to set up a shrimp farm, Cabinet cannot decide that by itself, without consulting with the National Physical Planning Commission about whether a shrimp farm in the southeast peninsula, run by foreign investors, is in the best interest of the people and is the best land use for this country. Cabinet cannot say that. We are the boss of the Cabinet; we voted it there; it cannot do what it likes; it has to come to the people and if it cannot do that, it should have to go to the National Physical Planning Commission.

One of the most important functions of the Commission, as I envisage it, is to monitor this kind of activity and development in a country. As Sen. Daly and I have said time and time again, Trinidad and Tobago is sweet; Trinidad and Tobago is nice; this place is a paradise. Investors are not coming here to help us; they are coming to help themselves. A businessman does not exist for your benefit; he exists for his benefit and a National Physical Planning Commission which is here in perpetuity and does not have to write examinations every five years, is going to have the long-term perspective to say, "This will look good next year. It will look good for the GDP but no, it is not in the best interest of the development of this land of ours, Trinidad and Tobago."

Mr. Vice-President, I am, as I said, completely in support of the intentions and the philosophy of this Bill. I see certain practical problems and I agree with most Senators that we have to get rid of the areas of overlap, that we have to separate the planning and the imagining from the administration and the execution; that we need to establish a planning commission to supervise, superintend, protect and make sure that what governments do and what various interest groups do, is in keeping with the best interests of the land and the people of Trinidad and Tobago. I want to end by saying that I feel very strongly that this Bill must go to a select committee of the Senate.

Thank you.

Sen. Muhammad Shabazz: Mr. Vice-President, I agree with what most of the speakers have said. As a matter of fact, when I was looking through this Bill in preparing, I found the Bill to be, as everybody else said, an extremely long Bill. Some of the things in the Bill seemed not to have been properly thought out but, indeed, the idea and the intent of the Bill is a good one.

Not only that, I looked at how Sen. Daly summed it up—it is for the development of land use, the protection of the environment and the protection of our heritage. It intends to do three things. Maybe all those three things should not have been in one Bill, but they are all here and, having looked at the Bill, I would like to start off where Sen. Prof. Ramchand ended.

In truth and in fact, this Bill should definitely go to a select committee. It is too much here; it is too much work; it is a number of things to be put into perspective and a number of things to be brought in properly and thought out better than they are here, and I agree and hope that it would go to a select committee.

In reading the Bill, one of the things that came to my mind was, for the first time we were going to have a piece of legislation that, even after looking at it, even though at times when I look at the Government's intent—because at times I must think about the Government's intent—not only in the Bill that it brings, as I have explained here before, but what is the intention behind the Bill. One of the things that first came to mind when I was reading the Bill and I looked at page 11 where the planning and development of the appeal board is dealt with—it says:

“Part VII would establish a Planning and Development Appeals Board as an expert tribunal to review development control decisions other than those taken by the Minister.”

It made me think, because when the Minister takes a decision really, the board has no power again; the board can do nothing. How many decisions would the Minister take before? Or, how soon before this appeal board has to operate would the Minister take his decision and affect the working of this thing?

2.50 p.m.

I found that those decisions not taken by the minister needed to be looked at and given consideration.

Mr. Vice-President, when I speak in this Senate, particularly when I speak from this side, and question the intent of the Government, I want it to be known that it is not personal. What I question most of the time, and in respect of this Bill, is when I see certain philosophies held by individuals on that side changing by the type of legislation being brought and the things being said in this Senate. In truth and in fact, there are three Senators on that side who we knew before: the hon. Minister of Information, hon. Minister of Finance and the hon. Minister of National Security. These are people who we knew stood for certain things. When

we see these things changing and see them supporting things that are different, we must question.

Of course, I do not know other Senators, but I question their intent because of the Government's policies and what they support. Hon. Sen. Baksh, who has made himself the most popular minister today—he is even more popular than the hon. Prime Minister—has worked hard and deserves that. I wish the others can lift their standards to his.

Mr. Vice-President, as I said before, when I came here my intent was to discuss the Bill in its entirety in a way that would not have been political. I find at times when we come here the Government attempts to deal with all the issues and says that it does not have a political agenda and its intent is good and proper. However, lo and behold, the Minister, in presenting the Bill started by saying that the corridor was prepared in a deliberate way without proper planning and it had to go with the establishing of constituencies for election purposes. What does this Bill have to do with that? Do you know what was surprising about what he said?

While I was reading this Bill I thought that the intent of a number of things he was doing was to establish constituencies and political bases which would give the authority to do things to strengthen their political agenda. I felt I may have been wrong but when he said what he said, I believe that they felt we were strengthening our political base and that is why they brought this Bill and would bring a number of other bills. Maybe, the other bills would come after, even though we agree that it would help strengthen their political base. I would develop that point as I go along.

Mr. Vice-President, clause 23(1) of the Bill states:

“The Commission—

- (a) shall prepare and thereafter keep under review a development plan for the whole of Trinidad and Tobago which shall—
 - (i) be consistent with the social, economic, regional, environmental and cultural development policies of Government;”

Again, there seems to be an agenda by this Government to strengthen their political base and position.

Mr. Vice-President, do you know what the Minister spoke about? He spoke about the rich people coming into town, and that Port of Spain was not meant to be a city but they came in and did things and built Port of Spain in that way. The

reason why he brought it up was to change that whole area of Port of Spain. It is the very Minister, surprisingly, who spoke about how the whole area is to change. I must bring the John John Towers into this because I remember him saying the he wanted “nice” people to live there. He said they were trying to fix the mariner—and there was the question of taking the land and changing around the Sea Lots area, bringing Port of Spain to the way he wants it to be. Some people say it is a vision, but to me it is really a dream. A dream to move these people out of that area, interfere with the people who they see as a support base to the People’s National Movement and move what they call “nice” people into the area; meaning, really, nice people to him and his colleagues.

Mr. Vice-President, the Minister spoke about the white elephants in the area. He did not tell us what buildings were the white elephants. I want them to know that while they are talking about land development, the John John situation and how they would develop the land, remember that there are intelligent people there. One saw their intelligence when one gentleman got up and said, “Mr. Humphrey finds that the towers are too good for us, but they are building condos in the hills to move us into. If the towers are too good for us, would the condos not be too good for us?” The people understand that there is a certain kind of trick in what they are doing; how they are developing their land situation; and I think they need to look at that very carefully. That is, indeed, the truth.

The Minister introduced politics into this Bill and there is, indeed, a political situation in this Bill that we must be careful to look at. The hon. Minister—and I say this without any sort of reservation—to me, is indeed a good one. To me he has always been a good minister. However, his problem seems to come about when he is made a super minister. His problems in the last administration started when he became a super minister. Now, planning is added on to his ministry, again, making him a super minister thereby creating a problem for him. He can be a minister, but he should try to hold on and analyze the issue. The last occasion on which he came to this Senate we saw what the position was. We know what he stands for and I still want to believe that as an individual his intent is good and proper but as part of the team: that frightens me.

We sat here on the last occasion, when they brought the Summary Offences Bill and asked that it be for affirmative resolution. Somehow they felt it should be and they went back with the Bill but when the team met they came back and did not change it to an affirmative resolution. This is why we are looking at the position.

Mr. Vice-President, a point has been made here that we need to look at very carefully. That is the question of Town and Country Planning. As a matter of fact,

one of the things the Minister said is that the Town and Country Planning did everything in their power to get around it but could not. If they are going to remove Town and Country Planning and give all this power to this body I have no objection to that, but it must be carefully thought out. Proper planning and infrastructure must be put in place with adequate staff to ensure that body works effectively because that, too, may become a white elephant if they do not handle it in the proper manner. It is not just a question of passing the Bill, but giving the people who are being brought into these positions the necessary infrastructure and so forth to work with. I think this Government has been falling back on that.

Let me make the point that has been so forcibly brought by Sen. Prof. Ramchand. Indeed, one cannot talk about approving land and housing situations and what we do with buildings and not have a specific direction in which people must go. Again, that would create chaos. Again, I must say this firmly to the Government; if you do not have a clear-cut situation as to what people must do to erect buildings and buy land and build on it, we are going to come into a chaotic situation again.

3.00 p.m.

If you are going to try to remedy the situation as it was before, indeed, this is one of things that must be given serious consideration.

We have a number of things coming up in the Bill such as how to develop the land, the kind of authority the commission has as far as development of the land is concerned, the number of houses to be built, and at what time. All these controls are in their hands and if it is going to be that way, we have to look at it and deal with it extremely carefully. I believe they do not have another agenda, but sometimes in looking at this Bill I wonder if that is, indeed, so. We see things like the dimension and shape of the proposed lot.

Page 68 section 2(f) reads:

“the quality of the architectural design and layout of the proposed development.”

They are going to have in their hands the rights to all these and the final decision lies with the Minister.

It is our feeling on this side that people should not be restricted in that way. If they are going to have architectural designs or build in a certain kind of way, even though there are going to be some restrictions, we feel that too much power under this Bill is placed in the hands of the Minister.

On page 71, clause 41(g) states:

“regulating the times and hours of work during which development authorized by the permission may be carried out;”

Again, we need to look at things like this and many other things that come up in this Bill.

Page 79, clause 50(1) reads:

“Subject to subsections (2) to (7), if, in the opinion of the Minister and having regard to the provisions of subsections 40(1), (2) and (3), it is advisable that any permission to develop land or any outline development approval be revoked or modified, the Minister may by order revoke or modify the permission or outline development approval.”

I see that goes directly to the Minister. Again, we look at that and ask why directly to the Minister? Why not to one of the bodies, the commission in charge of that, or the inspectors? Why is this directly in the Minister’s hands?

There are a number of other things we had to look at. Again, I quote from page 139, clause 106, which, I think, was taken out:

“(1) Any person who—

- (a) assaults, molests, resists, obstructs, threatens, intimidates or hinders, interferes with, or uses indecent, abusive or insulting language to any officer or other person acting under the authority of this Act;”

Again, the regulations made under this Act are subject to negative resolution of Parliament. If this power is going to be given, one must be very careful how it is going to be dealt with. Again, even though it may look like Government is opening up their position in an attempt to broaden and widen the base, there are some things in this Bill that seem to restrict people from doing things they want in a very free and open manner. Again, we ask that this Bill be taken to a select committee. We think that is important because it is really difficult to just read and pass this Bill just like that.

I think it is something that we should support. If all the powers are taken away from not only the independent bodies, but the Town and Country Planning and the local government bodies, would they be able to handle it? Is there not too much power given to the inspector in this Bill? If they feel that it could be controlled, fine. The issue of the conflict with the National Housing Act and the National

Trust, all these things should be looked at and brought into proper perspective. Again, these are some of the reasons we believe this Bill must, indeed, go to a select committee. We ask, if the intent is really serious, do not just make it a political issue; let the Bill go to a select committee which will sit, study it carefully and work it out before coming back to the Senate to be passed. We think that is, indeed, a strong point.

Mr. Vice-President, the hon. Minister spoke of us having a lot of competence and many persons who could do the work. Many organizations have been consulted and maybe not all of them, but there are many professionals who could do the work and do so over and over. We said that and we would like, again, to ask that the professionals be really looked at and given work. The professional bodies in this country are quarrelling. The building bodies are quarrelling about not getting enough work in the Airports Authority. As a matter of fact, we have one Trinidad and Tobago national who, I understand, said he could do the work for half the amount of money and give away \$10 million. Sen. Baksh has asked that he present the proposal, and I hope he does. That is an important thing to look at. If you are going to give the professional bodies, give the professionals work.

The hon. Minister who spoke about giving the professional bodies is going down on his knees, begging not to go hard against the Chinese. Is the Minister serious about what he is saying? This is a whole set-up. They always seem to find a Jack Warner or somebody like that to put at the centre of controversy. We look at the John John issue again and there is a Member on that side supporting it; a Minister who left this side and went over there who was the previous Minister of Housing and Settlements. This is why we had to be careful with them. This was his opinion:

“It is logical to think that he thinks it is bad to give away to the poor but good to give away to the rich’,...

He then claimed that the Minister of Housing was not interested in housing and ‘that is why so many housing projects have been suspended, terminated or cancelled’.”

Inconsistent. This is from the *Newsday* dated Saturday, July 27, 1996. I remember under the administration of the same persons who are saying the John John Towers are too good for the people there, they built an outhouse at the corner to

help to lift the people's standard. That is how they think about us and the people of that area.

The greatest exponent of squatters' land, Sou Sou Lands, in which people today still probably have not gotten back all their funds, that is how they see that corridor and feel that people should be treated. I want it to be remembered that their Government, in a time of an administration that the Member served, built toilets—they are still there—that the people are not even using. Government has refused to give people houses that we built, on the basis that they are too good and expensive for them.

I make the call that Sen. Teelucksingh has made: give the people in John John their houses and stop begging Jack Warner on your knees. I heard the Minister crying out on the papers and it is sad. The people called the Minister a "Botha" and he is vex about that. He must take note of that. They may have been wrong to call the Minister a "Botha". I do not think Mr. Humphrey has reached to that, but there is something the Minister, a gentleman, a brother, an honourable person who is so well loved must be doing and saying now, that the people are taking that kind of position. It is because of the position that he has taken on land; he has served as a Minister of Housing and Settlements and served again, and has not come up with any new housing project. The Minister has built no houses in this country. All the houses that have been built and completed are what the People's National Movement started and they are not being given out because the Minister does not want to give them out to persons in that area. Maybe it is the Minister's intention to relocate persons to that area but they are not being given out and we do not know why.

The Government has built another outhouse for people to use and people are still not given the houses. The concept and philosophy about Port of Spain is mariner, condominiums and all these nice things, and move the people out of the area and put them into other places. I am sorry and sad when the Minister is called a "Botha" and I will tell them they are wrong. You should be sad as well, but I do not think the people are doing it based only on stupidity. Maybe their reasoning is wrong and at the end of the day that will be clarified. It must be because of the Minister's position and situation on land and dwelling houses in this country which is creating that. So when the Minister brings a big, lovely Bill like this, fine. We salute the Minister and say nice, but what is in this Bill and the intent and behavioural pattern seem to be the exact opposite of each other.

Mr. Vice-President, as I said, I continue to ask the hon. Minister to keep on the right track; keep standing, for the people. The Minister has been a brother of the ghetto and a friend of the guys and all the other revolutionary forces that have risen up in this country. When those forces seem to be turning on the Minister, he needs to look at that. It is because of the Minister's philosophy on land which seems not to be consistent with what he is about.

I again reiterate some of the points. Select committee, we need that. Get the Town and Country Planning issue in order and give work to the professionals in this country, who could administer and build these things. Again, in coming to a close, just as I started I say to the hon. Minister that, indeed, it is not meant to be a personal attack on him. It is meant, at this point in time, to ask him to look again at his position on land reform; give out the houses that were built. With regard to the new houses to be built, be consistent, not teaming up and telling people what you want them to do and how. Someone in the other House asked why an engineer could not give final approval. It was said the architect must give the approval. Why, we do not know, but we understand the hon. Minister is adamant in his position. This is why we ask that this Bill go to a select committee.

In closing, I ask brother John, a fighter, an ex-liberator of the people, a friend of all the revolutionary, please do not change your position so drastically to go from a liberator to a "Botha". Stand firm, stand strong Mr. Humphrey, hon. Minister, keep your position for the people. Indeed, be a liberator and not a "Botha".

Mr. Vice-President, again I make a final call that this be taken to a select committee to be looked at. I hope that the Minister would understand the position and that call of all or most of the Members on this side. Finally, my call to the Minister is, be a liberator and not a "Botha". Be a friend of the people and not an enemy of the people. Do not make the side you are on make you become an enemy of the people as they are making other Members on your side become enemies of the people. Take a position on land and be strong on it. The Minister was a "roots man" as well as Sen. Mark. Sen. Kuei Tung is still a "roots man". Let it be that way but look at your position and do not be controlled by the Government you serve. Be consistent with what you are about. Finally, be a liberator and not a "Botha". [*Laughter*]

Thank you, Mr. Vice-President.

Sen. Nathaniel Moore: Mr. Vice-President, thank you for the opportunity to participate in this discussion. I want to say from the start, I support the Bill.

Clearly, I want to say as I said some time before, that I am part of this Government which is formed by the UNC and the NAR and we have presented a Bill, using the vision that we have for the development of the area and because we realize that planning comes from vision. If we have no vision, then we are destined to perish. So, we have brought this Bill to indicate the kind of planning we want to go into our country. This is the job we think we have to do.

We have heard a lot of observations, some of them criticisms, whatever you like. We are not saying that the Bill is perfect, but we have made what we think is a good attempt at providing for planning. This is the part we have to play and we

expect by bringing it to this Senate, that Senators will make their observation, and there would be criticisms. As experience has shown in this Senate, this Government is not a Government that disregards advice. If you will be fair to yourselves you would realize this. We have sat in this Senate several times and Government, eventually after hearing submissions, criticisms, even condemnations, would say “we would think, again, we would revise this or that and make the changes necessary”. So in the case of this Bill, there is no difference. I am sure that the Minister is listening very carefully to the suggestions made and we have no doubt that consideration would be given to these suggestions.

I do not intend to say very much. A lot has been said and I do not want to repeat what Senators have said, but there is one particular area of the Bill about which I am very gratified. It is the trend, I believe, which was started and which will continue. In every new plan or situation, we expect some teething problems. I was very happy to see in this Bill, that section 6(1)(g) recognizes the jurisdiction of the Tobago House of Assembly under Act 40 of 1996. This section was brought to our attention by the Minister yesterday.

Mr. Vice-President, also in section 18(1) the autonomy of the Tobago House of Assembly is also recognized in allowing Tobago to formulate a development plan for Tobago. If I remember very well—and I think I do—the Minister in presenting the Bill, said that planning for Tobago is the responsibility of the Tobago House of Assembly.

3.20 p.m.

This statement by the Minister is much in keeping with the letter and the spirit of the Tobago House of Assembly Act, No. 40 of 1996 which sets out the

functions of the Assembly at sections 25 (1) and (2). I will quote some relevant parts:

“the Assembly shall, in relation to Tobago, be responsible for the formulation and implementation of policy in respect of the matters set out in the Fifth Schedule.”

I now draw Senators’ attention to some of these areas in the Schedule and I want us to take note. I am particularly mentioning them because of statements which were made earlier in the debate. It talks of state land, land and marine parks, tourism, sports, forestry, infrastructure. It includes also air and sea transportation, town and country planning, highways and roads, industrial development, the environment and several others. Senators would recall that there are several other areas. I also want to emphasize that in section 25(2) of the Act it provides, and I quote:

“the Assembly is hereby empowered to do all such acts and take all such steps as may be necessary for, or incidental to the exercise of its powers or for the discharge of its duties...”

And so even the formulation of a development plan is part of it, and I advise this Senate even as I am speaking that the provision of a development plan is now being undertaken by the Tobago House of Assembly and soon the plan will be out for public information and comments. This surely indicates that the Tobago House of Assembly is living up to the standards expected of it by this Government.

I have no fear that this development plan will meet the criteria and high standards set out in section 24 of the Bill we are now considering, for there is a group of fine minds engaged in the formulation of this plan. I am sure when it is completed it will meet with the approval of all concerned, including the people of Tobago. Perhaps, the major problem we have with planning, especially in the area of development efforts, is the matter of funding. Of course, as we approach the end of the year we are talking and thinking a lot about funding, so it may be good for me to just say that funding is one of the biggest problems that we face in our planning for development in Tobago, and this calls for consideration of the special circumstance of Tobago, by the Central Government.

We in Tobago want to feel the satisfaction of working together with the Central Government to develop this country, and we would be very happy at the

end if we are satisfied that we have done our best and have played our part in the development of this country.

I do not want to take up much time, but I must draw attention to some of the information given about Tobago earlier on in the sitting. I refer to some observations made about the work of the Tobago House of Assembly by Sen. Alfred. Most of what she said was quoted from two weekly newspapers circulating in Tobago and I will deal with them as they were referred to.

She referred to one headline which says: Road Works Lead to Dangerous Landslide.

“The article mentions a particular place, Providence Road where a project has turned into a nightmare in more ways than one. We know that in trying to get Providence Road and other roads done, the Assembly’s intentions were good, but according to the article, the Assembly has to let people know whether certain systems were put in place before they went into the construction of this and other roads. Also, now that so many landslides have come about in the area, allegedly because of the way the road was cut, we wonder whether they would take this into consideration and do something to ensure that before any future operations are done, they would put certain things in place.”

I can boast that I visit the projects undertaken by the Assembly on roads, very frequently. There is not a week that I do not go around and visit almost all, if not all, the projects from Windward to Leeward in Tobago.

I believe the newspaper was speaking about a landslide on this particular project and I have only seen one landslide. I heard about the report and I went to the area when the landslide was just beginning to be cleared and also after it was cleared.

I do not know if people understand the terrain in Tobago. In the southwest there are no highlands and there would not be land slides, but in the middle part of the island and in the north east, there are great slopes and so there are land-slips. This is a normal thing when roads are cut—that there are land-slips—and all is left according to the way the soil is stratified and so forth. The engineer and the other people who are doing the works cannot always avoid the land slipping. Writing this article in the newspapers and mentioning it as something so great and bad that is done by the Assembly, I do not understand it. There were not many landslides on this project and I think the gentlemen have done their best in

cutting and in terracing to avoid much falling away of the land but as humans, something can happen now and then.

In this particular area the road was made passable very quickly and fortunately, it was very good road building material. The material was stockpiled and was used to fix the roads and is being used in the construction of other roads in other areas. I even saw some of it on the waterfront. It is valuable material in use. Every bit of it was taken up and carried to be used somewhere.

I think there was a bit of malice in this report. I am not saying the statement by the Senator is, but the report which she read, and I advise her not to put so much weight in some of these reports except to get an idea of what it is all about.

There was one landslide and it was well taken care of. One would expect that landslides would occur. On this particular project I have seen one landslide and in

situations like this, it is no big thing. If it were careless work and there was a series of landslides all along the road one would think about that.

3.30 p.m.

The second point is about the people who said that cutting was done on their lands without their consent. I was looking at the excerpts in the newspapers this morning and I could tell you the fact about part of this. I do not know about the \$20,000 loss which St. Louis spoke of because this was not brought to the attention of the Tobago House of Assembly, but the matter about going to survey the man's land is typical about Tobago. The titles in Tobago are so mixed-up and difficult that very often we do not know whose land is where.

It is a situation in which the Tobago House of Assembly had an agreement with the owner to do the work, had their personnel go in to do some work and they sought the permission of the person whom they thought was the owner who agreed. As they began work, somebody claimed the land to be theirs and the Tobago House of Assembly said they had permission from the owner. When the matter was investigated, indeed, part of the land had belonged to someone else, but there was communication and it was cleared up. Perhaps there would be some further clarification of the matter later on.

On the Airport Authority where the *Tobago Star* on Wednesday, July 8, 1998 states:

“Charles opposes Airport Authority plan to extend Crown Point.”

People are looking at the Chief Secretary, Mr. Charles as though he is the only man who has any authority to say or do anything for Tobago, and who is actually doing everything. He is the Member of a party and he is leading an executive group which is planning for Tobago. The report was that the Tobago House of Assembly says that it wants one thing and they say it is Charles, and the Airport Authority wants something else.

This newspaper is perhaps famous for trivia, because this is a point where the Airport Authority says we want more space to accommodate the persons coming on our overseas flight and we would build an annex. The Tobago House of Assembly says there is a plan for both Piarco Airport and Crown Point Airport, and that plan has a section dealing with accommodation and it prefers that plan to that which the Airport Authority is suggesting. That is all to it, but this trivial paper dealing in trivia, blows it up as something of importance.

It brings me now to the argument about the stadium. The sports department has planned several stadia for Trinidad and Tobago, one of which is to be placed in Tobago. I am hearing that the place should be Shirvan and the Tobago House of Assembly is saying that Bacolet is the best place, because it is more centralized to satisfy the needs of the people and there is adequate land to take care of it. I want to remind you as I said before, and as the Minister pointed out yesterday, that the Tobago House of Assembly under the law is responsible for certain things. When I read the list, I mentioned sport, infrastructure and a lot of other things, so the responsibility for these things is the Tobago House of Assembly's.

It is also mentioned that it is in Tobago, but it is a national project. What does that mean? It is we who give the measure of autonomy to Tobago which it has. I think if you give your child something, and there are differences between how it may be used, you discuss it and then come to some final agreement. That is exactly what I expect to happen between the Tobago House of Assembly and the Government, I do not expect that the Central Government would just bulldoze its way through the Tobago House of Assembly because it has the power to do certain things. If there is a difference in the point of view, all we expect is a discussion and a resolution of the problem and we do not want other people to bring this up; it would not give them additional votes.

It was said somewhere that politics is brought into it. Politics is not an obscene word as far as I know, I have studied it for some time, and there is politics in religion and there is a religion of politics. There is politics in

Government and so forth, so the word “politics” should not have the kind of negative connotation people are trying to give it.

On the issue of the stadium, the Tobago House of Assembly says that Bacolet is the area. We expect that the authority of the Tobago House of Assembly would be recognized under law as this Bill which we are discussing does, and I am expecting that future Bills will do. I know that enough discussion has gone on which indicates that future Bills will particularly show how the functions of the Tobago House of Assembly relate to the functions of the national Government.

People in Tobago are saying on call-in programmes to put the stadium any place all they need is a stadium. If several persons say that, one cannot be annoyed with them, but if the people with planning in mind, and politicians say that, then they are insincere. It cannot be put anywhere because the people who run the Tobago House of Assembly are serious people and they have a plan just as the

Bill

tells us it is supposed to make its plan. How would you like the Tobago House of Assembly to have a plan and some one else being more powerful says do not do that, do this. If that is done, where is the planning authority of the Tobago House of Assembly? The Tobago House of Assembly and its rights must be recognized.

People are afraid if they do not agree to the Shirvan venue, they would lose the 2001 under-17 tournament. We would like this tournament to be staged in Tobago, for we know the benefits which would come to us; the exposure to our young people and the international exposure, but we are saying that if Mr. Warner speaks to the Prime Minister of Grenada and gets the tournament to be staged there, what can we do? Would that prevent us from getting the stadium in Tobago? We would be sorry, if we did not get the tournament, but we would be glad if we could still go on with our stadium and get the facility which are the wishes and the dreams of the people of Tobago.

I want to erase doubts from the people’s mind that the Tobago House of Assembly is not serious about tackling the needs of the young people where sports are concerned. I read from one of their plans and what they have in mind for Tobago. This is a publication from the Office of the Chief Secretary, *Tobago Development Plan No. 2*. I read a paragraph which shows the vision of the Tobago House of Assembly and its sports which says:

“The Executive Council will initiate local and international lease, or joint venture arrangements for development of, access to, and management of sporting facilities and institutions. Special supporting infrastructure will be

established, including a Tobago Sports Stadium, an indoor sports centre, and an Olympic-sized swimming pool, all built to international standards. These initiatives will contribute substantially to the development of the sports-tourism product in Tobago.”

What I want those critics to bear in mind is not that the Tobago House of Assembly is careless and does not want a stadium, because they are actually planning for that. The point made here is even if this present plan flops, the Tobago House of Assembly still has it on the front burner that it is going to provide a stadium and other facilities. If some facility is situated in Shirvan, that does not prevent a facility from being provided in Bacolet. That is where we want our major stuff, and there is where it would be, if Tobagonians are Tobago and we have put the NAR through the Tobago House of Assembly to do that, that is what would happen. That does not prevent other facilities from being placed over the island.

In the recent years we have had so many playing fields and courts started with some completed in various parts of Tobago. Some years ago we had none, or one or two. The Tobago House of Assembly is bent on providing these things and if we did not get our 2001 under-17, it is not the end of the world for us. Mr. Warner decides that, and it may well suit him and his programme to go to Grenada, and we cannot fight him, but our stadium project would go on.

Those people who are making these puerile and flippant excuses and charges about the Tobago House of Assembly and its handling of its facilities of sports in Tobago must think again. I hope the people understand that we in Tobago are serious and trying to do our work in a responsible way. A lot of these criticism from the writings in the newspaper such as *The Star* come from people who had an opportunity in the past to provide for Tobago. I know that. But they missed the boat and they see so much good going on in Tobago and how it is developing without their input that they are fearful and are trying to stop it. I am afraid they would not be able to stop it, and it would be for the good of Trinidad and Tobago and the island of Tobago.

In all our development plans, sporting, tourism and other things, I am sure in the near future, the plan for Tobago is to be more self-sufficient so we do not have to depend on grants and hand-outs to do our planning, but when we are finished with the partnership programme with the Central Government, Tobago would be a better and more prosperous place. There would be less poverty, more education, more sporting facilities, greater participation in nation-building and we would have a happier people and as a result, a happier Trinidad and Tobago.

I am hoping we would avoid the problems we have elsewhere where people are at loggerheads with each other. We want to live together as two islands in unity. Not to say there would not be differences, and misunderstandings. Nobody should be so foolish to think that it would not happen, we expect it even internally like in a Government, and misunderstanding in the country, but in the end, we want to be able to work together to develop this country in a way that our children would feel happy about it and we would be proud we have done it for them.

Mr. Vice-President, I thank you for the opportunity to make these observations and I would be happy to answer questions elsewhere, if I have not said enough to satisfy the people who are hearing me.

Sen. Danny Montano: Mr. Vice-President, I rise to make a very brief contribution in response to some of the opening comments of the Minister of Housing and Settlements who referred to the development of the East/West Corridor. My colleagues made mention of the comments and the Minister suggested that the expansion and development of the East/West Corridor was politically motivated, presumably by the People's National Movement and he said it was not rational.

That is coming from someone who, a number of years ago, on a very dark and dangerous day said, "Do you have it in writing?" From someone who suggested that we have a trinity dollar, and yet he has the audacity to say that the development and expansion of the East/West Corridor was not rational.

3.45 p.m.

Before I was born, there were two major arteries running east-west. One was built by the Government of the day, and the other, I am advised, was built by the Americans when they were here during the war. Two significant major arteries, probably the most significant arteries we had in the country. Yet, somehow, the Minister says that the development of the corridor was not rational. It was politically motivated, yet he would have the audacity to come here and suggest that the NPPC, which I would refer to as a dream team, would be free of political interference.

Mr. Vice-President, I refer to clause 23 which reads:

"The Commission shall prepare and thereafter keep under review a development plan for the whole of Trinidad and Tobago, which shall:

- i) be consistent with the social, economic, regional, environmental and cultural development policies of Government.”

Now, Mr. Vice-President, if that does not encompass the political policies of the Government, then what does it encompass? Is the Minister trying to suggest that somehow these policies of the Government are somehow divorced from the political policies of the government of the day? To suggest that is just rank nonsense! I absolutely refute that! That is just nonsense!

Mr. Vice-President, he went on to say that the development of the corridor was not only not rational, but it was the development of dormitory settlements and that they were astonishingly “areas of inconvenience”. Inconvenience to whom? The residents of the area? Inconvenience to the Minister himself? I did not know that his constituents were inconvenient to him. I am astonished that a politician of his standing would have had the temerity to suggest that these were areas of inconvenience. Areas of inconvenience! Our citizens have come down to be described as areas of inconvenience.

He was lamenting the fact that Port of Spain had not been sufficiently developed, presumably to house all of the hundreds of thousands of residents who are now stretched out along the corridor. A most astonishing suggestion but, perhaps we can understand where he comes from. We have heard of plans enunciated by the Minister for the construction of islands off San Fernando, Pt. Lisas and Chaguaramas, as if Trinidad does not have enough land of its own; as if we cannot redesign our road system so that we can access inland rather than building in the sea.

Where are we going? We are not planning here. These are fanciful dreams. They are not founded in reality. When I hear of dreams like that and I look at this document, I see that it really cannot work. We have heard all of the Senators suggest why it cannot work, and I do not think we need to go through that again. It needs to be re-thought. It needs to be founded in concrete reality so that it can be made to work for the benefit of the citizens of the country and not just in a vacuous idle dream. We did not come here to sit and dream about what we might do, but that is what we really have; a dream team.

When one looks at clause 7(2):

“After the National Physical Development Plan or any element or portion thereof has been adopted in conformity with this Act, the Commission shall—

- (a) prepare and submit to the Minister recommendations...”

It goes on and on. Somebody is just dreaming idle plans. We have heard nothing of how any of these plans would be financed; how the changes in the plans would be accommodated between one administration and the next.

Shockingly, when the Minister made his presentation justifying the centralization of the planning in the country—and the Minister himself referred to white elephants—we have the hugest white elephant being constructed now at Piarco. I am now reliably informed that it is going to run into TT \$1.8 billion, US \$300 million and, we have no feasibility study anywhere that is visible to the people of the country that could somehow justify that expenditure, and it is being financed out of the Treasury because nobody in his right mind would finance it. It is unfinancable. It is the hugest white elephant this country has ever seen, or will ever see.

Mr. Vice-President, it is astonishing that nevertheless, we are rushing through with this and, in the meantime, nothing is said about that, because this Bill ostensibly is to deal with projects exactly like that. I would refer you to clause 6(1)(e):

“to co-ordinate the land development approval process and grant all approvals required for commencement of construction or other initiation of—

(1) projects of national importance”

I know that the airport is very important. It is of national importance, yet the Minister, in casually dealing with a project that we know is going to cost somewhere in the region of \$1.8 billion does not say how it is going to fit into this. Nothing is said. We are just supposed to accept it.

Mr. Vice-President, I have difficulty with that. I have difficulty with what the Minister is saying. It is not so much that I have difficulty with the concept of the legislation. The concept is noble. It had its genesis in a previous administration. I do not have a problem with it. The machinations of how it would go is what we have a problem with it, and I have great difficulty with the words of the Hon. Minister.

I thank you very much.

Sen. Dr. Eric St. Cyr: Mr. Vice-President, I wish to make just a few brief remarks. First, let me say that I am delighted to see this piece of legislation. I think it clearly recognizes the chaos that has existed in the past, and it is a valiant attempt to bring some correction to the planning mechanism and processes which

now exist. I think it also represents in the Hon. Minister, his view that land is bequeath by our forefathers to us, to be held in trust, used responsibly, and to be passed on to our children and grandchildren, should the Lord tarry.

Having said that, I do have a major concern which is all I would restrict myself to add to this debate. My concern is that we seem to be giving in this legislation an inordinate amount of power and responsibility to the Minister, and I am not speaking of the particular incumbent, but to the Minister. I am concerned that we should redress this, somewhat. If I may quote from the document before us, in the notes which I know do not form a part of the Bill, on page 5 we are told that under clause 6, the Minister would have the right always reserved to the Minister to call up any application for his own determination. I think that is very strong.

I take a second example on page 32 in clause 12 which refers to powers for making appointments. These conditions of employment shall be subject to the approval of the Minister. I wondered whether the Statutory Authorities Service Commission, which handled matters such as those, was still in operation. But, the strongest place is on page 79, clause 49, where the Minister really is given tremendous power. The Minister may give directions. Things must be referred to him. Even when there is a dispute, he would set up someone to hear the various arguments.

Clause 49, paragraph 6, says that the decision of the Minister on any application referred to him under this section is final. I do believe, Sir, that the executive has really been given primacy in the authority structure here, and this bothers me. We are told, as one of the principles of Government, that the Lord is our king, the Lord is our law giver, the Lord is our judge, and we always must, as Montesquieu tried, to keep those three areas of government in proper balance. It does strike me that we have invested in the Minister an undue amount of power. I reinforce this by noting that even though there is a statutory tribunal which will hear various appeals, the matter would rest in that tribunal, within the ambit of this, and that only on matters of law can one appeal to the High Court. That, too, bothers me because I would have thought that the courts of the land should really not be excluded in favour of the arms of the administration.

4.00 p.m.

That is my big concern. I know that in a very complex, modern society we need to give strong powers to the executive in order to get things done, but I am

always very wary of the abuse of power. They used to tell me that power corrupts and absolute power corrupts absolutely. So I am naturally inclined always, to put constraints on executive authority and if I may say so, almost the history of western civilization could be written in that vein, how to have governmental authority but how to keep it in proper check.

My second comment would relate to the opening remarks of the hon. Minister. I was rather impressed when he described the city of Port of Spain in the 1950s, 1960s and up to the 1970s, as a place where people lived and where there was an organic, social and community life in the city as a whole. It did strike me that in the years just after the 1960s, the whole face of Trinidad and Tobago had been substantially revised. I think what happened is that we moved away from cities as living centres of work and social life to becoming just an administrative centre, locating most residences in dormitories in the suburbs and making the motor vehicle such an important instrument in our lives.

As we seek to set out some parameters in the picture of how the physical environment should be laid out, we need to build on our concepts of the culture and society and how it will all fit together, not forgetting that in all these things there are tremendous interest groups. For instance, there is a very powerful, symbiotic relationship between the motor vehicle industry and the Government which builds the roads, without which that industry cannot flourish. Built in there is where people live because depending on where you live, you need two or three vehicles and dependable ones as well. I am making this point because when the planning commission starts its work, the physical shape of things would only be the end of a process which would start by taking into account history, sociology, culture and life in general.

Mr. Vice-President, with these brief remarks I want to say that I do, in general, support the Bill. I do recognize that the hon. Minister has, with his staff, taken us a long way forward in the concept and in the proposals.

I thank you, Sir.

Sen. Carol Cuffy-Dowlat: Mr. Vice-President, I rise to support an Act to provide for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof, for the grant of permission to develop land and for other powers of control over the use of land and the design, construction and occupation of buildings to confer additional powers for the protection of the environment and the architectural and cultural

heritage and for the acquisition and development of land for planning and to provide for purposes connected with the matters aforesaid.

Mr. Vice-President, the hon. Minister in presenting this Bill to this Senate, spent time in addressing the present state of the law, re the Town and Country Planning Act, Chap. 35:01, which was enacted in 1960 and brought into force in 1969, a Bill that was based on English planning legislation as it was in 1947. By the time that Bill was introduced in Trinidad and Tobago, many of the provisions of the 1947 bill were already out of date in England. The Minister also spent some time in explaining some of the present problems that are being experienced with the legislation as it stands today. For example, we found that the provisions as to development control have several gaps in them which make it extremely difficult to

operate and practise. As such, it is necessary to amend these provisions in order to give planning authorities the power to carry out statutory duties more effectively.

The Minister also made reference to the provisions and compensation, which are, in fact, in urgent need of immediate reform. He did cite the decision of *Lopinot Limestone Limited vs the Attorney General of Trinidad and Tobago* in which the Privy Council has, in fact, opened the door as to the possibility of large claims to compensation for planning refusals or restrictions. We have also heard comments from the Minister as well as from Members on the other side about the National Physical Development Plan as approved in 1986 and its ineffectiveness. We have seen that, in effect, subdivision control has been weakened by court decisions which have, in fact, held that existing legislation does not apply outside the formal laying out of parcels of land for building purposes.

Mr. Vice-President, I would not spend much time in repeating what the hon. Minister has said. However, I think it is necessary that I address some issues that I have seen raised today, and I would attempt to address the issue of the role of the Minister under the present legislation; under the new legislation, the affirmative and negative resolution issues that were raised and the enforcement procedure issues raised.

Under the present legislation, Chap. 35:01, section 3 says that the Minister is responsible for framing physical planning policy as well as for securing its consistent execution throughout Trinidad and Tobago. Under section 5, the Minister's exclusive authority to control planning-related activities is pervasive. It

applies to the preparation of development plans, to prescribing the procedures for making applications for planning permission.

Section 9 refers to the consideration of applications for planning permission and for granting or refusing permission in relation to such applications. Section 11 determines whether it is expedient to require that a person who has developed land without or contrary to planning permission granted under the Act, should be made to comply with the requirements of the planning regime.

In carrying out every one of these functions, the Minister under the present legislation, enjoys a wide discretion. What we know in fact and in practice, is that these functions are performed, not personally by the Minister, but by his officers. However, the Act provides no right of appeal from any unfavourable decision taken in the name of the Minister respecting the refusal of permission or the imposition of conditions upon granting permission to develop land since as the Act declares under section 11(3) of Chap. 35:01, the Minister's decision is final.

Under the present Act, even if the Act intends that the Minister would exercise his development control powers for the benefit of the community, the powers given under the Minister can be characterized at the moment as being dictatorial. Under Chap. 35:01 the Minister is authorized to delegate to the council of a local authority, his function to grant or refuse permission to develop land. We have seen, and the Minister has indicated in his presentation, and I think other Senators have so indicated, to date no such delegation has ever occurred.

Under the present legislation, the Minister, in fact, would still bear broad political responsibility for the framing and implementation of physical planning policy as seen in section 4. The Bill, however, provides the manner in which planning policy is to be developed and enunciated and how the policy is to be effectuated. In detailing these matters, the Bill reserves the determination of national physical planning policy to the Minister as his sole domain. However, there must be adequate and appropriate consultation and advice.

The Bill removes the Minister from the day-to-day supervision of the implementation of physical planning policy. All such supervision is now entrusted to a National Physical Planning Commission comprising professionals representing development, environment, the community and state interest drawn from the private as well as the public sector. The commission is accountable to the Minister. What we now find is that the Minister has advice from professionals in the field. This National Planning Commission is, in fact, going to look at the

country as a whole. It is going to plan and advise the Minister, and any Minister will be well advised to take heed of the advice that is going to be given by a body that is apolitical.

Mr. Vice-President, the functions and duties of the commission are set out at clauses 6 and 7 of the Bill, functions both advisory as well as executive. The commission would advise the Minister with respect to the framing of development policies but the commission must also seek the due implementation of those policies that the Minister adopts. Later on, when I speak about enforcement procedures, one would appreciate that the commission would, in fact, be in a position to advise the Minister how to proceed to ensure that the decisions that are taken are in fact enforced.

Clauses 10 and 11 would provide for the appointment of committees, for the more effective management of business generally, and for the appointment of four standing committees, namely: the National Physical Development Plan; Codes and Standards; Development Control; and National Land-use Policies and Long Term goals.

Clauses 12 to 15 would provide for the appointment of the commission's principal technical officers: a director of planning would be directly in charge of all commission planning personnel and would advise the commission on all planning matters; a chief building official who would be responsible for the issuance of building permits and enforcement of building and construction-related codes; a corporate secretary and a specialist legal officer.

Clause 17 would provide for the early devolution of development control and building construction approval functions to local authorities, and I would speak a bit more on that later. Clause 18 would provide for the appointment of local authorities as planning authorities to prepare local development plans. A primary focus of a local development plan would be the detailing and implementation of the National Physical Development Plan at the local level.

Mr. Vice-President, as part of the devolution of authority to local government bodies, physical planning is important and critical. Local government representatives know their areas, they are familiar with the problems, have solutions and they know what development is taking place. Local area plans would then be prepared by the local government in association with local stakeholder interests.

Clause 19 will require the Minister to appoint local authorities to the planning authorities with power to approve a preponderance of applications for permission to develop land within their boundaries. Clause 20 would provide for the delegation of planning functions by local authorities to committees and officers of the councils of the local authorities. Local government authorities would now be responsible for the planning and assisting in planning of the areas under their control. The role of the Minister is now not as dictatorial as it used to be. It is quite constrained because he is now being guided by stakeholders with an interest in the development.

Mr. Vice-President, queries were raised as to the question of the affirmative and negative resolutions. I think if some of the Senators, who have raised that, had spent some time in examining the legislation that is before them, they would have

noticed that section 30(1) of the Bill would allow the Minister to make an order modifying or rescinding the whole or any part of a development plan, after providing opportunity for any authority or person to make objections, representations or comments in relation to the proposed modification or rescission. An order respecting a plan for the whole of Trinidad and Tobago is subject to affirmative resolution. Only plans other than a National Physical Development Plan are legitimated by the negative resolution procedure.

Mr. Vice-President, the reason for this is quite simple. Considering the variety and number of sub-national development plans that have been and will be prepared, it will not be an efficient use of parliamentary time to require that every such plan be approved after formal debate. It is thought that the negative resolution procedure would allow any Member of Parliament to initiate debate in a sub-national development plan in an appropriate case. So if there is a sub-national development plan and you think that you have an interest and want that matter debated, you can do so. All matters of National Physical Development Plans are subject to affirmative resolution where it would be brought to Parliament and there would be debate.

Mr. Vice-President, issues were also raised as to how this commission would be able to enforce this legislation. Clauses 52, 55 and 58 of the legislation provide an array of devices for securing compliance with planning requirements. These devices include compliance notices, clause 52(2); immediate compliance orders, *ex parte* injunctions, clause 52(6); and environmental repair orders, clause 58(3). Further, where there has been a failure to comply with a compliance order or an

immediate compliance order, the Bill provides for specific enforcement by the commission or planning authority to actual entry on the land and execution of the required work and for subsequent recovery of all costs necessarily incurred in so doing.

Mr. Vice-President, an immediate compliance order could be served where construction, demolition or material change to a building or change in uses occurring, or as occurred in the preceding 60 days without or contrary to permission; or where, regardless of the date of the breach of planning control began, the breach constitutes a danger or a serious risk of danger to the public or to life or may cause serious risk of substantial impairment of the environment.

An immediate compliance order must specify the breach, the corrective steps required to be taken, and the period within which such steps must be taken. It must

also inform the person served of his right to appeal the order. A compliance notice must specify particulars similar to those required for an immediate compliance order, but it must also allow a minimum period of 28 days for compliance with its terms. It must also allow the making of an application for permission to develop the land, to continue the unauthorized change of use or to retain unauthorized buildings or works.

Thus, Mr. Vice-President, while the commission or planning authority is forbidden to consider an application to retain unauthorized development in respect of any matter for which either an immediate compliance order or an environmental order was served, no similar prohibition applies to matters covered by a compliance notice alone.

There is also an environmental repair order which might be served where conditions defined constitute that an environmental hazard exists and such conditions include, but are not limited to, erosion or to the potential for erosion, flooding or the potential for flooding, land slides or unstable soils, pollution of service waters, aquifers, air or land, or any condition, development, activity or in the vicinity of land subject to development which constitutes a danger to human life or health, causes or threatens serious danger to property or causing or may cause substantial impairment of the environment in respect of which no immediate effective remedy is available under the Environmental Management Act.

4.20 p.m.

You see, Mr. Vice-President, this legislation is going to be working in harmony with both the Environmental Management Act, as well as the National Trust. This Planning and Development of Land Bill is going to act as the co-ordinating agency so that the right hand will know what the left hand is doing and both will be able to chart a course for the future.

Sen. Prof. Spence: Mr. Vice-President, my understanding of the Environmental Management Authority is that it is there to do just that; co-ordinate all the other agencies. There are two co-ordinators now for the Environmental Management Authority.

Sen. C. Cuffy-Dowlat: Once we are working for the common good, I am certain the Senator would well appreciate that the more help the merrier.

Mr. Vice-President, there is, in fact, much law still to be discussed in this Bill, but I think most Senators have had an opportunity to peruse adequately the Bill which was circulated and presented.

I just think I needed to make mention of two more clauses. One would be clause 54 which would permit the grant of permission to retain unauthorized development subject to the payment of service charges aimed at defraying the cost of corrective works rendered necessary to abate nuisance, damage to amenity or injury to the environment occasioned by breaches of planning construction.

Clause 60 would provide for the regulation of areas of special interest and other special regimes, such as the establishment of environmental protection areas and the control of the development in areas so established; preparation and consideration of environmental impact assessments; listing of buildings for special architectural or historic merit or interest, and the making of building preservation orders; the making of tree preservation orders for the preservation of trees and woodlands in the interest of amenity and proper development of land; control of the display of outdoor advertisement and the maintenance of wasteland.

Mr. Vice-President, this is important simply because when, in fact, development is about to take place, developers apply to Town and Country Planning to seek their permission to develop. Once one gives this body the authority to deal with these, or to recognize some of the other issues that must be raised, it would assist and aid in ensuring that development takes place and does so in the interest of the nation.

So, Mr. Vice-President, I thought it was necessary that I attempt to clarify some of the issues raised by Senators on the other side and I thank you very much for this opportunity. [*Desk thumping*]

Mr. Vice-President: It is 4.23 p.m. and I think it is convenient at this point that we take our tea break and return in 30 minutes, at which stage we will get the reply from the hon. Minister.

4.23 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Vice-President, before I respond specifically to the points raised by hon. Senators, I would just like to remind Senators that this legislation has taken 10 years to reach where it is. It is legislation that was conditional on an IDB loan and, in fact, when we came into office, we had already found legislation which had been drafted by experts who were contracted through that bank arrangement and which had been modified by the then Minister of Planning and Development with responsibility for physical planning, Dr. Lenny Saith. The concept of the National Physical Planning Commission, however, is the contribution that we made to that legislation.

If Senators recall, when I quoted from the Manifesto, what we had hoped to achieve was the establishing of an independent National Physical Planning Commission, recognizing that physical development requires continuity and, if one is going to have a planning guide to physical development, a change of Government should not adversely affect the development of the country, so we did recognize that. I was very happy, if, in fact, we had had another commission with constitutional guarantees. However, it was felt that it would be more practical to have the commission function under a line ministry so that the resources required would be assured. What we have noticed with the workings of some of the commissions, for example the Public Service Commission, the commission has very often complained that to get resources was very difficult, very tedious.

All the experts who were involved in the exercise, and I have to repeat that we assembled the best experts that we had and there is a corps present with us in the Senate this afternoon who put in a tremendous amount of work. They all agreed that it would be more practical to actually operate as a commission, but under a ministry. It is the first committee that was mandated by Cabinet to, first of all, justify the existence of a commission that had come back and discussed with us that that was the way to go. So, when the Interim Commission was formed by Cabinet, following the advice of the original committee, the mandate was, in fact,

to structure a national physical planning commission that enjoyed a degree of autonomy, but operated through a ministry.

If one recalls when I quoted from the Cabinet minute, one of the conditions was to work as speedily as possible towards decentralizing and enabling local Government to participate in a meaningful way in the physical planning process.

So, this Bill that is before us, as I said, has taken 10 years to reach where it is and it is a unique approach. I agree that if this law was considered for a gigantic country like the United States of America, it could not work. Mind you, in the United States there are certain features of development that are centralized that are under the control of the Federal Government, for example, the whole freeway network. There is freeway network that links every part of the United States and that is the responsibility of the Federal Government. In some cases, the building of major infrastructural facilities like the mega-dams which were built in the 1930s,

which were partly conceived, because of the recession that occurred in that country, to put people to work, but which, in fact, were developed to give major parts of the United States a capacity, not only for water, but for electricity, because hydroelectric capacity was included in the design of those mega-dams.

5.05 p.m.

For Trinidad and Tobago, two small islands, you can look at both of them with a view to monolithic planning. In fact, 1.3 million people is a small part of a major city. Cities in the world have 10 million or 15 million population. Therefore, Trinidad is, in fact, a planners dream because of the way the country is naturally endowed and Tobago is even easier.

In Tobago particularly—I do not know if Members are aware of this—a forest reserve was established which was the very first forest reserve in the western hemisphere and a major part of Tobago has been, in fact, reserved for forest. I do not know what inspired those who were in charge in those days to establish it but it was the perfect thing to do. Today we recognize how important it is to preserve our forest more than ever before.

Where Tobago is concerned, it is true that the Tobago House of Assembly has the responsibility for physical planning in Tobago and what has been done is that the interim National Physical Planning Commission has established a close working relationship with the Tobago House of Assembly and, in fact, meetings have been held between the Tobago House of Assembly and the Commission.

What I did as Minister—and I did it without fanfare and without any kind of public notice—was assemble as much of the data that I could find to enable physical planning to take place in Tobago. What I was able to find, for example, were detailed admiralty charts giving the marine areas of Tobago in some detail. There was all the topography, the identification of the reefs and various types of ocean bottom. There is also the navigational lines established by the British Admiralty. I collected all the charts that were available and sent them for the First Secretary so that he could have some mapping to guide him for planning the marine environment.

Obviously the planner who is looking at Tobago will identify the reefs that have grown internationally into some of the best dive spots in the world and preserve those as marine parks. That will be the first thing to do. Therefore, we will have on land the forest reserve and in the sea the reserve of the natural marine parks. Having identified those, then you can consider how to proceed with development.

Tobago, like any other country, in order to develop, would have to establish more port facilities. Scarborough is working reasonably well but everybody recognizes the limitations of the Scarborough port. The large cruise ships cannot visit Tobago via the Scarborough port so Tobago has to consider at least one more port. There is an industry throughout the Caribbean today—one which is very important, especially to Trinidad and Tobago—the cruising industry. This is an industry where people live on their boats, visiting different places. Tobago does not have a facility to enable the cruisers to visit and to ensure that they get their service and they do not damage the environment. We have to look at developing facilities for that purpose.

There is another thing happening in Tobago. I can identify four major resort projects one of which is a Four Seasons project. I do not know if Members are aware that Four Seasons in the Caribbean has a resort project that received an unprecedented six stars in rating. It is considered one of the finest resort destinations in the world. Four Seasons is maintaining an extremely high standard all over the world. They are committed to one of the Tobago projects. With these four mega resort projects you are going to get very high paid jobs for young Tobagonians. When young Tobagonians get these very generous incomes, what are they going to do with the income?

The development of Tobago has not allowed for the provision of land for housing; it has only allowed for the development of villages to make them

convenient for their communities. In fact, Tobago generally has not been developed for the people of Tobago. We all recognize that. Therefore, it is imperative that the people of Tobago have their needs met in the planning and development process. We recognize that. That is why our land policy is so liberal that where the state owns land and the people need the land the state will make that land available to the people for housing. Not only for housing. When these hotels are built and these very rich visitors come to Tobago, they are going to want fresh fruit, fresh vegetables, fish, meat and so forth. If Tobago does not produce these things they are going to have to be imported.

I remember as a boy my father owned three estates in Tobago and I used to visit on vacation. I remember two island steamers, one called the SS Trinidad and one called the SS Tobago, plying all the little coastal villages and loading up with fruit, vegetables, meat and so forth. Tobago was the bread basket for Trinidad in those days. Unfortunately, over time, the people have moved from the land and we have got to reverse that trend. We have got to ensure that the land that is capable of producing food be released to those Tobagonians who are prepared to work it in the production of food. These are the planning considerations that are guiding the whole process. We did not wait for the legislation to put these things in place. We are putting these things in place and we have been doing that for the last couple of years, in fact. But it takes time.

Quite frankly, I do not think we have too much time. Those projects in Tobago are moving and within two years we can see them opening for business. We have got two years to start organizing the resources of Tobago to meet the kinds of demands that are going to be created. We recognize the urgency and I think everyone who is involved in the physical planning process is, in fact, geared up in that recognition. That is why Tobago features as it does.

Trinidad—one of the Members had said something about opening up. That is exactly what we are doing. There is a master plan for road network aimed at opening up Trinidad and utilizing the idle land space productively. In addition to that, on the basis of the existing national physical development plan which is a statutory plan, we have identified 13 areas in Trinidad and Tobago that need specific planning attention. We described them as growth poles. They are actually centres of service that support established communities. Some where the communities are already established like the East/West Corridor and some where the tendency is to grow like Princes Town, Rio Claro, Penal, Siparia, Fyzabad and so forth.

A decision was taken by Cabinet that the state would sponsor the master planning exercise for each of those poles and once the boundary for the development of those centres is determined, the state would vest the land it owned and the land owned by agencies of the state within those boundaries as equity in private companies for the development of those areas. Therefore, a recognition has, in fact, been made that for the country to develop there has to be a partnership between the state which is all of the people and the citizens themselves individually and in co-operation. That has been recognized and that principle is the principle we are using for future development.

We are, in fact, planning to make Trinidad and Tobago more productive but also more enjoyable for our own people. For example, one of the features of the planning activity is to establish—and I have been saying it for the last 35 years—retention reservoirs and artificial lakes throughout the country in the catchment areas that will be used not only for flood abatement but for irrigation for agricultural lands, for charging the aquifers and for establishing recreation areas for the enjoyment of all people.

I can tell hon. Senators that the exercise has commenced and WASA, who has a Water Resources Management Division, has employed consultants from Holland who have, in fact, done a master plan which is the basis of the development of an entire network of dams and reservoirs throughout Trinidad and Tobago. [*Desk thumping*]

In Trinidad and Tobago we have citizens who have skills. In fact, the same skills that the developed countries of the world have because some of our people went to the universities of the developed world and many of them qualified with great honours. But we do not have all of the skills that are needed in this planning process. For example, among our architects there are only two who have degrees in city planning. To do the plan for one of these poles you have to have those who can see the forest and not just trees. They have got to have the broad vision and it is the architect/city planner who is endowed with the talent first of all, and then with the training and skill that comes with the degree that he works for. Only two, one of whom is, in fact, retired. He was the very first qualified architect to return to Trinidad. Members would know Anthony C. Lewis who is the senior partner of the company that he founded.

5.20 p.m.

But he is retired. There is only one other citizen of Trinidad and Tobago who is an architect city planner and that is Mr. Stephen Mendez who is extremely busy and who has built a very large practice. He is doing all the work for the Mega Insurance Company Limited.

We need, therefore, to supplement the capacity for city planning. I have good news, that one of the world's leading organizations of professional practitioners in the art of physical development has, in fact, agreed to set up an office in Trinidad and Tobago in a joint venture with a local company, bringing with it all of the new age technology to which Sen. Philip Marshall alluded. So, we are going to have all the computer software and hardware required to deliver the service we are describing. But, the state meanwhile, is doing things to enable the planning process to be facilitated.

Questions were raised about why the Minister of Housing and Settlements was the one chosen by the Prime Minister to take charge of the physical planning process. The Minister of Housing and Settlements has said on many occasions—and it has been misunderstood, or perhaps for mischief's sake, has been misquoted—has argued that what is important, is the settlements component of the Ministry, that we have a National Housing Authority that can manage the housing requirements in conjunction with the private sector. But the concept of settling human beings on the planet today is based on the principle of sustainability. It is recognized that human settlements must be able to support themselves and should not have dependant links on other human settlements wherever that can be achieved.

So, when a settlement is planned, the use of the land for that purpose is planned to be able to provide food. Of course, housing is a small component of it. Industry, commerce, social and cultural activities, recreation—everything that you can think of that man does requires space and usually enclosed space, that is, buildings. The planning has to take these things into consideration. When the Prime Minister puts Lands and Surveys, Town and Country Planning and urban development under the Minister of Housing and Settlements, he recognizes that the Ministry of Housing and Settlements is really the Ministry that should take charge of the physical planning process and partly because he has a Minister who has a degree of experience in that process.

In fact, as Minister, I have found that I have worked very closely with all the professionals. We have an extremely good working relationship and I have been able to give to the exercise many ideas because the Almighty made me an ideas

person. Sen. Montano does not think that is very good and he tried to describe me as a mad man, but that is all right.

Sen. Mohammed: No. No.

Hon. J. Humphrey: I will never feel insulted if called a mad man, but do not call me stupid. That is an insult. So I might be mad, but I am not stupid.

Sen. Montano felt that all these things are pie in the sky. For example, the creation of islands. Why create islands when we have so much space? Well, let me explain why. When a harbour is created, extensive dredging has to be done to enable ships to access the waterfront and, the extent of harbours required on our west coast, will give us millions of cubic metres of material. Now, what do we do with that? Throw it into deep waters? No, what we do with that is reclaim the land.

In fact, those who are old enough would remember one Mr. Bobby Montano who had a dream—he was a dreamer—of establishing in Trinidad and Tobago an ultra modern industrial estate.

Sen. Mohammed: And it became a reality.

Hon. J. Humphrey: The Point Lisas Industrial Estate was, by and large, marsh and sugar lands that were reclaimed. Most of the area of the Point Lisas Industrial Estate was, in fact, reclaimed because a harbour had to be created and when a harbour is created, as I said before, channels had to be created for the ships to enter and turning basins had to be created for the ships to leave, so it was very practical to use that material for reclamation. That is all we are doing.

So, the harbours that will be created eventually on the west coast, the Couva/Point Lisas harbour that exists will be expanded tremendously and there will be another facility built on the northern end of the industrial estate to accommodate a tremendous amount of new industries that are coming into the country. Another harbour will be created eventually in San Fernando.

Now, San Fernando—and I think somebody expressed the concern that we were going to remove the San Fernando Hill. The San Fernando Foreshore has a gradient of one in 700 so you can just imagine that you can walk out a mile or more and still be a head above water. To create a deep water harbour there, it would be necessary to dredge a phenomenal amount of material. In fact, the assessment done on creating a harbour in San Fernando revealed that in dredging that material, we would actually win in excess of 3,000 acres of new land space. That is the proposal we are examining for San Fernando.

A proposal has been advanced for reclaiming an island on the banks of the Oropouche River. Again, there is a gravel bottom going out for miles with shallow water and, again, in creating the deep water required there would be the material for reclamation of a very massive island and, in the long term, the second international airport for Trinidad could be located there.

Sen. Mohammed: At what cost and what size?

Hon. J. Humphrey: You know, Mr. Vice-President, if we do not have forward thinking in the development process, we really do not get much development. [*Desk thumping*] Mr. Vice-President, it is not John Humphrey who is dreaming up these ideas; it is our architects, our engineers, who have, in fact, approached the Government with proposals.

I have a study done in 1982 by a leading firm of Trinidad and Tobago engineers, in conjunction with a government-owned firm from Japan, that did a feasibility study on the San Fernando Foreshore reclamation and that is what is being considered, but the Cabinet appointed a very high powered committee to serve as a west coast master planning committee, recognizing that there is going to be tremendous development occurring on the west coast of Trinidad.

One of the dimensions of that development will be when Venezuela starts to exploit its resources in the area of the Gulf of Paria owned by that country. It is going to be too costly for Venezuela to find its own facilities in taking those resources a step further. It is going to be cheaper for Venezuela to use the west coast of Trinidad with its gas, petroleum and so forth. Is that the thought of a dreamer? That is a fact of life that will come.

But, when I was condemned for criticizing the then PNM for emptying the City of Port of Spain of its population and settling the population up the East/West Corridor, it was pointed out that there were already two roads. There was the Eastern Main Road and there was a road developed by the Americans linking Chaguaramas to Wallerfield. But, there was also at that time a railway and any planner with any sense—did not have to be sane, just sensible—would have retained the rail. [*Desk thumping*]

Sen. Mohammed: Reeza Mohammed bringing back the rail.

Hon. J. Humphrey: Because what we have done is put a bus route where there was a rail and, in fact, mass transit is the key to moving people and the rail system is the cheapest, not only if you got the rail to start with, but in the long-term maintenance. Now, we are stuck with roads and we need mass transit. So what do we do? Maxi-taxis, mini buses. But, that is not satisfactory.

So, there has been put on the planners a problem that is extremely difficult to solve but our people are thinking about it and we are looking for solutions.

With that sort of overview, let me go through the contributions of hon. Senators. The first person to make her contribution was the Leader of the Opposition in the Senate, Sen. Nafeesa Mohammed, and the first thing the hon. Senator asked for, was a select committee. Well, we have no problem with a committee. We indicated that early on, but every Member on that side has called for the select committee. I do not know if I should leave this for the Leader of Government Business, but today, we have a majority of one, this Bill does not require special majority and, therefore, we could take you to the rail.

Sen. Shabazz: The rail gone. [*Laughter*]

Hon. J. Humphrey: But, having given the assurance that we are going to a committee, we definitely will be going to a committee, but I recognize the need of the Members opposite to have that committee which will give them an opportunity to understand the legislation, because I agree, it is a difficult piece of legislation to understand.

Now, our Leader of the Opposition on that side spoke of white elephants. I had spoken of white elephants and then our good Senator boasted of the great Mount Hope Medical Sciences Complex. That is a fabulous complex. It cost in excess of \$1 billion at the time, which was completed, opened with a big ceremony and then closed for several years. That was a unique project. That is the sort of project that forward-thinking people plan, where a billion-dollar hospital is created that is not needed, so it is closed up for years. The situation today is that we still cannot utilize all the space at the Mount Hope Medical Sciences Complex. So much for that.

Now, the Member talked about Tunapuna and how the Member for St. Augustine was trying to interfere with the Elections and Boundaries Commission and how her leader, in fact, described us as planning to steal elections.

5.35 p.m.

Sen. Mohammed: Mr. Vice-President, I think the hon. Minister is misleading the Senate in terms of what he is saying that I said.

Hon. J. Humphrey: I remember what the Senator said.

Sen. Mohammed: At no time did I say that he was interfering with the Elections and Boundaries Commission.

Hon. J. Humphrey: That is exactly what would have resulted if the inference was correct. A reporter misquoted something I said, then every other reporter in the country quoted that reporter who had misquoted me; and every editor of every newspaper then wrote editorials condemning me on the basis of what I never said. Then, the Leader of the Opposition picked it up. He stood up in a tirade and condemned the Government for trying to steal elections; interfering with the independence of the Elections and Boundaries Commission.

Sen. Mohammed: Not at all.

Hon. J. Humphrey: Not this Leader of the Opposition. *[Laughter]* The Leader in the other place.

Mr. Vice-President, the Chairman of the Elections and Boundaries Commission was sitting at that function in the front row and I was looking at him straight in his eye. As the Member of Parliament for St. Augustine, I merely went to the microphone to welcome all who were there to the constituency of St. Augustine; and to welcome them to the opening of the Tunapuna Administrative Complex which is in the constituency of St. Augustine; and to advise that I lived in St. Augustine for 12 years of my life and where I lived is considered as being in St. Augustine and that is in the constituency of Tunapuna. This is a fact. So, it was all in jest.

Sen. Mohammed: In jest?

Hon. J. Humphrey: Yes, in jest. Everybody enjoyed it except the Leader of the Opposition who thought he had an opportunity—

To suggest to someone who has been a Member of Parliament since 1977 and who has focused a lot of attention on the Constitution—and pledged, of course, to support it—would not be aware that the Elections and Boundaries Commission is an independent commission is really suggesting that the Member for St. Augustine is both a mad man and a fool.

The fact is that although the Elections and Boundaries Commission has a role that is independent, it makes recommendations to Parliament and it is Parliament that determines the electoral boundaries of Trinidad and Tobago. So, I think if Members opposite would merely advise their leader that that is the case, and if he would refer to the Constitution he would discover that, then perhaps he would learn a thing or two. So, Members of Parliament, in fact, have a role to play in determining electoral boundaries.

Let me remind Senators that in my lifetime we had counties, we lost them and now we have regional corporations which are different boundaries and it was Parliament that determined those; not the Elections and Boundaries Commission. I did point out, and I have done it on many occasions, that the boundaries are not rational. There are large boundaries of regional corporations and within those there are local government districts and there is no coincidence of boundaries between those and the boundaries for the general elections constituencies. If there was a coincidence of boundaries then within the large boundary of the regional corporation there could be a certain number of boundaries for representation in Parliament and within those there can be a certain number of local districts for representation at the local level. Then there can be a constitutional structure where there is a link between Parliament, the law-making authority of the land, and the people, right down to community level. It could be a constitutional link, but because of partisan politics they would not even dream of that because having gerrymandered to achieve the elections result that they wanted in the past, they assume that everybody would do the same thing. However, evil is in the eye of the beholder. [*Desk thumping*] That deals with the Tunapuna question.

Mr. Vice-President, concerns were raised by the hon. Leader of the Opposition in the Senate about local government matters—which were dealt with quite satisfactorily, I think, by Sen. Carol Cuffy-Dowlat—about powers entrusted to the minister. Well, I hope by now that Senators would realize that under the present Act the minister is all powerful because under the present Town and Country Planning Act one has to apply to the minister for planning approval and it is the minister who has the legal authority to grant it. So, the minister is all powerful.

The only check under the present Act is that the minister has an advisory panel. Now, those who have served as ministers would know that you can take the advice or you could reject it. So, again, the minister is all powerful. Under this legislation, however, it is the law that is all powerful; no minister; and the commission and the minister and all who are impacted by this are circumscribed by the conditions of the legislation itself. It is being done this way deliberately.

In fact, the commission has a great deal of power: advisory to the minister; advisory to the Cabinet on policy and having prepared the plan, that plan comes to Parliament. When that plan comes to Parliament it becomes the legal plan for the development of Trinidad and Tobago. Everybody has to abide by it. Changes that are to be made have to come back to Parliament. So, I do not know why Senators

are afraid that this minister would have so much power. Of course, if I were really Botha, they would have reason to worry. *[Laughter]*

The Senator talked of the Land Registry which is extremely important. Let me advise hon. Senators that the Land Registry is being modernized.

Sen. Mohammed: Since 1991.

Hon. J. Humphrey: In fact it was initiated by the PNM days. That is correct. In fact, the IDB has a particular funding project that has brought consultants from abroad in that exercise. It is going to take a few months to convert the Huggins Building into the Ministry of Legal Affairs and the Land Registry, the Companies Registry, the Registry of Births and Deaths and so on would be located there.

Sen. Mohammed: In terms of the relocation of this particular registry, has any study been done with respect to the capacity of that building to house the records that are kept in the vaults downstairs at present?

Hon. J. Humphrey: The answer to that is, yes. In fact, the project is going to use the most modern methods of accommodating hard copy. The other consideration is that in the long term it might not have sufficient space, but all the land north of the Huggins Building is owned by the state and that land can be developed so as to expand the space that is required in the long term by the various registries. So that is not a problem.

The conditions at the Red House, all of us have to agree, are deplorable. In fact, an exercise is being undertaken, led by the hon. Mr. Speaker, to refurbish the Red House and use all the space here for the Members of Parliament of both Houses. The Senate would have its own Chamber and there would be facilities for Members of both Houses to meet and serve the public and, of course, to enjoy a more convenient working environment.

5.45 p.m.

Sen. Mohammed: What time-frame?

Hon. J. Humphrey: The plans have been done and a contract has been awarded but one has to await a response from the Ministry of Finance. The Minister of Finance should be in a better position to respond to that question.

We would not need the San Fernando Hills for expanding the foreshore. Some mention was made about the Nariva rice farmers. I can assure Senators that if there had been a proper national physical plan, the rice farmers would never have

been squatters because areas suitable for rice would have been identified in the plan, and then production would have been encouraged in an orderly and planned way. Unfortunately, there was no plan to guide it. That matter is being considered and in the next week or two, we should have the findings of the environmental impact assessment for the Nariva area.

Sen. Kenny asked why was this Bill brought by the Minister of Housing and Settlements and not by the Minister of Planning and Development? There is definitely a link between economic planning, social planning and physical planning. It is like a right hand and a left hand on the same body. I think that we have now consolidated into one ministry all of the state facilities that impact in a positive way in the physical planning process. Where it was divided it made life a little difficult. Now that it is consolidated, it would not matter who the minister is in the future because there is going to be a competent commission, and the commission under a minister is the institution that rallies the resources required in the process. As long as there is a professional commission that will not change with elections, the country need not worry. But there will be radical changes in the physical planning process and hiccups in the development process. It was important to consolidate all the various—

Mr. Vice-President: The speaking time of the hon. Minister has expired.

Motion made, That the hon. Minister's speaking time be extended by 15 minutes. [*Sen. B. Keui Tung*]

Question put and agreed to.

Sen. Prof. Spence: Mr. Vice-President, I wonder if the hon. Minister could just elaborate on the linkage between the socio-economic planning because the way it was demonstrated, I thought it was better with one minister. How would you achieve the linkage now that the physical planning is more independent?

Hon. J. Humphrey: The linkage is achieved by having a Cabinet and the Cabinet is structured in a way that every activity of managing the state's affairs is represented by a minister. That is how it is achieved. That is the way the system works and as long as ministers talk to each other and there is a good working relationship—in fact, it works. I can assure the Senate that in our Government, our ministers communicate readily with each other.

Sen. Kenny also alluded to the problem of squatting but there is a Bill coming up where we can deal with that in great detail; the alienation of agricultural land, and he mentioned sou sou land. I give the assurance to the hon. Senator that when we rallied the resources of the poor and bought these abandoned estates the first thing we did was to identify the agricultural areas and marked those off for agriculture. The areas that were marked off for housing and other purposes were non-agricultural areas. I give him the assurance that the planning was rational in those programmes. [*Desk thumping*]

On environmental policy, several Senators expressed concern and, in fact, there is a document which will be laid in Parliament in the near future on environmental policy. That the concern of the national trust being straddled between the commission and a board, I think that when Senators meet with the commission in committee, they will understand its role. Physical planning has got to take into account all aspects of use. There, therefore, has to be a link between a group of citizens who will identify the things that we want to preserve and those who are doing the physical planning.

There is at present a major private sector institution talking with the Government with a view to setting up a land information agency so as to consolidate all land information to make it available to all citizens who need it.

Sen. Prof. Kenny called for a select committee which, of course, is not in contention.

Prof. Spence expressed concern for physical planning being located with the Ministry of Housing and Settlements. I hope I have allayed the fears of hon. Senators. He too suggested that Sou Sou Lands alienated agricultural lands. I can assure him that we did not.

The removal of the Oropune Village to Orange Grove is being done in a planned way and a small part of the land of Orange Grove is being used to accommodate the settlement of the village but it is in a designed settlement, and is being designed for multiple use of the land. A major part of it, working with the Ministry of Agriculture, Land and Marine Resources will be used for agricultural purposes and the village community that will evolve, will support the agriculturists who live on their allotments. If the Senator sees that plan he would be pleased with it.

Sen. Prof. Spence: Just a few minutes drive from where I live—about five minutes, there are very poor agricultural lands—in Maloney. Why put people on the good agricultural lands and leave the poor land only for agriculture?

Hon. J. Humphrey: The reason for that is for 50 or 60 years those people lived in the Piarco area and the villagers themselves, who by and large have been supported by the airport, wanted to be on the line of access to the airport. Thirty acres of Orange Grove is being utilized for that purpose.

Sen. Prof. Spence also argued that regional planning should not be both central government planning and local government planning. If one understands planning,

there is the forest planned by the National Physical Planning Commission, and there are the trees that are organized by local government, so there is a link. The Senator too, called for a select committee.

Sen. Daly, wants to remove the environment and the National Trust from this legislation but I think when he meets with the interim Physical Planning Commission, he would realize that there really is a harmony of interest between the bodies and there is no conflict. There is, yes, an overlapping but one will appreciate the need for the physical planning component to be with the commission and the management component to be with the respected agencies. I am sure he will be satisfied that the legislation should stay as is.

The Senator was concerned about the problem of interaction between the Minister and the commission. We have been working for two years and there have been no problem. I would hope that for the rest of my term there would be no problem and whoever becomes the minister next time around would find a way to work in harmony with the experts.

5.55 p.m.

Would the commissions have the time to carry out executive functions? No. They would not, that is why there are four executive arms of the commission. The commissioners are not executive members of the commission so that is not a problem. The Member expressed concern for the general indiscipline of the society and it is only time that would enable us to enjoy a greater sense of discipline. I believe that with time, and meaningful physical development where our people would become meaningful participants in the process, we would see a heightening of discipline and commitment to the welfare of Trinidad and Tobago. I can assure Members that that is coming.

Sen. Yuille-Williams expressed concern with private property and constitutional rights, and, of course, the Constitution recognizes that every citizen

is entitled to enjoyment of property and is not to be deprived of that enjoyment except by due process of law. It is the Members of the Senate and the House who make the laws, so I do not think she needs worry that either the commission or the Minister would trample on the rights of our citizens. She condemned a lack of transparency and consultation, but there was complete transparency and consultation throughout this process, and the consultation included two separate occasions when the interim commission met with the official Opposition.

Sen. Yuille Williams: Mr. Vice-President, *[Interruption]* and they told me they had no interface with the commission, that is the area about which I am talking.

Hon. J. Humphrey: All the regional corporations were invited to meet the commission and very few accepted the invitation and took advantage of the consultative process, so they have themselves to blame.

The Senator was also concerned with the enormous power given to the Minister, and I think I have dealt with that. The exclusion of local authorities has been included.

What happens to the small man who wants to develop his land? That is a very good question which is being addressed and a simple document is going to be produced as a guide. Where the little man wants to build a house, he would have no difficulty at all, because the code of standards indicates what has to be done. He would not have to submit a plan for his house to the commission, he could just get his architect to produce the plan, abide by the conditions of the code, and the architect has the power to approve.

Mr. Vice-President, I would encourage people to go to architects and engineers because Trinidad is in an earthquake zone. We are very lucky that so far we have not had a severe shake. Tobago had a shake the other day and there was much damage, if that shake had occurred along the East/West Corridor, or along the fault line which goes through Trinidad, there would be tremendous damage because very few of our buildings have taken that into account. So I strongly recommend that the people use the professional skills which are available.

There were many specific questions asked, but the committee would address those.

Sen. Mahabir-Wyatt is not here, unfortunately, so there is no point responding to her queries, I can do that at any time.

Sen. Philip Marshall identified 35 stakeholders, but I told him that there are really 1.3 million stakeholders because it is all the people of Trinidad and Tobago that the physical planning process impacts on: water, electricity, proper drainage, highways network, overpasses, places to do one's shopping, schools, recreation areas, and churches. These things impact on everyone. He was asking for the approval process to be simplified by having a comprehensive plan and reliable land data, and that is exactly where we are going. Comprehensive physical and regional

plans and databases on which everyone who is engaged in the process can rely. We never had that before, but it is now being considered.

Sen. Cynthia Alfred was concerned with land use and I pointed out that we have three Bills coming which would resolve those problems.

The concern about the Crown Point Airport. What has happened with the Crown Point Airport is the consultants have designed six different proposals and all would be considered. One of them which the Tobago House of Assembly had indicated it would like is a completely new facility, sited on the other side. We made that mistake with Piarco Airport, so one has to drive around Piarco to get to the terminal building and we would have the same problem with Tobago if we went that route. The practical way to do it is to extend the existing facility to accommodate the number of aircraft and the features required to give Tobago a modern international airport. And Tobago will get a modern international airport.

Sen. Dr. Mc Kenzie's concern was about the complicated role of the Minister. I agree that for a Minister to understand everything in this legislation he would have to study it for a very long time, but it is not the Minister who has to administer this, it is the commission, so it is the commission that would have the expertise required to ensure compliance with the provisions of the legislation.

Difficulty for the man-in-street in meeting the requirements of the legislation is another issue, but as I explained, the commission is working on simplifying with booklets to make it easy.

The committee and consultation with those who have to administer the law. I agree that one needs education continuously and since the commission has the power to delegate its planning approval, then the professionals who register with the commission need to have seminars to understand the working of the legislation.

Mr. Vice-President: Hon. Minister, you just have about two minutes to wind up your reply. I have made some allowances for the interruptions, but I want you to wind-up within the next two minutes.

Hon. J. Humphrey: Mr. Vice-President, I therefore will not be able to deal with every specific issue raised by hon. Members, but let me explain in my own way how you get an impact on all aspects of development. When an architect designs a simple house, in the plan he shows foundation, walls, windows, doors, roof, bathroom, kitchen, electrical, and plumbing so all of those disciplines have to tally to produce the house, and that plan is what enables the consolidation of all the effort and the directing of resources.

The same principle applies with a national physical plan. It impacts on every activity in the society so I do not think Members need worry that there is too much decentralization in this process. In fact, it has been thought through and when this commission is in place with this legislation, and if Members wish to modify it we hope proposals for amendment would come out of the consultation with the interim commission and we would consider the proposed amendments presented.

Mr. Vice-President, I hope that most of the fears have, in fact, been addressed and Members would feel more comfortable and when the exercise with the committee commences with the experts, that all the Members of the Senate would come back appreciating that it is an extremely good piece of legislation. I beg to move.

Question put and agreed to.

SPECIAL SELECT COMMITTEE—APPOINTEES

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, as was stated by the Acting Prime Minister and the Minister of Housing and Settlements, we on this side of the House are very democratic. We have listened very attentively to the various concerns expressed and in the interest of promoting dialogue and consensus, have agreed to refer the Bill to a Special Select Committee of this Senate.

I beg to move that the following Members be appointed to serve on a Special Select Committee of the Senate to consider and report in two weeks on a Bill, an Act to provide for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof, for the grant of permission to develop land and for other powers of control over the use of land and the design, construction and occupation of buildings: to confer additional powers for the protection of the environment, and the architectural and cultural

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heritage, and for the acquisition and development of land for planning; and to provide for purposes connected with the matters aforesaid.

Mrs. Carol Cuffy-Dowlat—Chairman
Mrs. Vimala Tota Maharaj
Miss Agnes Williams
Mr. Vincent Cabrera
Miss Nafeesa Mohammed
Prof. John Spence
Prof. Julian Kenny

Question put and agreed to.

6.10 p.m.

PROCEDURAL MOTION

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, rather than get on my feet again at 6.20 to move a Procedural Motion, I want to do it at this time with your permission and with the leave of the honourable House. In accordance with Standing Order 9(a) I beg to move that the Senate continue to sit until 10 p.m. this evening, as we debate Bill No. 2 on squatters regularization.

Question put and agreed to.

STATE LANDS (REGULARISATION OF TENURE) BILL

Order for second reading read

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

That the Bill to secure certain squatters from ejection from State land; to facilitate the acquisition of leasehold titles by both squatters and tenants in designated areas and to provide for the establishment of land settlement areas, be now read a second time.

When I represented the Government and people of Trinidad and Tobago at a world summit in Turkey in July, 1996, it was a United Nations sponsored summit called "Habitat II", where member states came together to search for solutions, of their respective societies, to the problems—many of which are chronic—of shelter and the proper use of land and resources. I was able to stand and proudly proclaim that Trinidad and Tobago had, in fact, recognized that shelter is a

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fundamental human right, and I quoted the Constitution of Trinidad and Tobago in so proclaiming.

Our Constitution, in its preamble, says that the material resources of the community should be so distributed as to subserve the common good and should result in enabling every citizen of Trinidad and Tobago to enjoy a means of livelihood. If a liberal interpretation is given to that, every thinking person would conclude that in the management of the resources in the country, food, clothing and shelter, which are three prerequisites for human survival, have to be distributed to enable our citizens to enjoy their lives.

Now, historically, that is not how our economy was being managed. When I became the Minister of Housing and Settlements, one of the mandates given was to secure the squatters both on state and state enterprises lands. In fact, it was included in the manifesto for the general elections of 1995. I called the experts who were there and who, for some time before, had been grappling with the problem, and all of the senior people in the Ministry were brought into a discussion and the very first thing on the agenda was what is the meaning of the state.

The state is seen by some as an institution that is separate and distinct from the people, and is coercive, but I have never seen the function of the state in that way. I have always seen the state as the people, collectively, and that the state is not separate and distinct from the people, but is, in fact, the embodiment of the people. We discussed that principle and at the end of the discussion, every one of the senior people in the Ministry—both in the National Housing Authority and in the Ministry of Housing and Settlements agreed that the state is, in fact, the people of Trinidad and Tobago. We set about, therefore, to ensure that the land resources of Trinidad and Tobago would be so deployed as to enable every family to have the security of a home, and we aim to achieve a situation where all the citizens of Trinidad and Tobago would, in fact, be the owners of their own homes.

One of the areas of shelter that had been problematic for many years was the area of squatting. I had always argued that squatting was not a problem. In fact, squatting occurred in response to a problem. The problem was shortage of houses for the population, and if the economy did not throw up adequate resources to enable all of the citizens—rich and poor alike—to enjoy adequate shelter, then there was something very wrong with the whole system, and quite obviously, especially through the oil boom years, the economy was not managed in a way that every citizen could access land, far less a home.

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So, we set about to find a way to enable the resolution of that problem. Back in 1986, on the eve of the then general election, a piece of legislation was rushed through both Houses of Parliament seeking to regularize the status of squatters, but with certain conditions that were not workable; they were not realistic. There was a cut-off date that preceded the date of the legislation by many years, but, there was also the condition of regularization that required that each individual squatter household should go through a procedure of regularization. That procedure required land surveying. It required the preparation of a deed of conveyance, and the Government that came out of office shortly after had put in place a committee to conduct the regularization process. I argued that if they had 30,000 or more squatters, and one had to regularize each one individually, it would take more than our lifetimes to achieve the regularization. This is not workable. We had promised to approach it on the basis of communities, and we grappled with how that could best be done.

Mr. Vice-President, one of the things that had shocked certainly me and many others was that squatter communities lived in perpetual terror, because one of the predecessor Governments had adopted a conscious policy of destroying the homes of these little people, and it was not done, again, on any planned basis. It was done with a conscious decision that the oil money was disappearing fast and that when one had no money to buy support, one then had to use the coercive machinery of the state to control people and maintain support. I do not care who stands and tries to argue differently. I had the tape recording of the conversation that occurred at General Council where the then Minister of National Security, Sen. John Donaldson, had explained it in detail.

So, that, in fact, was a deliberate policy of that regime. They used two techniques. They broke the houses of squatters, but they did not come in daylight to do it. They deliberately came in the wee hours of the morning when people were sleeping at their soundest. They came with police and SLRs and SMGs, and they came with dogs and a wrecker crew, and they did not even give people a chance to gather up their meagre belongings. They just destroyed and pilfered. As a citizen of this country now described as Botha, I stood up to that almost single-handedly and defied the Government and rallied the people to rebuild the little houses that were being destroyed.

The other thing they were doing—Members should remember these things—was setting up roadblocks all over the country and stopping cars. They chose

Sundays when families were out for their little drives. Those roadblocks would stop the cars and one would ask the question, "Why are you stopping me?" In response, they were checking one's licence and insurance. One shows them the licence and insurance and then they want the trunk, bonnet, and doors opened, and all around were policemen in military fatigues with guns. Now, I do not see the need for guns for checking licences and insurance, and I do not see the need for opening up the trunks and bonnets. It was deliberately designed to terrorize the population, and we have seen it in history time and time again, the iron fist of Government.

Any way, Mr. Vice-President, some of us resisted that and we almost had to go to great ends to resist it and ensure that democracy prevailed in the society. So, that is the background. [*Desk thumping*] Work had been done by a number of citizens seeking to find a better method, and I have documents—this one dated 1992. So, this exercise was conducted while my colleague who was Minister of Housing and Settlements before me was in charge, and attempts were being made by a very competent committee to find a better way to regularize squatters. They were not able to find it. They did identify the shortcomings of the then policy, but they were not able to propose a solution. However, when I came into office, it was these very people who had done that work who were available to continue the work. Therefore, we had people with knowledge, experience and commitment, and we got together and worked out an approach that is humane, and that would achieve the objective with a minimum of disruption of people's lives.

6.25 p.m.

It was agreed that the citizens of Trinidad and Tobago who were squatting on state lands, first of all, had a right to those lands and the Senators want to know when that right in common law was established. Sen. Daly is not here, but I am sure he would have been interested. It goes way back to the time when the slaves were emancipated. Because if one could imagine what conditions were like then, one would have seen slaves not being recognized as human beings with rights, but seen as chattel: working on plantations with nothing of their own, not even the clothes on their backs belonged to them, it belonged to the plantation owner. The tools belonged to the plantation owner. The meagre shelter they had over their heads belonged to the plantation owner.

But with the end of slavery the slaves were not rewarded and sent on their way. They were not even given the tools. They were just sent on their way. In fact, when the plantation owners realized that without a labour force they could

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not operate their plantations profitably, they even sought to coerce the slaves to stay on a form of contract. What happened was that the slaves who could not accept that condition and recognized that they were, indeed, human beings and had to have freedom, had to be emancipated, because a human being is not created to be enslaved: human beings are created to enjoy God's bounty.

Those slaves left the plantation and many of them went to live in the forests. In fact, they survived in the forest. They were able to get cutlasses, which they probably had to steal, and then they cut wood to provide shelter for their families.

They knew what was edible in the forest, so they found food. Now, the Crown had the power to remove them from the forest, but did not. The Crown, therefore, acquiesced and established a common law right for those who would now become free citizens of Trinidad and Tobago: no longer slaves. They had a right to enjoy part of what was the Crown's. So the historical right goes right back to that.

Today we are independent and we are in charge of our affairs. It should not be hard for those who have property to recognize the need for all citizens to enjoy property. It should be very easy, in my view, especially for those who live comfortable lives, to accept that the poor have a right to land and home. Therefore, we set about achieving that objective.

What we decided to do was to fashion legislation which, when passed in the Parliament, would establish a legal right. In fact, when this legislation is passed, all those squatters on state lands and many on state enterprises lands—which we will see in the expanded Schedule when we come to committee stage and make amendments—would enjoy a 30-year statutory lease. Within those 30 years, the squatters have to do three things. They have to pay for the raw land, and the price in the existing legislation has been set at 25 cents a square foot. They have to meet the costs of the conveyance and the survey. Having done that, under the legislation they can apply and obtain a leasehold title for the duration of 199 years. Every single one is entitled to do that, but until we reach the point where we begin to regularise, we felt that we needed to give a guarantee that there would not be that inhumane approach of putting people in a constant state of insecurity. So we devised something that was called "comfort". We would establish a "certificate of comfort" for all those who qualified and, on application, they could get this certificate which does not, in fact, install a right, but it does demonstrate that they have, under the legislation, that 30 year statutory lease. They could take it to the bank, in other words.

So, we devised a system which really has three stages. A certificate of comfort, which is a guarantee of security; a 30-year statutory lease that comes with the passage of the legislation, which in fact, is a legal entitlement; and then, on fulfilling certain simple things, a 99-year title, which is as good as outright ownership. This legislation was in fact, designed for that purpose.

It is not enough, however, to secure squatters on state land. There is only one way to prevent further squatting and that is to make land available to those who need shelter, so that they do not need to squat. If the state makes enough land available to its homeless citizens who are landless, then the citizens do not need to go and help themselves to land. We recognized the need to extend the regularising of squatters to all the citizens who are landless and this legislation does that. So a land settlements agency is being established.

Now, in the draft that is before us it is called a land settlements division, but one of the amendments will be changing "division" to "agency". The reason being, a division is part of a ministry, an agency is a more autonomous body. We will read in this legislation, again, another high level of autonomy in the land settlements agency. So that again, the Minister steps aside and lets experts do the job. This, in fact, is what we have before us.

Now, having established the need to regularise squatters, the need to provide land for the landless, and the need to do this, both with the squatting communities and the new settlement areas in a planned and orderly way, we are going to need professional inputs into enabling the upgrading of the infrastructure of these areas. So the legislation recognizes that to do that, one may have to move certain people, not very many people, but if, in looking at a squatting area, one finds a particular house in the way of either creating a proper road access for the enjoyment of the community, or proper drainage, then that one would not be regularised, but that one would be relocated in the land settlements programme. So it will not be difficult to persuade those few who need to move aside to enable the many to enjoy a better environment.

We also felt that citizens aspire to a certain living standard and, as an architect, I can assure Senators that there is, in fact, a sort of mean average of space to enable comfortable and convenient living. Poor people, however, do not have that space. To have a house with adequate space one has to have enough land, so we decided on adopting a minimum lot size in the whole programme of 5,000 square feet because over time the golden rule that has emerged is a 5,000 square foot allotment with the dimensions of 50 frontage, 100 deep; and very

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comfortable, middle-class type homes can be satisfactorily built on that size of allotment. So we took that decision.

We also decided that we have to make our people upwardly mobile. So giving them an adequate standard of land and enabling adequate infrastructure to develop incrementally over time, we then had to find a way to enable our people to come out of their poverty. Much more is going to be said in the next few weeks about how that is going to be achieved, but we had the foresight, when we were putting this plan in place, to see that all of our poor people could, in fact, be upwardly mobile and would not be condemned to their poverty with the standard of living that was imposed on them. That was another consideration.

What we then did was examine the country, identified the areas of squatting. A letter was written very early in our term to all the Members of the House of Representatives asking them to assist us in identifying areas within their respective constituencies that, in their view, and in the view of their activists could, in fact, be regularised and to determine that they were state lands or state enterprises lands. This is the way we began to collect the data on the squatting communities of the country.

We then commissioned an aerial photography exercise for the entire country, the whole of Trinidad and Tobago. That was completed at the end of last year. On the completion of photographing the country we put that as the closing date, the cut off date, because we now have the data shown in the photographs of everyone who is settled in the country. I can assure you that is very accurate data. That has been done.

Now, not every Member of the House rose to the occasion, but the process started. We did not wait for the passage of the legislation to put the land settlements agency in place. In fact, we have an interim land settlements agency that has been working now for about two years. They are the ones who drafted the legislation initially, worked with the experts in revision; they have been listing the squatting areas and working on assisting those areas. Many of them are involved in the regularising process, and that process requires an input from competent professionals. So they are the ones who have been mobilizing those professionals in that undertaking.

I want to assure members of this honourable Senate that the people who have been recruited in that exercise are people who, over many years, have demonstrated a deep commitment to the welfare of the poor and who have struggled, at great sacrifice, to achieve the objective that we set out to achieve. I

am extremely happy with the team that is in place in the ministry conducting this exercise.

I do not know if Senators would wish that I deal with the Bill clause by clause. I know that this is a very short one, unlike the other one. I know Senators must be very tired. I think I have given a sort of background and what I would do is stop at this point, but Sen. Carol Cuffy-Dowlan, who has been working very closely in the ministry, is an attorney, and is in a position to deal with the Bill clause by clause. We also have our experts here with us, again, to assist members of the Senate.

Sen. Yuille-Williams: Just before you sit, this is a question I asked during the last Bill. The land settlement areas, in terms of the last Bill, is there any in excess at all? The last Bill we just did.

Hon. J. Humphrey: The last draft Bill that was done, really did not help us very much in preparing this Bill.

Sen. Yuille-Williams: I am talking about the Planning Bill that we have just done.

Hon. J. Humphrey: Of course there is. In fact, if you look at the legislation that is before us, going before the committee, you will see provision to enable this division to operate with autonomy, because that Bill gives the power that the commission enjoys, it can delegate that power, and it enables areas to be specially developed which have planning approval at the outset. So there is an excess, yes, there is.

6.40 p.m.

What I want to do, therefore, Mr. Vice-President is to beg to move at this stage and then to record every single comment. I hope I have enough time in winding up to deal with them. [*Desk thumping*]

Question proposed.

Sen. Joan Yuille-Williams: Mr. Vice-President, I would like to compliment the hon. Minister for bringing this piece of legislation to the Parliament. It is a little long in coming. He did indicate that he was—he did not say fortunate but I would say he was fortunate to meet a draft piece of legislation and also he met some committed people who worked on it so I think that gave him the edge in getting it here.

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I must also, if you will permit me, compliment him for his strength having gone through the last winding up of that Bill and when I thought that at some point he might have said he had enough only to learn that he was even stronger than the last time. But I must assure you, Mr. Vice-President, that his winding up was so relaxed that I think it helped us to go into this second piece of legislation revitalized. I am glad for him because at one time I thought he was pressured but he showed us that even with the pressures he could relax and get the job done.

Mr. Vice-President, I would like to very briefly go through the Bill itself although the hon. Minister did not go through it. He said it was much easier than the last one and I must confess that it is. When I looked at this Bill I very quickly went through the preamble to the Bill and then I tried to look at what is contained in here to see to what extent these clauses satisfy some of the intentions in the preamble.

The preamble says that the Government is committed to the goal of improving living conditions on an equitable and sustainable basis and, therefore, one would hope that with the passage of this bit of legislation the conditions of those persons who would be regularised would be improved. Therefore, if when we go through this we see anything different from that then we would have said that the goal had not been achieved.

Right at the beginning let me tell you that after going through the Bill itself I asked myself, at the end of it would these squatters be any better off? Mr. Vice-President, I can say that legislation dealing with squatting goes closely with any government's housing policy because in any case this is housing.

The last administration, as you are well aware, had always been interested in creating affordable houses for people, as you would note if you look around Trinidad and Tobago today at the number of units that had been created between 1992 and 1995. Some were completed afterwards but they had been started during that period. I think it is a credit to the administration that so many houses had been built in such a short space of time.

I need to just briefly remind ourselves of some of what had happened. I very quickly went back to the budget presentation of the last Minister of Housing on Monday, January 15, 1996 and when I considered how he boasted to the House that very early in the term of the last administration \$30 million was approved for 271 two and three bedroom units, I need to tell you where some of these were located because it will help later on. Fifty-two of these were in Point Fortin, 61 in Bon Air, 30 in Bien Venue, 16 in River Estate, 17 in Charlieville, 31 in La

Horquette, Glencoe and 20 on Medine Street in San Fernando. Those on Medine Street are still under construction and I need to draw this to the attention of the hon. Minister. Then there were 25 units in Cook Street, 13 on Lexis Street and during that period 1992 to 1995 the PNM administration spent an estimated \$355 million on housing. As we would say, sites and services accounted for \$141.7 million; squatter regularisation, \$66.9 million; housing construction, \$132.5 million; and community facilities, \$14 million. I used those to let this honourable House know that when we talk about shelter we are talking in terms of housing as well. In the preamble I notice that it says:

“...so that everyone in the society will have adequate shelter, which is accessible and affordable:”

Therefore, we are looking to see to what extent this bit of legislation would provide that adequate shelter, whether it is in low cost housing or whether the Government is putting in that kind of infrastructure or developing the means whereby the persons who are involved will be able to provide themselves with some kind of shelter.

We noted that the Government recognized the inability of the poor and underprivileged to afford serviced land. Just now I heard the hon. Minister mention that it was land for the landless. I think I tried to go through this to find out whether there was any criteria in terms of the landless because sometimes the landless does not necessarily mean that those persons cannot afford it. I was reading some of his other statements before and it says anyone who just did not have land could participate in this programme. I think we need to look at it. I like the ability of the poor and underprivileged to be afforded serviced land.

The PNM government did go into providing serviced land because if you remember Bien Venue, Union Hall and Valencia are some of the areas where we had serviced lots. Therefore, in terms of this Bill we are looking to see to what extent we are providing the poor and underprivileged with serviced land. If I am to listen to what the hon. Minister said and to jump the Bill a bit where he talked about that statutory lease which was given after 30 years; within 30 years you have that opportunity to do certain things before you get your deed of lease. I am wondering if during that time the land will be serviced as you have said. From the reading of the Bill I do not think anything would have been done to the land and at the end of 30 years one wonders whether the infrastructure would be similar to what these people are undergoing now.

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As we go further on we notice that the preamble says that squatting on state land is recognized as a manifestation of inadequate access to affordable shelter. Then we will note that the Government is undertaking a programme to prevent further squatting. I think we need to take note of some of these things in the preamble because this is to prevent further squatting.

There is a cut off date here on January 1, 1998. I understood from the hon. Minister that he would have surveyed the entire Trinidad and Tobago and recognized where all the squatter houses were. I do not know if by that he meant he would be able to know those who built houses after January 1, 1998. It is a little difficult to tell if people built after January 1, 1998 because I can tell you—especially if you did aerial photography—I have seen a squatting area and when the regularisation was done and roads were put into it, I never knew all those people lived in there because there was so much vegetation and they were huddled inside of that particular area so that to take aerial photographs and say that can indicate to you who were there and who were not, might have been a bit difficult to do. But we would have looked at it because people are still building houses.

As we go through Part I “preliminary” and we look at the term “regularisation” we see that regularisation means the physical upgrading of and the provision of services to. I take it to mean that the Government will be doing the upgrading and will be providing the services. Therefore, as I go through the Bill I am looking to see that that is happening.

Let us look at clause 4 which deals with the certificate of comfort. I think the certificate of comfort is something new to this Bill. It was not there before. A certificate of comfort, as the hon. Minister mentioned, is an indication to the persons that no one will come in the dead of night or any time and destroy their houses. If that cut-off date was January 1, 1998 as soon as you pass this Bill I suppose we will start giving certificates of comfort to those people who are supposed to be eligible when it is proclaimed. From January 1, 1998 you should have a certificate of comfort. But I do not know and somewhere later on it tells you that this certificate of comfort is not a legal instrument as you would say because somewhere later on when we look at it, a certificate of comfort is just that it tells you we will not remove your house and you have, I think, within a period of 30 years of having this certificate to get the statutory lease.

One wonders: if anything should happen within that period of time with that certificate of comfort, what would happen to the heirs of the persons if they have not had that statutory lease. There are three things you said must be done. It is not

automatic and we are talking in terms of these underprivileged persons and somewhere along in this document, it will tell us those who are heirs and who can inherit the particular piece of land. It dawned on me that even though I have this certificate of comfort, if after 30 years I did not complete what I had to do for the statutory lease, my heirs would not be able to inherit the land that I used.

It seems to me that is what it is saying. I do not know how much comfort that is, therefore, but we will come back to that.

Then as we move a little later on in clause 4(4) I noted that there is opportunity now for a landlord/tenant relationship because it says:

“A person who would, but for contractual or quasi-contractual relationship with the actual occupier, be the squatter to whom this Act applies, may be treated as if he is entitled to the security provided for by this section...”

I am wondering now if this is something new that you can have this piece of land and rent it out. You are the landlord, you do not live on the place and you have a tenant but you are able to get the benefit that this Bill gives even though you do not occupy the land yourself. My reading of the Bill later on shows where, to me, it conflicts with something that you have included later on because at some point in time those who even live on the land could not sell it if they wanted to, but here I may not be living on the piece of land and I can rent it to someone else.

6.55 p.m.

When we are talking about landless, therefore, we seem to think about this landlord/tenant relationship, that the persons could have done much better. I am talking about someone who has not rented out the place to other persons and is still able to enjoy the benefits of regularization.

As you are quite well aware, this land settlements committee, to me, is already in place, because I happen to have been to some of the meetings—in fact, it was not called the land settlements committee before, it was the squatter regularization committee called the “squatter reg” and I believe it is the same grouping that has now been transformed into the land settlements committee with the land co-ordinator.

Moving a little quickly through the Bill, clause 10 calls for:

“establishment of Settlement Councils in communities for the purpose of—

- (i) fostering community spirit and development;

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(ii) settling disputes;”

Somewhere else in this Bill, it tells us that the Bill provides for access to courts and I am wondering, therefore, what is the purpose of this settlements committee as far as the settling of disputes are concerned. I am wondering whether or not the squatters are entitled to legal representation before the squatting committee. My knowledge from the ground and from what is actually happening tells me that these squatter or settlements committees in communities have really turned out to be policing committees.

What these committees do really is to see that nobody else comes into the community to set up a house, to ensure that space is there to be given to their brothers, sisters or children. They are not interested in fostering any community spirit or the settling of any disputes. Wherever they come together, they are just simply policemen within that squatter regularization area. They are defending territory. Therefore, if it was expected that at some point in time they would foster community spirit and development, I am telling you no. They are not interested in settling any disputes. Therefore, there is much confusion which will be caused by that in any case, because the Bill already gives them access to the courts.

I have known and seen these councils and grouping of people at work and the talk about people going out in the dead of night, these are some of the people who go out in the dead of night. Where people erect something, they do not wait for your regularisation unit to come and throw it down. They will do it themselves, because they do not want anybody else to get into that particular area.

When we talk about the certificate of comfort in Part III, I remember the preamble saying that one of the goals of this Bill was to prevent further squatting. If we look at clause 11(2) which says:

“Within one year after the appointed day (hereinafter referred to as the ‘prescribed period’) a squatter to whom section 4(1) applies, whose dwelling house is outside a designated area, may apply to the Land Settlement Division for the issue of a Certificate of Comfort in respect thereof.”

Regardless of what you tell me in terms of that aerial photography, there is one year after the Bill is proclaimed to apply for that certificate of comfort. I tell you people are going to take advantage of that one-year period and there will be more squatters going out. In fact, they are already doing it, because they know what is happening. It is difficult for you to stop that. That is why I am asking to what

extent it will be controlled. I am saying that here is an opportunity for them to continue to squat for another year.

But, if clause 12 is looked at, it says that the late applications get another year and it must be supported by two persons. I am saying there are now two years in which to stretch the whole idea of getting out there to squat, because I can get two persons to say that I had my house there. This is reality; this is life. *[Interruption]* It is going to happen. So that getting two persons to say you were there or not there, to me, that is not feasible. Two people will come and say, "Yes, he built his house here." Or, that same community council about which you are speaking will vouch, "Yes", because it is a friend, or it is a family member. Therefore, I am saying if you are thinking in terms of preventing further squatting, I am telling you that you have now given an extra two years during which time people will take advantage and go out there to squat.

In Part IV, leases were spoken about. I heard in the Minister's opening statement, where he said that it was going to be a community-type arrangement, instead of individual plots. I was not quite sure how that would be done because, when leases are spoken about in clause 14(1), it says:

"A Statutory Lease is an interest which derives from the operation of this Act, to which a squatter or tenant on occupation of State Land, within a Designated Area or Land Settlement Area, is entitled, subject to the requirements of subsection (2)."

I am asking: For what area do I get this lease?

I am the squatter within the area and I am asking for what area? How would you know for what area you are getting a lease? We are talking about community regularization as one, but remember we are all individuals; we are different families and I am wondering how would the area to be given to each person be known. Yes, somewhere 5,000 square feet as the case may be, is mentioned but it was also said that it would not be found necessary to regularize individuals and something was done on a community basis. I might not have got that clearly. In fact, I did not expect to hear that this evening because I was following the Bill and trying to interpret as best I could. I am wondering about the area and size, and about how the size of each person's area would be known, so that a lease would be had for that particular area.

That statutory lease is for 30 years and when I pointed out a while ago that some people might not have completed it in 30 years, some Members seemed

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surprised. But I could tell you that in the 30 years, some of them might not have completed the surveying and conveyancing, especially as it costs something. Therefore, at the end of the day, they may just have ended up with the certificate of comfort.

In clause 14(3) and that is where I saw this as being a little different from what was said in the beginning where there was the landlord/tenant agreement. But clause 14(3)(b) says:

“Subject to section 24 a Statutory Lease—

- (b) may not be assigned or otherwise transferred except to the State but is transferrable for the remainder of its term in the estate of a deceased person according to law;”

Now, here is an old person who built a house on a bit of land and that person no longer wants to remain there, or the person might have migrated, as the case may be. Somewhere along the line, it tells me—and I have read the entire Bill—that that person would not be able to sell that house.

Mr. Humphrey: Would the Senator give way?

Sen. J. Yuille-Williams: Yes.

Mr. Humphrey: There is different status in the Bill, tenant and squatter, so what you are doing is lumping the two. But, the other thing is that we want to avoid speculation. That is why the provision of reversion to the state is included, otherwise unscrupulous people could move in, build a little house, sell it at a profit; move in again, build another house, sell it; or move in and build many houses. In fact, in existing squatter settlements, there is that practice. That is the real reason for the reversion to the state.

Sen. J. Yuille-Williams: Thank you very much.

I have no heirs. I have nobody to transfer it to; I want to leave. Are you telling me that I am guaranteed that the state will pay for the house?

Mr. Humphrey: Yes.

Sen. J. Yuille-Williams: So you are going to buy the squatter’s house?

Mr. Humphrey: The state has the first option.

Sen. J. Yuille-Williams: The state has the first option. Mr. Vice-President, I am wondering whether the state will buy that squatter’s house, whether the state has the money to buy that house? Is that so? I am wondering if that would be a

good thing to do, that the state buys a squatter's house, or just let the squatter dispose of the house to somebody. Do we have money to go buying squatters' houses?

Sen. Cuffy-Dowlat: The state will be the facilitator.

Sen. J. Yuille-Williams: Rather than let me dispose of my house to somebody else who would like to buy it rather than the state. Let me dispose of the house. As it is here, that squatter will not be able to dispose of it. When I read that, I wondered and I know that the person would like to have some kind of compensation, because if there is nobody to whom it can be transferred, in their old age, if they decide to go into a geriatric home, they would feel that they should be able to sell it to someone and move on.

Sen. Cuffy-Dowlat: Who is paying for the geriatric home?

Sen. J. Yuille-Williams: I really think we ought to consider that, because I do not think the state needs to buy squatter houses. After all that is done there, we have a very generous lease of 199 years and I asked someone about that. The deed of lease is for 199 years and, as far as I am concerned, this is probably the first time that I have seen—I do not know if we had it before—where there are deeds of lease for 199 years for individual homes. I know of land and most of them are for about 30 years and renewable. I am wondering why that went to 199 years. I could not tell what was the purpose at all. That was upon full payment, premium and annual rent reserve.

Sen. Cuffy-Dowlat: That is for security of tenure.

Sen. J. Yuille-Williams: Security of tenure for 199 years. I could not tell. *[Interruption]* Yes, it is much better off than those people who did not do the illegal thing of squatting and leased the houses, even from the same National Housing Authority. I could not tell what has happened but I do not think many of them would reach there, because it is upon full payment of the premium and annual rent, infrastructural development costs, *et cetera*, that person is entitled to that lease for 199 years.

I looked at it and I wondered why. I wondered if we were not putting these people who illegally had gone on to state lands or anything like that, in a better position than those who probably applied to the National Housing Authority, and leased a piece of land which stayed at 30 years.

Clause 15(4) says:

“It shall be the condition of the Deed of Lease that the State shall have the first option to purchase, on a sale of the dwelling house within the first five

years of the Deed, so however, that any assignment of the Deed at any time thereafter shall be with the consent of the Land Settlement Co-ordinator.”

This is what I thought was a little conflicting with what I had read before. I could probably do with some clarification, again. Is the state going to buy squatter houses again? The state seems to be bent on buying these houses.

As I go on further, it will be seen what kind of houses are really being bought. Those of us who have seen them and know what happens with squatters these days, wondered why you said it was to stop speculation. This might stop speculation, but the state shall have the first option to purchase—I do not know if they will really do that. Let us look at clause 17(3):

“Subject to section 19, the Minister may, from time to time, by Order, amend the Schedule by removing areas of land therefrom or by adding areas of land thereto, including land owned by a State Agency which is occupied by a squatter pursuant to section 3(1)(c).”

7.10 p.m.

Whenever I see “the minister” I start to think. This Minister has given us the assurance that there were certain powers which the minister would have. Again, I want to ask a question: Since he can amend this Schedule—he can add areas as well as take away—when would all this be done? I am still following the fact that we have a cut-off date. I do not know if it is within the Land Settlement Areas he is talking about—which is a continuous thing—but he could always declare an area to be a Land Settlement Area. As such the minister can always add or subtract from it.

Let us be very careful as this is what causes people to become nervous. Why would the minister want to remove? I do not know. Why would he want to add? I do not know. I do not know if what he is telling us would stop squatting. If so, why is that clause which says that he can always declare an area a Land Settlement Area in there? This is squatter regularization, and I am saying that if we would be holding this matter in grip what would be the need to add more areas to those which were not here originally. In fact, this listing might not have been the exhaustive one because, as you said, some people did not respond. Probably there are still a few areas that need to go on.

Mr. Humphrey: Another reason for that is that a lot of private land is being squatted on and the state can facilitate private landowners by enabling those squatter areas to be regularized under this legislation by giving the minister that

power. Now, we are not acquiring private lands under the legislation, but it enables the regularizing of squatters on private lands. Therefore, those private landowners can speak to the division and find a satisfactory need of regularizing those squatters.

Sen. J. Yuille-Williams: Mr. Vice-President, that is when I get nervous. This legislation is to stop squatting and I am seeing all these loopholes. I can carry 100 of my friends on someone's private land and start squatting and then that private landowner can apply to the minister saying, "I have 100 people squatting here". The minister would then find some area which would be declared a Land Settlement Area and the 100 persons would be moved onto it. I am just saying that could happen and that is why I reminded the hon. Minister earlier that he said one of his goals was to prevent squatting when, in fact, this is, very subtly, opening up squatting. I know that he is trying his best but these things do happen.

Mr. Humphrey: It is on private lands.

Sen. J. Yuille-Williams: Yes, I know that, but I am still saying that I can now go onto private lands with some of my friends—I can even make a deal with the private landowner—stay there for a period of time; get him really vexed and he could then apply to you saying that these people have been on his land for maybe one year. Then the hon. Minister, with his generous self, could add it to the list; find an area which could be called a Land Settlement Area, relocate the people and they would have been given land. I am just saying that it can open up areas for further squatting when one of the Minister's goals was to prevent squatting. I am just looking at it in a very practical way. I am not trying to be critical, but these things went through my mind when I was looking at the Bill.

Mr. Vice-President, clause 18, which deals with the power of the minister to designate areas, states that:

"The power of the Minister to amend the Schedule may be exercised—

- (a) on his own motion;
- (b) on application to the Minister by—
 - (i) the Division, or any other State agency;
 - (ii) an individual or group of individuals entitled to a Certificate of Comfort."

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Now, this, to me, is an open licence to squat. I can take 100 of my friends to Maraval, squat and then apply—because I can apply to the minister. The minister, being very sorry for the poor, the disfranchized and the landless—I know he is that type of person—would give us a certificate of comfort, but very quickly he would find a Land Settlement Area because he cannot leave us in Maraval. This is very possible and our people are very smart; they would soon get around it and see the loopholes that they can take advantage of especially if we have this Minister who, I know, would really want to help everybody. So, in those areas I see that there is so much opportunity still left for people to squat and they are going to do it.

Mr. Vice-President, I would leave out some of these issues about lots and applying because to me they are not very relevant now. Clause 23(1) of Part VI of the Bill—

“Subject always to the right of parties to redress in the ordinary courts...”

This is where I said just now that there is a dispute in procedure in relation to the designation of state land.

“...the provisions of this Part shall have effect for the resolution of disputes arising out of the operation or application of this Act.”

I read through some of those and then I reached clause 23(4) which reads:

“Where such conciliation or settlement is not forth-coming within such time as the Committee determines, the Committee may proceed to hear and determine the matter or, where the parties consent, the Committee may appoint another person to mediate or otherwise settle the matter and in such case the decision of the mediator shall be binding on the parties.”

I find that to be very strong. The committee is now going to appoint a mediator and nowhere in the Interpretation clause is this person, who is to be mediator, defined. However, suddenly in clause 23(4) a mediator comes in. This mediator is so important because the decision of this person is binding on the parties. I think that mediator should be defined in the Interpretation Clause so that we would know who can be appointed as mediator. Let us just think about it. I am just thinking about what is the reality in the culture of the society of Trinidad and Tobago. I am not out to criticize, I am just saying that the committee would now

go and ask the parties to consent, get a mediator and this is binding. I am saying that in reality that just will not work.

Mr. Vice-President, clause 25(3) of Part VII states that:

“A Land Settlement Area is an area of State Land so identified and declared by the Minister for the purpose of—

- (a) facilitating the provision of shelter for citizens and residents who are landless and unable to access land on the open market; and
- (b) relocating squatters under section 28.”

That is the land settlement area which you said we would have taken up in the previous Bill that we talked about.

Now, this area which is to be called a Land Settlement Area I think has already started as I know you have already declared some areas Land Settlement Areas although probably not officially according to this bit of legislation. However, I think certain areas have already selected certain areas which they have called Land Settlement Areas which is where you relocate squatters.

I want to talk a little about the relocation of squatters which I want to tie in with clause 27(1) which states:

“Notwithstanding anything herein to the contrary in a Designated Area or Land Settlement Area whose dwelling house...”

That clause deals with the relocation of squatters.

I was happy to hear the Minister talking about relocating of communities. I cannot remember which he mentioned, but I think it was Demerara. *[Interruption]* What was interesting was that the hon. Minister said that he wanted to keep them as close as possible to the original community. I was happy to hear that because this has been a problem even now with this relocation of squatters.

7.20 p.m.

I ask: now with the squatters' regularisation units or whatever is there now—and you have started relocating squatters—how come squatters have been removed to areas far away from their original location? That is happening in the South. We have been hearing of squatters who lived in one farming environment with their families for years, and are being relocated into designated areas in the city of San Fernando. I am talking about one area that I know of. I have seen people moved from deep south and other areas in large numbers using up the extra lots in the city of San Fernando. I have seen some of them there and I wonder how do these

people feel here? They have been moved out from where they originally lived and most of them were into farming.

Where they have been relocated, there is no place to do any kind of farming. All they have got is their house spots—and they have put up their houses. I am asking: could not something else have been done? Is there another purpose why these people have been moved? I was glad when I heard the Minister say that he did not want to move people away from their communities—and that is just what is happening. People are being moved away from their communities.

Why were facilities not put into the communities where these people lived or get a designated area or build some low-cost houses for them to stay in the communities? If there is a housing problem there, satisfy the housing problem where it is. Do not shift the population out of one area into another. The Minister was quite right when he talked about that in responding to Prof. Spence. I liked the answer the Minister gave and I wished that that could be followed for all areas. But this is not what I am seeing and people are moved out of areas where they have lived for years with their extended family, their farms and so forth. I have seen people on a plot of land in San Fernando where they have put up four posts, they have built their houses. I am wondering where they work, what they do because they were mainly farmers. Large numbers of them.

When people talk about population shift, they are talking about moving for moving sake. This does not satisfy the criteria. These people need to stay where they are. I am not saying that you should not try to accommodate them and give them land as the case may be, so that they can build their houses. I say give it to them but I am also saying you cannot say in one area you are not moving them from good agricultural land because you wanted them to stay close to the original communities and in another you are moving them away from the agricultural lands in, large numbers—probably as Minister you are not aware of it—and bringing them into other areas. We have to look at that. This is not only in the land settlement areas that practice is going on. That practice is going on in the designated areas which have been regularised for squatting and—there are a number of extra lots, and I am seeing in those areas a large number of persons coming in, people whom I am sure are not feeling happy to join the community in which they have been placed but, they have been sent there and they have come.

The Minister mentioned facilitating the provision of shelter for citizens and residents who are landless. I looked at the business of facilitating the provision of shelter for citizens. I have not seen any part of this Bill which tells me at the end

of it all that there will be improved living conditions or that the society will have adequate shelter.

First of all, the PNM had started a process of squatter regularisation. Pleasantville, Warden Road, Point Fortin and some other areas were regularized. In that regularisation roads were built. JUSAMCO was the contractor and they built proper roads. Water was put in. The houses nearest to the existing street, were already supplied with electricity and I am saying that is regularisation. Those persons are fairly comfortable within the area. I am talking about the Land Settlement Areas. I am not seeing any attempt at all at providing any infrastructure and people have started moving—far less any kind of housing. What I see is that squatters are relocating and they are putting up their own houses and that is what is very dangerous.

I just want to talk a bit about what I am seeing happening in some of the areas.

I am going to use an area with which I am familiar—in the South. Those of us who travel south, as you are leaving the highway just before the San Fernando Technical Institute on one's left, one will see some squatter type houses going up there. They are just a few.

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

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

Sen. J. Yuille-Williams: That is going to be a legacy that the Minister will live with, and I am sure he is not going to be happy, but that is the practice. In the Corinth Settlement on the train line, there is a road leading to Princes Town and they have to relocate the squatters from there. Work is being done at Cross-crossing. Squatters had to be removed from Cross-crossing and they are going to the Tarouba area. Ste. Madeleine—a pipeline is laid there. Those along the road are going to Tarouba and there are some squatters within that same St. Clements area, they are all going to Tarouba. What you see in Tarouba now is going to be the pattern of the houses and that is why I am saying no living conditions would be improved by this. Do you know what has happened?

I went to one of the meetings with the coordinator, Mr. Sammy. We stood up under a light one night, he put a plan on the back of a car and told the audience there we are relocating you, we will be building some core houses, and you are going to relocate just to the end of the highway and when people approach the

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highway they must see some organized, orderly whatever it is. People waited and I will tell you that people have been asked to relocate.

I understand that money was given from the Ministry of Works and Transport and the Ministry of Housing and Settlements to help those people. Those persons have received no money at all. Lots have been assigned to them. They have to put their houses down themselves and move over into this area. They were promised 20x20 for \$45,000 and no core houses were built. Those people are now moving over. There are a few cases of persons who were given transport, but most of them did not. No money.

Some of them cannot move from the area where they are because they cannot afford to move. I saw the food vendor and some others moved. They broke their houses to get a little transport and they rebuilt the same house that they had before. You are putting another shanty out there and you are talking about relocating, talking about improving living conditions. Nothing has improved. No waste disposal and nothing is going to be put there. I have been looking at the pattern that is taking place with these relocations. There is nothing going on.

All these land settlement areas we are talking about—Marabella on the line; it is the same thing. They are supposed to go there too. They cannot even afford to push the houses down, far more to carry them and build them. Kings' Wharf, the greater San Fernando the Minister spoke about, those people are also supposed to go to Tarouba. They said no, they are not going because they were promised these core houses. They even said that they would build something cheap. They got no money, no compensation. The last I heard was that some bungalows at Petrotrin were being demolished and they were going to be given lumber to build at the bottom of the highway. They have until August 26 to move and I will be looking to see what will happen when they do not move by that date. They have no certificate of comfort so I want to know if they would be demolished.

Mr. Vice-President, this in reality, does not work. When the PNM regularized, it put in roads and so forth. The PNM built low cost housing. If you were putting core houses or shells, how come those things were not done? I have not seen any works going on.

Just this morning on the CBU news, I heard where Guyana was building 500 houses—and I saw nice wooden houses, they looked quite nice because Guyana uses a lot of wood—to relocate squatters along the river, and they were also

cutting up about 2300 lots to give the people. I heard the Minister saying: land without money is useless.

7.30 p.m.

In addition to their Squatter Bill they were going to bring a Mortgage Finance Bill. None of those persons we want to relocate got any money and you are asking them to relocate. There are no improved living conditions, they are going to remain with the same four posts falling down if they move at all and that is why they are giving trouble to move.

The inability of the poor and the under-privileged to service land is recognized, the lands have not been serviced, the people are poor and you have not given them any money which you have promised, you have built no core houses and that is the general pattern. I am also saying that squatting has not stopped, it would continue to happen.

When the fire occurred at John John, I was the Minister of Community Development at the time and we went out the same night to help those people and they were accommodated at the Spree Simon Hall for months. Dr. Dorrel Phillips and all the community development officers, who I must compliment for the hard work they did, spent day after day carrying food for those people. That is the genesis of the beginning of the relief centres, that is why they are there because we found that there was nothing for people who had that kind of disaster.

We wished you had carried out that programme because there is going to be the need for it. Those people were there for a long time, and with the psychologist working with them, we were able to comfort them and give them the assurance if they moved out of the John John Centre and go to Maloney temporarily, they would return when the houses were completed. We gave them that assurance that they would return. We urged them to use the vacant apartments where they were put.

The people want to be where they are accustomed to, where they had grown up, that is why there is a problem now with them. They are not comfortable and want to return to the area. One has to look at the social side of it.

In closing, I am not happy with what I am seeing because certain things are recognized in the preamble and this piece of legislation is telling me that they are not happening. I would like to find out why people are not being compensated.

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I forgot to say that the Pipeline Company was offering people in Ste. Madeleine to relocate and they were told by officers from the National Housing Authority (NHA) not to take the money. I do not know where that money went, whether it went to NHA and used in some other form because they wanted to get on with the business of putting down the pipeline. The people could not move because they could not afford it.

It is all well and good to bring this Bill which sounds good but in reality—and I am glad the Minister was able to tell us this evening that this land settlement agency is there two years already—after two years, the agency has produced more squatters and with some even worse conditions—with no servicing or infrastructure.

This Bill calls for communities getting together to provide infrastructure. Some of them have been in the communities for 30 years and thank God for the URP in some areas where roads were built for them. If we are waiting for those communities to get together to provide infrastructure, there would be the same Shanty Town and squatter-like buildings for the next 30 years. I have seen it, I have known it, it is happening even now. Communities getting together to do things for themselves using self-help and other agencies.

I am not here to criticize because I feel I just want to say what is happening out there, but I am asking you to stick to those promises on behalf of those people. The people in the areas which I have mentioned are still waiting and wanting to know what to do. Where is the money? Where are the core houses? Where is the assistance to relocate? They want to relocate, they do not want to break the law any longer or to stop progress, but they need that assistance to be facilitated.

Mr. Vice-President, as I look at this Bill very closely and I went to all these places of which I am talking and asked those people what is happening and where they are going, they told me that is the problem they have. In fact, just today one called and said she is waiting to hear what will happen and when will she be moved.

The matter about statutory lease for 30 years, deed of lease for 199 years, still does not tell me there is any shelter that would take these people out of the present conditions in which they are living. *[Interruption]*

I have pointed out these things and I am hoping that people would be concerned and understand. Perhaps the hon. Minister is not aware that certain promises were made and people are still waiting. It is not a matter of if we are

supporting what they do. That is not what we came here for, we came to work things out. I have seen what is happening and I have brought that information to the Parliament, and I am sure the Minister would understand what I am saying; Sen. Mark does not. We have to be true to our consciences. I could not stand here and not say what I have seen. I am telling you what is happening. If one goes to Tarouba one would see the houses and, therefore, I am saying that this shall be taken into consideration and try to insist that in the implementation of the Bill, some of the comments which I have made would be taken into consideration so the residents' living conditions would be improved and adequate shelter would be provided.

Thank you.

Sen. Prof. Julian Kenny: Mr. Vice-President, I have great admiration for the Minister's compassion for the disadvantaged in the society. However, I have grave reservations about the legislation which is related to my interpretation of what the legislation is aimed at, and the reality of the phenomenon of squatting in our country.

The hon. Minister in his introduction referred to an historical background to the problem of land, land use, and land development, and with your permission, I would read a part of a paragraph in a book entitled *The History of Modern Trinidad 1783—1962* written by Bridget Brereton who is now the Professor of History at the University of the West Indies, St. Augustine.

Before I actually read the paragraph, I want to refer to the historical background of the paragraph which I am going to read which goes back to 1836 when there was the first land policy for Trinidad and Tobago post-emancipation. The official policy as enunciated by the colonial office which was sent to all the colonies, as in the case of Trinidad and Tobago, was that the minimum area of state land being offered for sale was fixed at 340 acres and the colonial office later decided that the minimum area should be 680 acres, or one square mile. This was at the end of slavery where the slave owners had been compensated and there was a fear that the slaves going out—the fear was that they did not want them to settle on land, they wanted to keep them close to the estate and did not make land available. Nobody could buy land.

The part of the paragraph I wish to read is found on page 89 of this history which says:

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"The point of the policy was to prevent the ex-slaves becoming land-owners and to preserve the estate labour force. Although Lord Harris was essentially in agreement with that policy, he was prepared to make minor concessions. He sold 1-acre lots of Crown land at Arima and Arouca for housing plots; both townships grew rapidly as a result. Then he tackled the 'problem' of squatting. A Proclamation in 1847 stated that squatters in occupation before December 1838 had six months to have their holdings legalized at 6s per acre and legal and surveying costs: those who had settled later were to pay £1 per acre plus costs. Squatters who failed to regularize their position in this way could be evicted by the magistrates and sentenced to up to six months in jail. But the problem, as always, was enforcement; many of the squatters lived deep in the interior, and bad roads and the absence of a rural police force made Lord Harris's laws a dead letter. Only 295 squatters took advantage of the new law to buy their lands; most were content to let things slide, and it soon became clear that as little was being done to evict them after Harris's laws as before."

The point is, squatting is part of our culture. It has taken place on state lands, and on private lands and hence my reason when we were debating the Planning and Development Bill to refer to the matter of squatting because it is far deeper in our history than many of the practices which take place in public places; this is part of Trinidad and Tobago. The main issue to me is how do we deal with squatting.

This Bill really only deals with settlement and I admire the Minister for his unstinting efforts over the years for recognizing the need for the disadvantaged in the society to have a place which they can call home, but I do not think that the Bill addresses the core issue of squatting, it is only finding settlements for the disadvantaged.

I also admire the Minister for explaining the Government's position, his compassion, and at the same time referring to sustainability of development and I keep repeating this like an old gramophone record, that sustainability is a nice word, there are certain things about it, like the environment and the human settlement and so forth, but if one reads the original Brundtland Report, one would see that sustainable development has certain conditions and one which was never mentioned is bringing the human population into harmony with its environment.

7.45 p.m.

Herein lies the problem, because squatting has grown, settlements have grown, and unfortunately and sadly, many of the people who squat are, perhaps, a little bit too active in reproduction. This is a harsh reality we must face. The question then

is, do we look at this as a solution to the problem, once and for all, of settlement? Go to Bangladesh on the Priority Bus Route and one will see the little squatter shelter and the 3, 4, 5 and 6 year-old children trotting along half naked.

If one is going to attempt to settle the squatter problem, one also has to face up to the problem of, are we content with a population growth rate of 1.1 per cent? Because, if one settles approximately 100 of these settlements, upgrades them and gets people title, what happens to the next one where a single squat takes place, and beside it another single one takes place, and one can go all over the country. Sen. Yuille-Williams was referring to this problem that wherever one may go, it may be the most superb aerial photography, but one does have the problem of the squatting phenomenon being part of our culture. What are we doing to change the society, to move people away from this attitude that “history has been unkind to me and therefore it is my right to go and settle myself somewhere”? This is, to me, one of the major issues.

Looking through the Bill, there were a few things that concerned me in the long definition of the Bill where it says:

“an Act to secure certain squatters...”

Now, I think that the wording really needs to be changed, because I sense that there is a problem of the Constitution. Can a Government discriminate in something which is, in fact, illegal? Can we say that we will secure certain squatters? I think our Constitution guarantees equality of treatment before any public body and, if it is my good fortune to be living on an established squat, then I am secured, but if I happen to live on something which is not secured, then my right is infringed. I am being treated unequally. I just wondered whether the wording there might not have been examined or modified slightly.

In the preamble, which sounds very nice and compassionate—it is noble—I have a bit of a problem with one of the recitals.

“Whereas the Government is further committed to the objectives of promoting security of tenure and equal access to land...”

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I do not know what this means. Does it mean that everyone has access? I am not quite sure what it means. So, I think that, perhaps, the recitals or the preamble really ought to be re-examined. I think that Sen. Daly has made suggestions.

I do not particularly plan to go into this clause by clause, but if we go to clause 18 again:

“It is the power of the Minister to amend the schedule—”

It is now about 100 squatting settlements.

“he may amend the schedule on his own motion.”

Now, I am sure that the Minister will accept what I say that it is not directed at him, his Government or any Government which follows, but is this not a prescription for using political office for votes? Perhaps you may say I am naive and this is the reality of life, but if the contest is so close that we can solicit votes by adding another settlement, then I think we are subverting sound governance.

Mr. Vice-President, it has been my experience as a resident of Maracas Valley—I first lived in Maracas Valley from 1952 until I left Maracas Valley last year, I know the valley because I wander all over—I will not identify a particular Government, but at election time I was there when my parliamentary representative was actually saying, “I will regularise you. Vote.” This to me is indefensible. I was there! Is this consistent with the other Bill which we have debated? The Planning and Development of Land Bill. It is not consistent. I would have thought that there might be some mechanism other than this; that it ought to be married so closely to the planning and development that we achieve ultimately the grand vision.

Mr. Vice-President, there are a number of other queries that I would raise about the phenomenon of squatting. I think that both the hon. Minister and Sen. Yuille-Williams referred to the question of squatters on private land. I am not quite sure I understood it. Suppose I own on the north coast of Trinidad at Las Cuevas, 50 acres of land, and people moved in on me. It is not a squatter settlement or a shelter settlement. It is really an agricultural squat which has developed into a society with shops, motor vehicle repairs, and it is a vibrant agricultural settlement. I own that fifty acres. I am dead! One knows what the cost of land is on the North Coast. One knows the people who are after it, the ones who want to develop tourism, hotels, that sort of thing, and the squatters. One cannot talk of settlement in isolation, shelter over one’s head, because the thing is so graded. One goes into the other.

All along the North Coast, one can see the little shacks. If one goes to Maracas Bay, one can see them picking out the primary forest. Is the Minister going to stop this? It has to be integrated. Our culture has to be changed. If the Minister is able to change the culture so that we have more order, he will obviously go down in history. The problem with the agricultural squat is very complicated. One goes up to the North Coast and sees a man with a little timber shed, and behind him he has a breadfruit tree. When one is passing up there, one can buy a breadfruit, much better than the one in the market. He is squatting on private land and state land. What are the plans for this sort of thing?

There are agricultural squats that are even better. There are concrete houses on them. They are in Las Cuevas, Blanchisseuse, Arima and other parts of the country. Or, go into built areas, the late Dr. Oswald Siung Chang owned land above Dhein's Bay on the Western Main Road, and all his family inherited the land. I know this because I have spoken to Dr. Avril Siung Chang. They have lost their land to squatters. There is a squatter settlement on private land.

Whatever they try to do, they go to the land and are pelted with stones. One has to have compassion for people but, at the same time, one has to recognize the nature of our society. There is a range of these settlements. People actually build houses. A shack goes up first, then a water tank, then a concrete house, and then they open their garage or the paint shop. There is this process deeply engrained in our society. My concern is that this legislation addresses only a minor part of the deeper issue which is: How do we reconstruct our society?

The Hon. Minister talks about 1.3 million population. I have been through the last three censuses without being "censused", although I sat in my house. I think Prof. Spence has actually had this experience. We wonder about this number when we see what is happening. We see the numbers, the list of registered voters, and we see almost 900,000 voters, and yet we are told that the biggest lump of population we have is below 16 years of age. So, we take the best figure and assume 1.3, but it is probably 1.6.

Herein lies the problem. The land area of Trinidad and Tobago is a little over a million acres—I cannot really remember—and the population density, we are running at sort of 700 a square mile. Much of the land, as the Minister knows only too well, has to be retained for management of our watersheds, and much of this has to be the upland areas and the forest reserves. In fact, the agricultural land forms a very small percentage of the land area. I think it is about 16 per cent. A

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lot of the land goes into settlements of one kind or another: transport, cities, housing, industries, and the problem then is that we must recognize that we are an extremely densely populated country, and one in which the population growth rate of the disadvantaged is giving us a growth rate of 1.1 per cent. We share with Jamaica this problem. Barbados does not have this problem of a growing population. Jamaica has it. St. Kitts is zero population growth. If one goes up the other islands, it is like that. Haiti is a case by itself, it is much higher than we are.

8.00 p.m.

My point is that we must face up to this reality, that we cannot approach the problem of illegal use of land while, at the same time, we are talking about the grand vision and the grand plan; we cannot address the issue unless we address the entire issue of squatting.

Mr. Vice-President, I was glad to see, when I looked at the revised Schedule, that the Demerara Road has been removed. It puzzled me why it was included in the first place, because one Government agency, the Environmental Management Authority, of which Sen. John is a member of the board, so he knows only too well that the estimated cost of decontaminating the Demerara Road site is about \$5 million and yet, the original proposal was to regularise the Demerara Road. There are about 50 squatters involved, so we are talking in terms of spending \$100,000 per squatter. I know it is not going to be sold, but we nevertheless still have a piece of our national land patrimony which has been contaminated with lead. Although I keep asking questions, I do not get the answers that encourage me that the lead will be removed, not only from Demerara Road, but from the other parts of the country.

So, in summary, Mr. Vice-President, while I support the Government, I think it is great to see this compassion, especially at the time when we also see we are trying to execute people, I am glad to see this compassion, this feeling for the disadvantaged. My essential point here is that our history is against us. If we do not reverse this process where people do not feel, "I can go anywhere", whether it is state land, private land, whether it is the Light House down at the bottom of Frederick Street, we have got to find a means, we have got to get into the vision of this Government and every succeeding Government, this feeling that we have somehow to change our society, that people become more law-abiding. Now if you can find the formula to stop the squatting, I do not mean just the settlement, but all the squatting, then your government will last until the year 3000.

Thank you, Mr. Vice-President.

Sen. Martin Daly: Mr. Vice-President, I have decided to do something much against my better judgment, which is to speak on this Bill this evening.

Now, I am going to show the Government or at least give them some food for thought along these lines that their disorderly passage of this Bill, accompanied by a certain amount of smugness, is going to cause them trouble. So, my theme is going to be—my mother has an expression "buying trouble", I am going to set out to show the Government why this Bill is going to buy them trouble. Hopefully, because you see, we are getting back into something very nasty again.

We tolerate and have tolerated through successive Governments a disorderly arrangement, which in itself is an oxymoron of parliamentary business. So we find ourselves today debating a Bill that has such fundamental and far-reaching consequences for this country, we find ourselves debating on really, comparatively short notice. It is no good saying that we have had this Bill in our folder for the last two months. The fact is that part-time parliamentarians without any facilities like research assistants and so forth cannot seriously consider how to deal with these Bills until they know that they are close to the time of the debate.

So we find ourselves starting this Bill tonight at a late hour. Now, it is not just that the hour is late, the fact is that our minds and our brains have been occupied with other equally difficult business during the hours of this parliamentary day. So we had a lot of song and dance about how bad it was when the Summary Offences Bill was passed late at night when everyone was not present. Well, I can assure you, and I will set out to demonstrate, that the Summary Offences Bill, unnecessary as it was, represented a far greater threat to the citizens of this country and the Government than this Bill does. Because this Bill is based on romanticism and it simply has not thought out the fundamentals and the nuts and bolts of what the Government is trying to do. It is going to take me a little while to develop this

The first thing I respectfully say is that legislation of this importance and of these kinds of consequences, cannot be dealt with on short notice, in an *ad hoc* way, with a sudden kind of deadline time-table. So if it is that we are hustling to beat prorogation, then we should just accept reality and rest this Bill down until the next session. This is not the first time that we have found ourselves— We have proceeded Tuesday afternoon after Tuesday afternoon, rising in the morning at 4.30 or 5.00 at very gentle pace, nothing very challenging, and then all of a sudden, "watap!", we are faced with two hugely complex pieces of legislation

which have very far-reaching consequences for the country, without any prior intimation that the Bill was going to be debated in August, and at five o'clock in the afternoon. That is my first point.

Honestly, to kick up a fuss over the passage of the Summary Offences Bill, wrong though it may be if some of us were not here at the time of the vote, that is just symbolic. People have an idea that the governments want to be oppressive and I agree. I reread my *Hansard*. The Summary Offences Act was a threat to practitioners of democracy and it should be resisted, but at the end of the day it is largely symbolic. Because 48 hours notice as opposed to 24 hours is not going to stop people going about their business of marching. This is a different kettle of fish.

Now, let us start with the preamble. I have gathered, as a result of the informal talks that I had with various members of government, that some people understand the danger of this preamble, and others are wedded to it as a piece of romanticism. Apparently, this is in the language of sustainable jargon, so we now have worldwide sustainable jargon and we adopt it regardless of consequences. This preamble presents the first danger for the government and I am going to explain why and I have circulated an amendment that attempts to deal with it. I do not care if they went to Washington or anywhere else and they read up all these nice words and this is now part of the international jargon; it is going to kill us and kill you as a Government and may I explain why.

You have to start on the basis that by virtue of section 11 of the Interpretation Act, and I am going to try to keep this as sundry as possible.

"The preamble to a written law shall be construed as a part thereof intended to assist in explaining the purport and object of the written law."

So by this preamble, the Government is declaring three things that it simply cannot fulfill—no Government can fulfill, given our types of resources. They are declaring as a purport and object of this law, if you look at the first preamble:

"...that everyone in the society will have adequate shelter,"

You are committing yourselves as a Government to declaring as an objective of yours, that everyone in the society will have adequate shelter. Now, forget about the international jargon: is that something the Government, any Government, can do? Quite frankly, I feel very frustrated about the Opposition right now, because I would have expected to see pages and pages of amendments to deal with this. I

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know we had a long speech about, "have you thought about this, that or the other?", and when they finish with all of the "have you thought", what are the consequences?

I am saying that given the present state of our resources, no government can commit itself without qualification to the object that this law will provide everyone in society with adequate shelter. It is simply an unqualified statement. When one writes a manifesto one does not make these kinds of unqualified statements.

You then, in the next paragraph, commit yourself to the objective of equal access to the land. Does that mean that the person who is able to afford La Riviera and La Fontaine, you are committing yourself to giving them equal access to land, the same access as the person in Demerara Road? I mean, as a statement that is simply unsustainable. You cannot commit yourself to that, that everyone must have equal access. You must have a threshold, you must have some kind of qualifying mechanism, some kind of criteria by which you qualify for these things. This is simply too open-ended. And likewise, let me stay off the third recital for the moment, because that is objectionable for a different reason.

You have committed yourself, in the last three lines, to providing an alternative solution in the form of land for the landless. So you are going to provide land to everyone who is landless? And you have defined landless to mean just that, that if you have no legal or equitable interest. So the owner of La Fontaine who has vested the property in a shell company in the Cayman with a subsidiary in Jersey is landless! Are you going to provide him with land because he is landless? That is what you are committing yourself to.

So could I ask you to bear with me and look at the amendment which I have circulated and see how I have tried to deal with it to get you and your successors as governments off the hook. I have suggested that you simply remove the first three recitals and I will come back to what is wrong with the third one, it is a different problem. Prof. Kenny has given you the historical background. You simply acknowledge that squatting on state land has been a phenomenon in Trinidad and Tobago for well over 100 years. You acknowledge that and that is the starting point why you are now setting out to pass this legislation.

Then, I am suggesting that you leave the last recital and, instead of committing yourself to providing an alternative solution in the form of land for the landless without qualification, then you commit yourself to providing an

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alternative solution in the form of land for those who are extremely disadvantaged and require

assistance to obtain shelter. Now, step back from your romantic ideas, step back from the international jargon: is this not really what everybody agrees has to be done for squatters? For persons who are extremely disadvantaged and require assistance to obtain shelter, the Government must come up with a plan. The purpose of using the term "extremely disadvantaged" is that disadvantaged is now a word in common use. I have not attempted to define it yet, I have not had the time and it will take me at least a week to make all the amendments to this Bill. This is just an *hors d'oeuvre* to whet your appetite and to show your draftspeople what they should be doing to save you from this commitment to provide shelter for everyone—give everyone equal access to land and give all the landless land.

This is a very simple statement of what we are setting out to do. We had a squatting phenomenon for well over 100 years and the people in the society who we referred to as the disadvantaged, I put "extremely disadvantaged", are the people who will qualify to get the benefit of squatter regularisation. Now, I ask rhetorically: can we not all agree that the persons who should get the benefit of squatter regularisation are the people in the society who are the most or extremely disadvantaged? Is that not what we are trying to do? Is that not what everyone will agree on?

8.15 p.m.

We certainly are not going to be in agreement that everyone who is landless must get land. So, a landless thief must get land? Think about it. You must qualify these objectives. I am making a fuss about the preamble because it has a certain effect in law.

Moreover, you are passing this law in the context of a written constitution which guarantees in its fundamental rights clause, among other things, equality of treatment. Therefore, for every single group of persons who feel that their area has not been included in this list will come at you. The class action will arrive in Trinidad and they will not come one at a time anymore. You are going to get a class action by someone in a village or a group of people who say that if these people qualify for this Act, what about us?

Moreover, you will be attacked by other persons. You are not going to be subject to stone pelting anymore. We turn out 50 or 60 lawyers every year with nothing to do and they read a lot and they have access to the Internet. People are

going to go under the Constitution and see that equality and protection of the law requires that you give them the protection that you have promised here. I am landless, I might be lower middle class and I might be pursuing some relatively humble livelihood but you have said I am landless and you must give me land and I am entitled to the protection of this law. You have to think these things out. You have to put some qualification in here. It is not just because you are a squatter that you qualify. You must put in other criteria because the other mistake that is contained in this Bill is that it is operating in the future.

Before I leave the preamble may I say that this third recital is completely unacceptable. First of all it is a historically foolish statement but in any event a government cannot acknowledge that inadequate access to something leads to proliferation of something else. You cannot acknowledge that because you can paraphrase this to say that the proliferation of thieving is a manifestation of inadequate access to food or high prices. You cannot make this statement. This is an inducement. This is not Jean Jaques Rousseau; this is Jean Jaques Rousseau gone crazy. You cannot commit yourself with this statement that because people are doing something that is essentially perfectly correctable and understandable but essentially antisocial for the reasons which Prof. Kenny has outlined that you are going to acknowledge it.

I do not know if “crazy” is a parliamentary word but you cannot do it. You simply must not do this. You are creating trouble for your own self.

Let us go in to the Act now. Let me point out what the amendments that I have been able to do so far are designed to achieve. First of all, I put up several amendments in relation to clause 11. May I just say that—there is some technical language—I think “security” is the wrong word it is “protection”. The drafts people will consider it. I have redone clause (b) to make it plain because we certainly cannot say a certificate of comfort which is not an interest in land. A paper cannot be an interest in land. It is just grammatically incorrect. What they really mean is it does not create an interest in land. I sought to tidy up those things. I am not saying that by way of trying to show off on the drafts people but it is a little indication of how this thing has not been thought out by people with conveyancing minds. The Vice-President will tell you that I am not the world’s greatest conveyancer but certainly know that a piece of paper cannot either be or not be an interest. It may not create an interest.

That kind of technical slip tells me that the people who have drafted this have not done it with conveyancing minds, conveyancing being that part of law that

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deals with the arrangement of rights in real property. It worries me when I see a slip like that.

I then tried to redraft clause 11 so that it is—look at how you get a certificate of comfort in clause 11(3):

“The application shall be in the form of a sworn declaration as prescribed and shall be supported by evidence as to the existence of the squatter’s occupation before the appointed day.”

What evidence? The Bill gives you no help as to what you will consider evidence.

Then you get a clue in the late application, clause 12. If your application is late then you have to have the statutory declarations of two independent deponents. So why not have statutory declarations from two independent deponents—I will come to why independent is the wrong word in a minute—why not have all applications from the word go supported by declarations of two independent deponents? If the persons who have conceived this legislation think it is sufficient to get them when you are late, then it is just as easy then to get them when you are on time. This has a social value. If you have to get declarations of two independent deponents—we will come back to what independent means—more than likely you will have to get these declarations from people in the same area; your neighbours. What that will do, if you are dependent on your neighbours to establish your *bona fides* as a squatter in the area, then that in itself will operate as a safeguard against people sneaking into the area, so to speak, because they will be dependent on their neighbours to verify that they really come from there. Therefore, you will have an interlocking verification system where each neighbour will have to verify the other and that way you will preserve the internal cohesiveness of the community.

“Independent”, of course, is completely the wrong word. What it means is it must not be a relative and I have given you an amendment to deal with that. I have drafted the definition of relative not only on the basis of the definition we have now but I have linked it into the Cohabitation Bill which is at present before the Parliament.

I have not yet, Mr. Vice-President, because it is so incredibly complicated, got around to offering amendments to the rest of the Bill but let me say what the difficulties are now. First of all, I will ask Members who have not been bored to death to turn to clause 26 subclause (3). This is how you get a lease and understand when you get a lease you now have a document that is creating a transferable interest in land. You cannot just be handing out leases to state lands

vaille-que-vaille. You must have a system so the application shall be made in writing and should be supported by the relevant evidence as to his landless status.

Well, the mind boggles. You know what my difficulty is with landless being the only criteria. There are many rich people who are landless; they want it so. Then—I do not know what is relevant evidence—his inability to access land on the open market.

Mr. Vice-President, everyday when people read the property advertisements in the newspapers and see the prices particularly in certain suburban areas like what is now known as the West, good fathers and grandparents like my good friend Brig. Theodore who always follows me so courteously, I know that he is one of the people that I can ask how many times has he said to his wife in the last two years, “Girl, I do not know how any young married couple can afford a house.” How many times have you said that? There are a zillion people out there, some with two incomes, who could very easily show you that they have an inability to access land on the open market. The criteria are too broad and too unqualified. Therefore, although I have not committed it to writing yet, that clause will have to be strengthened by saying, “and his inability to access land on the open market owing to his being extremely disadvantaged.” So that all of the time you are tying the benefit of this Bill to someone whose human condition is one of extreme disadvantage.

Trust me, if you have every young lower middle class married couple knocking on your door and telling you they cannot access land on the open market, the Treasury will be in big trouble. I know this will peak the interest of my good friend the Minister of Finance because every other Ministry will have to line up behind the Ministry of Housing and Settlements if Housing is responsible for this. It will just be a straight case of “gimme, gimme, gimme” from the Treasury in order to fulfil the extremely open-ended criteria of this Bill.

Mr. Vice-President, it is not possible to do all of the amendments to this quickly without a lot of input from all of the different disciplines represented here. In fact, it really comes to the lawyers last because first of all you have to get the thing conceptually right. I have taken the liberty of trying to say that this Bill is conceptually incorrect because it does not tie the benefits to those who need it most. That is very dangerous for the reasons which I have said.

Let me show you what are some of my other difficulties. Once you get to the lease stage whether it is the statutory lease or what is called the Deed of Lease, you are acquiring interest in land that is transferable. So that if you look, for instance, at page 11 which is 14(3)(b):

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“...a Statutory Lease—

- (b) may not be assigned or otherwise transferred except to the State but is transferable for the remainder of its term in the estate of a deceased person according to law;”

What does that jumble of words mean? It simply means this: if the statutory lease is 30 years and after 10 years you die and you have a remainder, as it is called, of 20 years, then it will be transferred by operation of law. That is to say you can either leave a Will giving it to someone or if you have no Will the laws of intestacy will dictate where it goes. It is pie-in-the-sky to talk about may not be transferred except by the state and then you create a huge exception where someone who is a good and deserving case of being a squatter could turn over that term, “the remainder” because remember you are saying it is transferable except to the state but you have created this huge exception.

Therefore, someone who is a squatter will leave 20 years behind them of a 30-year term and you have absolutely no control over where that term goes. The person who inherits that term could be as rich as Croesus because it could be someone, as many people are, who spend time in the United States of America or Canada or anyone of the metropolitan centres earning hard currency in seasonal jobs and then come back here to relax for Christmas and carnival. They will inherit a piece of squatter earth by operation of law or by the Act of the squatter and there is not one thing you can do about it because you have permitted its alienation.

Mr. Humphrey: What is wrong with that?

Sen. M. Daly: What is wrong with that? Now we are getting into the nuts and bolts question. What is wrong with that is that this Bill permits a piece of squatter’s earth to go to someone who is not a deserving case, who probably will not live in the area and if you have a sufficient number of persons who are not of squatter character acquiring squatter earth—let me call it that—in different parts of Trinidad, they all become landlords of it. If the person does not live here, they are an offshore Trinidadian and they acquire a remainder of 20 years what are they going to do with it? They are going to rent it out and make money on the deal. You are taking the squatter earth and creating a system where people who do not deserve this level of assistance are going to get hold of land and be able, in the loose sense of the word, to trade with it.

Then what will happen, as Prof. Kenny has pointed out, with each succeeding generation and unchecked population growth—your squatter population is growing all of the time, a certain amount of your squatter earth is coming out of the squatter earth bank and going to people who do not deserve it who are going to trade with it. Eventually what will happen is just at a certain stage the rent restriction laws were a very valuable thing which you have got to a stage with rent restriction here and every single urban environment in the world where the tenant became the boss of the landlord's property because over time their rents became so unrealistic that the landlord stopped repairing the property and you stood the world on its head. The person who started out as the deserving case is now completely on top of the property owner.

8.30 p.m.

Segments could easily be created of a new landlord class that will be taking property that should really be held for succeeding generations of squatters and trading with it. So, in effect, you are making a gift of a trading asset to an undeserving case and, therefore, this legislation needs to be looked at in order to close these loopholes, otherwise we will run out of land to give.

Because it has to be worked out properly—I do not know how it will be done; I do not know if it is the science of sociology—the type of movement that is going to take place on this land has to be worked out, otherwise you are going to run out of land. That applies equally to the statutory lease and the deed of lease, except that in the deed of lease, all you need for its assignment is the consent of the land settlement co-ordinator and the whole of the balance of the term can be assigned. It is not short-term, it is 199 years.

Much of this land is ultimately going to fall into the wrong hands, “wrong” meaning undeserving cases, while there are more and more deserving cases coming, because of unchecked population growth and not infinite lands to be given out. So this whole Bill has to be looked at from square one, if there is to be introduced into it a threshold of a qualifying human condition in order to get the benefit of the Bill, then you have to ensure that as the Bill works itself out over future generations, it remains closely tied to deserving cases. It does none of these things.

Now, another thing troubles me. I would have thought that if the Government was sincere that this was not going to be an indicator with regard to squatting as a permanent condition that we would be handing out land in this type of scheme for ever and ever, that an attempt was going to be made to curb it and what we were

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really doing was regularising the situation of people who are there now, families who have been there for generations.

I would have thought the operation of this Bill would have been confined to squatters already there but it does not do that. I would have thought that since the Minister has so clearly explained about the aerial plan and that the location of the squatting communities are more or less known, that fundamentally this Bill should contain the operational rules about carving up the areas already mapped out, but there should be no increase in that map in your head, either by particular areas of it growing, or by other areas being added in. This should be the operational plan of it, the carving up of what is already mapped out.

Therefore, that is my difficulty with giving the Minister permission from time to time to amend the Schedule by removing areas of land. If, within the areas mapped out, there are some lands that are not, for want of better words, entirely suitable, and you are keeping this power in order to move people, it would be much easier, much tidier and much less costly in the end to the country, to simply cut losses and say those areas will stay with the squatters. We are not moving them out and trying to de-squatterize those areas. Then, none of this would be needed. Just take what is on the map. That is your squatter area and that is what we are dealing with. No tinkering is required.

Then, Mr. Vice-President, there is the political dimension in this. Sen. Yuille-Williams touched on it very briefly—the elegant lady that she is, she probably did not want to say it too bluntly. Now, understand that this is not about this Government. If the Minister has the power to declare, apart from your map, which I am very convinced about, if you have the power in the future to declare places land settlements areas, and to grant leases of 199 years, you could accomplish the most amazing social and political engineering. Because, you could go into a marginal constituency, calculate how many more votes you need in that area—not you personally, I am not talking about the abuse of which the Bill is capable—declare, by order apparently, how many acres within that area you needed, bring your people in and give them leases. They register as voters and “badam”, everybody fixed.

Now, we cannot permit that kind of power to reside in a government or in a Ministry, that they could simply—and I am not saying that it is insincere—in the guise of settling the squatter problem, reserve for themselves the ability to

completely alter the character of some particular part of the country by making it squatter free. That is quite wrong and we have to deal with that.

I am astounded that the Opposition has not produced any amendments to deal with this. It is very easy to sit there and talk and we have a few tepid amendments from the House of Representatives, but they cannot be serious about ever regaining government if they have not produced an amendment to deal with this and I challenge them to do it. It is not my problem, because I have no marginal seat in which I am interested, but I am pointing out the problem. They are probably really not interested in being in government if they do not produce amendments—not talk—to deal with this.

Mr. Vice-President, to summarize what I have been saying, this Bill is going to buy trouble for the Government for the following reasons. First of all, the Government is creating obligations on itself in the preamble that it cannot meet as a matter of resources.

Secondly, it is creating obligations in the preamble which it does not mean to pitch so high.

Therefore, thirdly, my objection is that nowhere in this Bill have we tied the benefits of the Bill to a human condition of dispossession, being disadvantaged, or whatever word you would like to use, and it is simply insufficient to use the concept of landless and inability to purchase on the open market. That is insufficient. We must have, as a criterion or a threshold for relief, under this Bill, a human condition that approximates the dispossession, extremely disadvantaged, or whatever term you would like to use. That is my third problem with the Bill.

Fourthly, I think that this Bill, by the looseness of its language, assumes a continuing squatter regularisation process without any real change and, therefore, it has reserved, in my opinion, too much power to deal with future squatting. If, after all this is done and your manifesto promise to improve housing and landless conditions is fulfilled, then you should not have the same problem, at which stage you will then bring a different piece of legislation to address the different problems. But, do not hoard up these problems because that does not work. It is much too much power reserved for the future. I have lost sight of the enumeration.

But, anyway, my fifth objection is the political dimension of this, which holds dangers for everyone who is in active politics and interested in holding power.

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The sixth objection is that there is too much room in this legislation for what I have called “squatter earth”—I hope everyone understands what I am trying to convey by “squatter earth”—to pass in succeeding generations, out of the hands of

deserving cases, to other family members who are not deserving who can then take what is really the people’s land, the assets of the state, and get a free or almost free trading asset to become a new group of landlords in the country. I think that, in some ways, is the most objectionable feature of all this.

We do not want to have a kind of rent restriction fiasco where the people we set out to help eventually get into a dominant or disproportionately strong position. The basis of the whole underlying philosophy of this, has to equalize disadvantage, not to equalize everyone, but to equalize disadvantage.

So, depending on whether this Government understands the dangers for it, as the instrument, to implement and fulfil this, it may allow us some more time beyond 10.00 o’clock this evening—I go so far as to say beyond prorogation of the Parliament—so that we could all sit and try to come up with the other amendments required. Those amendments that I offered only scratch the surface and are only intended to give Members something to look at in print, to sort of highlight what I am attempting to portray. I really think that the consequences of this are so far-reaching in terms of the demographics and everything that makes the sociology of a country, that we have to get the nuts and bolts right.

Let me end by saying this. Despite the protestations of those in active politics, as is well-known, I drive almost every weekend through a large part of the country. I do not think that anyone could be more aware than I am, of the need to deal with squatters and to give people proper conditions.

In fact, I spoke about it once in a way in which some of my capitalist friends were quite worried. They thought I was somewhat “Humphreyesque” in the way I dealt with it. Because I pointed out that there could never be anything common about a Common Entrance examination where one pupil going to school, gets up at 6.30 a.m., gets a cooked breakfast and goes to school in an air-conditioned car; and the other pupil gets up at 4.30 a.m., totes 10 buckets of water, does not have a bath, then walks a zillion miles to get a taxi or bus to go to school, to really sit and settle down to having Common Entrance. Now, I do not know, Minister, if you know that I talked about that. That is how strongly I feel about it.

If housing conditions are not equalized, then succeeding generations of disadvantaged people are doomed to never improve their lot in society, unless

exceptionally brilliant or exceptionally lucky, or a combination of both. Believe me, I understand the problem. I grew up in Newtown, not in Goodword Park, so I know what I am talking about. I did not grow up far from Gatacre Street, so the Minister of Finance will know what I am talking about. I know what I am talking about and, therefore, I understand completely and sympathize completely with the objective of this Bill but, in its present form, we have much work to do on it.

But, I take a different position about legislation. If I am unable to show the Government the trouble it is buying for itself so that it conceptualizes and its draftspeople cannot be bothered to bestir themselves to create some of the amendments to meet some of the points that I have raised here which are valuable; if the Opposition cannot be bothered to do it, then I really have to ask myself why I should be bothered to do it all. Therefore, I am strongly urging, we talked about sending the thing about the physical planning commission to a select committee, before you let this loose on yourselves, because you are the people who have to implement it—I know I am repeating myself—before you tie this around your neck as the people implementing it, you need to get the nuts and bolts right. I am willing to help, but I still think that the fundamental concept has to be introduced into this, that to qualify for this, one has to belong to the extremely disadvantaged class; one really has to be there now by reference to this map about which the Minister spoke. Then, if we have a different kind of squatting problem in years to come, we legislate to deal with that particular problem.

I am really saying that this Bill, laudable though its objectives are, requires an extreme amount of nuts and bolts work to be done on it, both in terms of concepts and in terms of drafting.

Sen. Prof. Spence: Mr. Vice-President, the Senator has given way for me to make a comment, if you are aware of it.

I just want to bring to Sen. Daly's attention that we have just been presented with a list of nine pages of amendments which we did not have before, so I am hoping and expecting that these will be moved, so we will have an opportunity to comment on them later on. I just thought I would bring that to his attention.

8.45 p.m.

Sen. M. Daly: Mr. Vice-President, are we going to do this before 10 o'clock tonight? Are we going to do this before proroguing in two weeks time after I said what the implications are? We can only do that if the Government is prepared to get a kind of collegial team of the Senate together to iron out these problems. We cannot do this. We simply cannot do this. It is reckless; absolutely reckless to

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make law in this way, particularly when it is such a new concept with such far-reaching consequences.

Mr. Vice-President, knowing this Government as I do, I am quite sure that they do not have the excuse that they must pass this to get a loan because I do not think there is any international lending agency that is concerned about the homeless when it is lending money. It is concerned about rich people, intellectual property and so forth. They are not interested in this. The Government cannot be under the usual compulsion of its predecessors in government that they must pass this to get money borrowed. So, there is really no good reason for treating this serious piece of legislation in such a reckless fashion.

Thank you very much, Mr. Vice-President.

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, it is only last night I realized that the preamble had been making me uncomfortable with the whole Bill. Wonderful, I said to myself, land for the landless, adequate shelter for all and equal access to land, but after reading through the Bill I realized that it was not doing that and could not possibly do so. I realized that I was being brambled by the preamble. I was being brambled into thinking that this was a Bill for the redistribution of land which would provide adequate housing for all our citizens. It is not such a Bill.

Mr. Vice-President, I welcome any attempt to redress the social imbalances in our society. The late George Beckford wrote a book called *Persistent Poverty* in which he argues that the social and economic condition of many of our people is, in relative terms, the same today as it was in the days of the plantation. Beckford calls modern Caribbean society “plantation society” because its economic structure, values and system of preferences, and its advantages and disadvantages are a direct continuation of the slave plantation.

The problem of modern Caribbean societies is to deal with the continuation of a whole set of imbalances that got established in the period of enslavement and in the period of the plantation. That problem began with the act of dispossession initiated by Christopher Columbus. It began with the takeover of the land from the Caribs and the Arawaks; the enslavement of the Caribs and the Arawaks; the decimation of the Caribs and the Arawaks and their being placed on reservations in the modern period. These were the people who owned the land who now live on reservations—Phase I.

The problem was heightened by the establishment of the plantation, the uprooting of African people, their dismemberment, the break-up of their family life and their being placed to live in barracks. It continued with the indenture of Indians from India similarly uprooted and brought in to live in the barracks vacated by the emancipated slaves. It continued on with the lack of equity in the colonial period in the tenacity with which traditional landowners and money-lenders held on to inherited estates and extended their holdings at the expense of small landowners.

This injustice—this kind of imbalance—has got new life with the rapid rise in the prices of houses and land; with the increase in the cost of rentals; with the shortage of living accommodation brought about by this Government's policy of liberalization and its accommodation of troupes of investors and their dependents facilitated by unscrupulous house agents anxious to make a quick buck. It is harder and harder for ordinary and middle and lower middle class people to buy, build or rent houses or even dream of doing so today.

Mr. Vice-President, the problem that we have to deal with—the landless we are talking about—is not just the squatters, and for a Bill that is essentially about squatters to come here and sound, rhetorically, as if it is land for the landless and equally accessible to everybody is a bramble and that is wrong. If the intention, really, is to do that then I agree with Sen. Daly that the Government is buying trouble with this Bill. The Government should check on those high-priced developments shamelessly taking the names of the dispossessed Amerindians as Arawak Circle and Ciboney Gardens or some such foolishness. Do you think any Amerindian would ever get a chance to hang his hammock in those million-dollar apartments?

Mr. Vice-President, land is at the heart of the problems of our society today and this Bill does not solve the problem. Regularizing the position of squatters is not the same as giving land to the landless. Land for the landless is a complex and more comprehensive task. Land for the landless is part of the problem of reconstructing a society. Land for the landless would be an attempt to go back to the period of emancipation when this society was blighted, when a people were freed and not given a vote; when the people who enslaved them were compensated for the loss of the slaves but the enslaved people, who were being liberated, were not given any kind of settlement or reparation at all.

In fact, the authorities made it as difficult as possible for these people to be members of a free society. It did not allow them the right to negotiate their wages.

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When they came up and said, “We would work on the plantation but you must pay us so and so”, they said, “Eh heh, we are bringing in the Indians to break the strike”. The incipient trade union movement that the liberated Africans were trying

to establish in practice, the British government and the planters sought to break that and to deny these people the opportunity to be members of a free society. This emancipation that all these people are celebrating was never an emancipation. They had no vote. It was 1946 before these people got to vote. So, you emancipate me in 1832 or 1838, depending on where you stand, and you give me the vote in 1946? I must live with all these severe civil disabilities and you expect me to become a creative and productive member of a society? You think you are creating a society when you give me emancipation on those terms?

8.55 p.m.

It was not just that you made land hard for me to get. There are a whole set of civic disabilities that I was suffering. The problem of the society is a very deep, complex and profound one; the problem of the squatters by comparison is a limited, restricted one. I agree with Sen. Daly that if this Bill is to be passed, it would have to trim itself down and restrict itself to dealing with the problems of squatters on state lands at the present time. There are certain limitations even in the scaled-down Bill. I think the problem of squatters on private land is a very serious issue. The Bill does not deal with that. Even if it attempts to deal only with the problem of squatting, it is taking in only half of the problem of squatting on crown lands.

Prof. Kenny gave us something from Prof. Brereton’s book about the ordeal of free labour, the ordeal of the landless people and he has shown us how squatting took place as a result of that. Squatting took place even before that when men and women ran away from the plantations and set up maroon settlements in the interior where nobody could get at them. It continued with squatting on crown lands. It is not that they did not want to go for them, “mosquito and snake would have bitten them.” The liberated Africans who could not get lands—when those farmers wanted to buy land, they were told, we have a block of 240 acres here, do you want to buy it? No, I cannot buy it, a few partners and I can buy it. No! They passed a law saying they were selling the land in large blocks and could not combine to buy it. Only one owner.

What went wrong at emancipation is responsible for many of the wrongs in our society today, and what went wrong with emancipation is that there was never

a plan to free one group of the society and create a free, just and equal society. If a government wants to deal with that, it cannot come with one piece of legislation, it has to be an overall, comprehensive and continuing economic policy which is working towards the creation of a just and equal society. What we talk about as irresponsibility and lawlessness, the alienation, that is what we have to deal with and we are not going to deal with it through this Bill alone.

Something has to be done to create a national purpose to make people feel that they belong, that they have a stake in the country. Until the Government is ready to deal with that kind of inequity in a comprehensive way, not by one piece of legislation, but by the deployment of wide-ranging economic and social policy; until they devise a proper land distribution policy, where they can get drastic and say what are you doing with 50 acres of land, we want some of it—There are people in this country who have acres and acres of land and they are not doing anything with it. The state should say, if you do not do anything with that land in three years that it is taking it away from you. A proper land distribution policy would look at all these idle acres which people have and say, either use it or lose it. A proper land distribution would make sure that every citizen has a piece of land to build his house. Until there is a housing policy that allows every citizen to own a house you cannot come with legislation like this. You have to be ready to deal on a continuing basis with the problems of living today in a plantation society.

Mr. Vice-President, I feel that this Bill is a useful one. There is a problem of squatters on crown lands. It should restrict itself as Sen. Daly has already suggested to dealing with squatters who squat on crown land at the present time. I agree with him that the aerial photographs that have been taken would allow us to mark off the territory and set the appointed day. The appointed day helps us to limit the Bill to those who were squatting on crown lands when these photographs were developed.

I join Sen. Daly in pointing out the loopholes in the Statutory Lease and the Deeds of Lease. Not being a lawyer and not having the skills made me feel I did not understand it. I looked it up and I could see that when a man dies, after one year his family could rent out and monetize the Statutory Lease; that the Deeds of Lease after a few years can give you possession in perpetuity to pass it on to your niece, mistress, or outside child who is not living there, who would then rent it out and speculate on it. Those are very serious loopholes and if this country is going to spend money to make this land available to squatters, to regularize them, to

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provide services, to spend my money to give it to all of them, I want to make sure that it is only those squatters whom Sen. Daly calls the deserving cases should get it.

I do not want my money going into the hands of a speculator who will be selling squatter lands, or renting squatter lands or accumulating big blocks of squatter lands and becoming a big landlord. Something has to be done to make sure that the property granted by the Statutory Lease and the Deed of Lease cannot be alienated at all. As far as I am concerned, the land should be made the Government's land. The house is theirs. Once the squatter, the squatter's child or his grandchild or whoever is living in the place, no problem. If they want to take it outside of the direct line, then the house is theirs, you could sell the house but you cannot sell the house and land.

Mr. Vice-President, I am sympathetic to any attempts to regularise the situation of squatters on crown lands at the present time and I would support any effort to do so, but I feel the effort should be restricted to that only and that the legislation should be adjusted accordingly. The instruments already exist for dealing with such a delimited problem in that you have the aerial photographs. When the Government does that, it will know that the task of creating a free, just and equal society where everybody belongs has only just begun. It will know that it is necessary still to develop a proper land distribution and redistribution policy. It will know that it still has to develop a proper and just housing policy.

The best I can say about the squatter Bill that is before us is that it is a token of what I believe is this Government's sincere interest in creating the kind of society that all of us want. Thank you.

Sen. Mahadeo Jagmohan: Mr. Vice-President, I thank you for the opportunity to speak on the Bill before the House. Before I attempt saying what I have planned to say, with your kind permission, Sir, I wish to point out that it seems to me that history is about to repeat itself with regard to regularization of the tenure of squatters. What do I mean by this? In 1986 a squatters tribunal was set up, not a committee as the hon. Minister of Housing and Settlements and Acting Prime Minister alluded to. It was a tribunal that was appointed in the latter half of 1986, and the gentleman monitoring the work of that tribunal—one of the better legal minds in this country—was the attorney general at the time. Soon as the committee got into doing its work, a date for a general election was declared

and that government went out of office and up came another government and this present Minister had something to do with housing then and he did what he had to do and, that squatter's tribunal then went out of existence.

I am observing, because of a certain issue that is being discussed nationally, the hon. Prime Minister seems to be peeved about it and he is saying all sorts of things. He used some threats last Monday night, and it was reported in the daily newspaper that at a public meeting last Tuesday night he said we must not rule out the possibility of a general election very shortly. I am taking him seriously in the sense that he is definitely frustrated and that he is the Prime Minister and can call an election .

9.05 p.m.

That Land Bill with which we dealt earlier, and this one, could go through the window if another Government comes in within three or four months from today—which is likely to happen. That is why I say it seems like history is about to repeat itself in this country.

When one of our Members was speaking, the Leader of Government Business, very unjustifiably and in a manner not suitable for the Parliament, alluded to the People's National Movement and its political Leader as being against hanging. That is not an issue for here. Hanging is part of the law of the land as punishment for a certain crime and offence. That is for little boys pitching marbles under a tree, not for this Parliament. It seems as though the hour of night could be frustrating for some people, but I am used to hard times and I am quite comfortable.

Mr. Vice-President, because of practical experience, the Minister of Energy and Energy Industries may be able to advise the Minister of Housing and Settlements on some aspects of what I am about to address. I would like the Minister to tell me what is being done with the houses which were built by the National Mining Company which is now Premier Consolidated Oilfields. What would become of those sites and houses which are unoccupied? The United British Oilfields which is now part of Petrotrin, had a number of houses in Penal and Point Fortin and those in Point Fortin were handed over to the National Housing Authority, but there are other bungalows put aside: I would like to know what is happening to them. I am concerned about those houses in Forest Reserve, Pointe-a-Pierre and the other places which were built for the lower paid workers of Trinidad Leaseholds Limited which is now part of Petrotrin, and particularly

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the infrastructure which was put down for them. The Bill does not address this, but perhaps the Minister could tell us.

Many of the houses which Apex Trinidad Oilfields built are still around and no one can tell us the status of those. The old TPD which changed into BP and Tesoro, have houses there as well and Trinidad Oilfields also had houses. Maybe the hon. Minister—not necessarily tonight—could have somebody tell us about the status of those houses because they were built on prime lands and had all the amenities. They had a better water supply than what the public had through the government service, a more reliable electricity service; and they were all piped with dry gas for cooking. They need to be brought in the system which the Minister had advocated through this Bill, if possible.

Something which was not mentioned by the Minister, and on which a few Members' spoke, is the matter of the NUGFW Construction Company acquiring and developing a valuable plot of land in Pleasantville, east of the existing Pleasantville houses. All the infrastructure like roads, curb walls, slipper drains, abutment walls, cylinders and everything which provides for proper drainage was done. We understand the Government and the NUGFW Construction Company agreed to some kind of arrangement or compensation where land would be given to NUGFW Construction Company, and the squatters on the train line near the San Fernando wharf would have been relocated there. I would like the Minister to tell us about that because the public needs to know about that deal.

As I am on the NUGFW Construction Company's success story, Sen. Mark was living in one of the better housing developments in Valsayn, but the trade union boys took care of him and he is now at Flagstaff Hill or somewhere else. *[Interruption]* I must say that Sen. John had been a livewire in the founding of the NUGFW Construction Company. I think he is the Financial Controller or Secretary. Persons like the late Permanent Secretary in the Ministry of Finance, Mr. Fraser, and a very great gentleman, Dr. Lenny Saith, put their resources together and had the NUGFW Construction Company going. They built houses for persons who could afford them.

With respect to Sen. Daly's contribution, we of the People's National Movement would like to associate ourselves with the points which he made. He has left me with little to say because he has mentioned many of the things which I was going to talk about.

Mr. Vice-President, we have just been presented with two bulky documents, one with nine pages and the other with a number of pages which I have not counted, together with the amendments referred to by Sen. Daly. We have not said anything about them and we are not going to say anything now unless the Government presents them to the Senate because they are like two new bills.

I have observed that the Minister of Housing and Settlements or some other technocrat or official who brought the bulky one did a good job by putting a number on names and places because it would have been difficult for us to name them. We wish to commend the Minister, the ministry and the Government for the intent of this Bill and we wish to state that the technocrats, administrative officers and managers, either from the NHA or whoever, have done much work, but if the PNM Members in the House of Representatives had not put in the amendments which were accepted, we were going to view this Bill as a licence for people to take land free of charge or to give land *carte blanche*.

With respect to the Bill, I wish to indicate that the policy of the PNM on housing was not totally thrown away in the waste-paper basket as the Minister of Housing and Settlements threw out the tribunal in 1986. I have an interest in that matter because I am the only person in Parliament from both Houses who was a member of that tribunal. We are not against housing or the Bill, but we are urging the Minister of Housing and Settlements—he has the power to do it and his power supersedes the Leader of Government Business—to withdraw this Bill totally and use Sen. Daly's and the Government's amendments—the PNM is on the verge of presenting its amendments—and come with another Bill. I say this because a number of the attorneys who practise in Trinidad have become very crafty in their interpretation of the law and are handling the Judiciary very well. If this Bill is passed in its present form, they would have a field day.

The first part of the preamble talks about some of the things which were said, and about adequate shelter for persons, but it should have spoken about the poorest of the poor who get work now and then and sometimes not at all. A group which immediately comes to mind, is the Government's daily paid workers in the public sector. These people are regarded as permanent workers, but cannot afford the kind of homes they would like to be able to give themselves, and the point was already made in the second recital about tenure and equal access to land.

9.20 p.m.

What if there are people who might be squatting, either on state land or wherever else, but they have the ability to purchase, and would want to negotiate

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with the Ministry of Housing and Settlements to purchase those lands and let it become their freehold property? Has the Government looked at that? Some of the people out there are very ambitious, and they are small-sized entrepreneurs in their own right and would like to purchase land, and they are prepared to pay the prevailing market prices. Have we considered that? Perhaps the Minister is not aware of that.

There are some of those people who have burned their midnight oil and have done other things to gain income, and they understand how to handle money—unlike some of us who do not know how to handle money—and they are capable of purchasing. The Minister said he does not want that, so what is the point? There is too much power to the Minister to designate land, to declare land here and there for housing or distribution. That power has to be cut down. Also, there are leases in this country that private citizens have from certain state agencies and individuals that one can be ashamed about. They are 999-year leases. How many persons here have seen one of those deeds? That is ridiculous, and something should be done to review that.

Mr. Vice-President, about the last recital on the first page—developing sustainable human settlement—has the Minister or the Ministry contemplated whether the houses to be built there in such situations should be permanent structures or houses that could be removed? Some of us share the view—and many people in the nation share that view—that houses should be built in such a way in some of the areas—the Minister of Energy and Energy Industries will soon understand what I am trying to say—that if there is a discovery by the relevant seismic survey that one needs those areas for drilling purposes to win crude oil or natural gas, people will have to move. In some of those areas specified, the Minister has to develop a different plan as to what kind of houses should be built, because in the olden times, or just the other day, fifty years ago, the attorney and general manager of all the oil fields lived in wooden houses, because they were told by the directors that those houses could be removed at any time to plant an oil well on that location. Some consideration should be given to that.

Mr. Vice-President, I mentioned this earlier, and I wish to reiterate, that there must be consideration for people who would like to buy the land free from all encumbrances, and have the land become their freehold property. What is the difference between that and 999-year leases? This is something to ponder and think about. No wonder why some of the people are talking about how their Government will be in power for the next 50 years.

I wish to point out, Mr. Vice-President, that Part II(5) says, and I read with your permission:

“There is hereby established a Land Settlement Division within the Ministry which is charged with the responsibility of administering and carrying out the provisions of this Act.”

I have a view that there will be too many boards, committees and agencies within this small Trinidad to administer such a little bit of business. Why can the permanent staff, administrators and technocrats not look after this kind of arrangement?

If the Land Settlement Division is put, this could be a new unit. We are all for employing people, but then we are not going to employ anybody under range 40 to be in any Land Settlement Division. They have got to be big “sawatees”. Why can we not consider that? We want the Government to give consideration to what we are saying. While I am at this point, I turn to clause 7(3):

“The Committee shall be appointed by the Minister and shall consist of no fewer than five persons having qualifications and practical experience in matters relating to law, planning, surveying, engineering, land management or community and social developments.”

I suppose engineering means civil engineering and related disciplines of engineering with regard to housing, land and management. I am told that this country now abounds with people who can manage. I am yet to prove that totally.

We do have a lot of good community people, but why did the Ministry not include accountants to be on that committee? We are turning out chartered accountants in large numbers now. They do not have to go to London or to Toronto anymore. They can do it here. And very importantly, the people for whom this Bill is being considered are people who are more God-fearing than the more affluent of the society. They are the poorest of the poor. They are very close to the priest, be it Anglican, Presbyterian or Catholic. They come for advice and help all the time. They go to the Imam and the Pundit. Why was no consideration given to include somebody from that area I am alluding to, or a representative of the inter-religious organization, so that the spiritual aspect would not be lost?

Mr. Vice-President, I wish I could sit down to get a response from the Hon. Minister in this regard, but I know that the long hours might be having an effect on him. I think we are all worried when there is trouble in the Far East, Middle

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East or in Asia. London is in danger, and when London is in danger, Washington is in a lot of trouble. I understand that there was a certain meeting in here today as a result of American military action somewhere in the Arab countries, and this could be going through the mind of the Hon. Minister of Housing and Settlement who is the Acting Prime Minister. All Prime Ministers will worry about such situations.

I turn to clause 10, Mr. Vice-President, and (a) to (f) look straightforward, but I see a bit of overlapping at (f)(ii) in settling of disputes. There is already the Community Mediation Act. So, there seems to be some overlapping. I am wondering why this section is put in, at all. A “certificate of comfort” is no guarantee that something would be done. Not long ago, I saw an industrial agreement where Sen. Selwyn John was the chief negotiator on behalf of the NUGFW to obtain that letter of comfort for Government daily-paid workers. It was the duty of the technocrats to carry it out and, perhaps, he can tell you he had no end of problems with respect to interpretation of the letter of comfort. All kinds of legal minds were brought in to read and give directions as to what that letter of comfort meant. To tell somebody he might get a piece of land, and to give them a letter of comfort, does not seem to be any answer, at all, to alleviate the anguish of any very poor person. It does not seem so to us.

Mr. Vice-President, at clause 11(1)(b):

“is not an interest in land but is a personal right...”

Under the circumstances—the intention of the Bill—a personal right is creating difficulty for me. That has to be explained. What is a personal right of any person? At clause 14(2)(a)(i):

“is a citizen or resident of at least 18 years of age;”

I am wondering what will happen if one is 17 years and six months of age. This is a good age now to own property, and do several things. I suppose the Minister and the Government, at large, perhaps are thinking only of the age of people who could vote!

Mr. Vice-President, I am looking at clause (17)(1):

“A Designated Area is an area occupied by squatters and tenants which has been approved by the Minister for the purposes of regularisation and in which a squatter or tenant is entitled to a Statutory Lease and to apply for a Deed of Lease.”

9.35 p.m.

What are they saying? For what period is a squatter or a tenant required to be on those areas, areas like that or that kind of land? Can a new tenant go there for one week and then apply too? This is something we need to know about.

Now, no legislation, I do not want anybody to conjure up that thought or idea and say that I am believing that one piece of legislation on any thing must say everything and all that needs to be known.

On the same page higher up it states that there shall be a land settlement coordinator. Is this one individual? Well then, if it is one individual, we are again moving to create bureaucratic red tape where one big, heavy fellow will have a final decision.

I am wondering, I am concerned and we wish to hear, in the areas, let us say, land on the periphery of the oilfields or, for that matter, the Pitch Lake at La Brea, some land might be designated on the basis of what is written here from the whole of clause 19. There should be some clause in this Bill and there should be a limit in terms of distance that each lease must indicate that if those persons access land and those lands are really out of an oilfield area or pitch lake or some other place, and either the mining company or the Government must be able to relocate those people without much difficulty. It has not been brought out fully in those clauses and I thought I would have heard somebody talking about it, but I suppose the time of night is the difficulty.

With regard to land leased to oil companies with mining rights to drill for oil and gas, but there are squatters on them. Now, they could be state land because the oil company is going on state land and they have some arrangement where they can drill to procure oil and gas, or whatever they get from under the earth. But there are squatters in those areas and there are people whose private lands are very near or, like I said, on the periphery of those operations, and I am seeing tremendous difficulties, because sometimes when there is a blow out of an oil well, whatever spews in the atmosphere, gas or oil, affects so many people. We have the Sieulal Trace experience off Delhi Road in Fyzabad, where an entire small village had to be relocated and many millions had to be paid out by an oil company. Such situations should have been addressed by this Bill. I do not know what is happening with that.

Clause 22 says:

"(1) Within twenty-eight days after completion of the title investigation the Division shall cause to be published, at least four times over a four-week period, in at least two daily newspapers, a notice containing the names of persons who are deemed to be claimants by the Division and the description of the land in respect of which each claim is made."

This is a very simple matter. There are people in Trinidad, because of saucy "commess" and bacchanal they access the weekly newspaper, which is twice the price of the daily newspaper, who do not purchase the daily newspaper, but they do purchase the weeklies. Can we not include at least one weekly paper? Or once per week on a weekly paper? This could be left entirely to the discretion of the Permanent Secretary in the Ministry of Housing and Settlements. I am urging that the hon. Minister give thought to that aspect of things.

I come back to the same thing—the Community Mediation Bill which was passed recently, has provisions for things like this. Clause 23(3) states:

"The Committee shall first determine whether such matter may be conciliated or settled at the community level."

If we are to promote the interest of the people at the community level, they must be given an opportunity to deal throughout at the community level. If we do not do that they could believe that it was some sham or little whitewash to pass a Bill to say they will have the panchayat system or the community mediation system to deal with things. Perhaps the Minister will reconsider that.

I am looking at another part of the Bill which indicates that the requirements of section 19 or 20 may be directed by the Minister to relocate to another lot within the designated area—this is a recipe for trouble, directing somebody to relocate—or another designated area of land settlement area, and any such direction which will specify the time in which the person shall be required to—this is confusion amass, confusion by the truck loads or tanks full. The people in charge, and Trinidad is a small place, everybody knows everybody. Some of the people who may not like somebody else for whatever he is, will want to influence the authorities to get a man out of a designated area for no reasonable cause, and have him relocated elsewhere and this could be very dangerous. If, in the same designated area a man is being relocated, arrangements should be properly made in a legal manner and some kind of time-limit should be established for his relocation and return to the original.

Mr. Vice-President, in looking at clause 28, under General Provisions, it indicates that a person who occupies lands within a designated area after the

appointed day—which is a big problem here—or within the land settlement area without permission is liable to ejection. I think this is when they talk about the unreasonable smash-down of people's dwelling places and, according to law, without any compensation or other pecuniary benefits. Mr. Vice-President, the minister at the ministry should take steps to put in a clause to have the people exercise constraint, telling them that they should do the demolition or the removal of people in a most humane manner as possible. I think that is very important.

At clause 30(1) it states:

"The Committee may make rules for the proper conduct of its functions under this Act."

We see room there to advocate that the rules should be flexible.

Well, of course, clause 31 says what the Minister has already done a long time.

Mr. Vice-President, I shall not take much more time of the honourable Senate. I wish to point out that the hon. Minister of Housing and Settlements is on record for certain things, but I think he is unlucky, his karma might not be as bad as mine, he is always misunderstood, or people always misconstrue the things he says. If he says them with good intentions, people go and publish and print what they want. I remember very clearly when he was a Minister in the first NAR Government, he made a statement regarding land and housing, I did not hear the statement, I read what was on the newspaper. The newspaper turned around and said the then Prime Minister ordered him to go on the television and retract one thing and say something else.

So I am urging the hon. Acting Prime Minister, and I am saying what is a statement of fact and which is the truth, my political leader, former Prime Minister, and the next Prime Minister in waiting, the hon. Mr. Patrick Manning, at no time accused the hon. Minister of Housing and Settlements of being a mad man; he has never done that. But the Minister said that here and I wish to state that we, of the People's National Movement, are aware when the hon. Minister was a member in good standing of the People's National Movement, he was a model member of the PNM at that time. How could my distinguished political leader allude madness to him? That is not true! If the hon. Acting Prime Minister believes that, I ask him tonight to change his mind.

The last small point. There is a problem existing in Trinidad. The persons who are lawyers here or draftsmen, geologists or architects, I do not know who have an

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idea of what I am about to say. Many private land owners always read in their deed or they see in the certificate of title or the land plan that the land starts from the roadway, and it is abutted by lands right around, but government reserve is indicated in those parcels of land. I do not know whether that will be appropriately

dealt with, it could be in the earlier Bill or this Bill, but I am urging the Minister of Housing and Settlements. He knows who are the people who own most of those lands. He would have to depend on them for some kind of support down the road.

9.50 p.m.

I am urging that some attention be paid to that kind of situation. Mr. Vice-President, what belongs to the state belongs to the state. No one can assume ownership unless it is properly dealt with legally. I will say no more on that, everybody else understands.

Mr. Vice-President, I wish at this time to indicate—I have said it before for the sake of emphasis—the quorum here gets depleted every now and then. We seem to be all right at this moment. I wish to point out that in Trinidad on the basis of this Bill I cannot say—and I will be acting dishonestly if I give any direction—who is responsible for this but I want the *Hansard* record to carry it. We are aware that people in need, the poorest of the poor, are being urged where to go and squat and the persons advising are persons who have some political agenda.

If anybody here wishes to wring my hand I can embarrass people right inside this Chamber but I do not want to do that.

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

Motion made, That the speaking time of the hon. Senator be extended by 10 minutes. [*Sen. N. Mohammed*]

Question put and agreed to.

Sen. M. Jagmohan: Sir, I was not aware of the time. I am very grateful to you for approving some additional time.

Mr. Vice-President, in this country we all know that there are persons on the basis of this Bill—I do not know what mechanism the hon. Minister has in place or will put in place to find out which squatter, tenant or landlord is a deserving case. We are aware certain people squat in this area and they own a squatting house in that area and one in another area. Sometimes it is a man who is renting the two others or a man who has a wife and children here, a mistress there and a mistress here. I am not saying anything that is new and I am not desecrating the Parliament or disrespecting anybody. This is the culture of a certain number of people in Trinidad and Tobago.

On the serious side of it, the hon. Minister has to put machinery in place to find this out. How would you find this out? There are many ways to find this out but Trinidadians are as they are, very crafty and can practise certain tricks and nobody could pick up with them.

For example, we are told—and my good friend, the hon. Minister of Energy and Energy Based Industries will have a say in this matter—that some very good wholesome bungalows in the oilfields are now—I heard this here—being demolished to improve the environment and they are being given to supposedly needy people to build. It is now going through my mind as a result of a presentation I heard here. In a certain area in San Fernando I am seeing wooden shacks going up with the same kind of paint I have seen in certain oilfield areas. The Minister has no blame in that. The point is—I am just drawing attention—he might have to find out how his managers in the various companies are dealing with this.

What is happening is that not all of the members but some of the political activists of the Government of the day are taking steps to do something about the person they fear most for their political future. They want to bring and plant as many illegal squatters in San Fernando East so when a certain time comes around things will happen. Mr. Vice-President, such actions are illegal and they are wrong and the supreme being the Almighty God does not have a hand somewhere to raise or a sword to punish wrongdoers but in course of time they will be dealt with. Who said it? It is either in the *Bible* or is Shakespearean: “If the wicked prosper be not discouraged they are fatted for destruction.” [*Laughter and desk thumping*]

Mr. Vice-President, two things are happening. When some of these people relocate in areas where they are expected to be voting strength, people steal their

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cows and praedial larceny is the order of the day. Everything in their garden is carted away while the person is taking care of some squatter's place elsewhere.

Like my good friend, Minister Baksh, will tell you—he is from a certain area where he might have had knowledge of such things—the position is important to people. We know he got the highest rating and he is a suitable candidate for political leadership.

Mr. Vice-President, urging people to relocate on the basis of this Bill is bringing undue hardship. Right now wives and children are suffering certain kinds of hardship. Time does not permit or else I would relate what is happening. Since I am all over the place I can give some idea and I wish to state, Mr. Vice-President,

we must not forget that this is not yet law but some parts of other laws were put into this and no law is absolute; learned Senior Counsel will agree. When Pope John was dying one of the last messages he gave to the world is “no law is absolute, man must give way to conscience”.

Thank you, Mr. Vice-President. [*Desk thumping*]

ADJOURNMENT

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, in moving to have the sitting of this Senate adjourned to Tuesday, August 25, 1998, may I take this opportunity to advise that based on discussions with the Leader of Opposition Business and Independent Benches next week Tuesday is Private Members’ Day and we have agreed to forgo that day for purposes of Government Business. As you know there is a Supplementary Variation of Appropriation Bill that we will be debating on Tuesday at 10.00 a.m. On Thursday we will come back at 10.30 a.m. at which time we will deal with Private Members’ business.

Mr. Vice-President, I beg to move that this Senate do now adjourn to Tuesday, August 25, 1998 at 10.00 a.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 10.00 p.m.