

*Leave of Absence**Tuesday, November 17, 1998***SENATE***Tuesday, November 17, 1998*

The Senate met at 1.30 p.m.

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

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. Joan Yuille-Williams, as well as to Sen. Diana Mahabir-Wyatt from today's sitting.

I have also granted leave of absence to Sen. Brig. The Hon. Joseph Theodore from November 17—20, 1998, and to Sen. The Hon. Daphne Phillips with effect from November 15 and continuing during her absence from Trinidad and Tobago.

**SENATORS' APPOINTMENT**

**Mr. President:** Hon. Senators, I have received the following correspondence from His Excellency the President of Trinidad and Tobago:

“TO: MRS. NIRUPA OUDIT

WHEREAS Senator Diana Mahabir Wyatt is incapable of performing her functions as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N.R. ROBINSON, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NIRUPA OUDIT, to be a temporarily a member of the Senate, with effect from 16th November, 1998 and continuing during the absence from Trinidad and Tobago of the said Senator Diana Mahabir Wyatt.”

Also:

“TO: MR. VINCENT CABRERA

WHEREAS Senator Selwyn John is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N.R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, VINCENT CABRERA, to be temporarily a member of the Senate, with effect from 20th October, 1998 and continuing during the absence from Trinidad and Tobago of the said Senator Selwyn John.”

*Oath of Allegiance*

*Tuesday, November 17, 1998*

**OATH OF ALLEGIANCE**

*Senators Nirupa Oudit and Vincent Cabrera took and subscribed the Oath of Allegiance as required by law.*

**PETITION**

**Little Flock Christian Mission**

**Sen. Dr. Eric St. Cyr:** Mr. President, I wish to present a petition on behalf of the Little Flock Christian Mission of Laventille Road, Febeau Village, San Juan. The petitioners are desirous of constituting the said organization into a corporate body by private bill so that its aims and objects could be more effectively achieved.

Little Flock Christian Mission is a properly constituted and well established body ably led by a man of integrity and impeccable character, Bishop Harold Nurse.

I now ask that the Clerk be permitted to read the petition and the promoters be allowed to proceed.

*Petition read.*

*Question put and agreed to, That the promoters be allowed to proceed.*

**1.40 p.m.**

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the Laventille Regional Corporation for the year ended December 31, 1992. [*The Minister of Finance (Sen. The Hon. Brian Kuei Tung)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the San Juan Regional Corporation for the year ended December 31, 1992. [*Hon. B. Kuei Tung*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the Tunapuna/Piarco Regional Corporation for the year ended December 31, 1993. [*Hon. B. Kuei Tung*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the National Lotteries Control Board for the year ended December 31, 1994. [*Hon. B. Kuei Tung*]
5. Special Report No. 1 of 98 of the Ombudsman of Trinidad and Tobago. [*Hon. B. Kuei Tung*]
6. Annual Statement of Accounts of the Tobago House of Assembly for the year ended December 31, 1997. [*Hon. B. Kuei Tung*]

**CONDOLENCE**

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, on behalf of the Government and people of Trinidad and Tobago, I express our grief at the death of Kwame Ture, formerly Stokely Carmichael, a national of this country. I take this opportunity to convey our condolences to Mr. Ture's family. His passing is sad indeed. Trinidad and Tobago, as does a large part of the world community, mourns his death. Mr. Ture died on Sunday, November 15, 1998 in his adopted homeland of Guinea, Africa. He had been suffering from terminal cancer. One of his two sons was at his bedside at the time of his death. His funeral will be held on Sunday, November 22, 1998 in Guinea, Africa.

Mr. Ture was born in Trinidad on June 29, 1941 and migrated to the United States in 1952 where he grew to become a fighter for justice. He was a principal figure in movements against racism and discrimination. His involvement in campaigns on behalf of the oppressed began while he was a student at Howard University. He joined the Students' Non-violent Co-ordinating Committee which he later chaired. In 1961, he and other students went on freedom rides which helped to break the back of segregation. Three years later, he helped organize the Mississippi Freedom Democratic Party with a Black Panther as its symbol. One of his major activities was organizing black Afro-Americans in the South to register as voters, a dangerous activity which, at the time, resulted in many activists being murdered. Mr. Ture was the man who introduced the black power slogan into the Afro-American struggle in 1966 during the civil rights march in Greenwood. His work brought him in direct conflict with the establishment and he was arrested close to three dozens times.

After the death of Malcolm 'X' and the assassination of Dr. Martin Luther King Jr., Kwame Ture left the United States to take up residence in Guinea where he formed close relationships with President Sekou Toure and other prominent African leaders including the late Kwame Nkrumah. His reputation in the United States influenced the decision that made him *persona non-grata* in his native land of Trinidad and Tobago. In 1967, just five years after this nation's political independence, Kwame Ture was banned from entering his homeland by order of the Governor General. In spite of that, he continued a relationship with Trinidad and Tobago while he carried out his work dedicating himself to adding dignity to race relations, and working to liberate the place of his birth from insular, narrow and discriminatory paradigms.

*Condolence*  
[HON. W. MARK]

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Mr. President, as you would recall, this ban was only lifted during the period of the National Alliance for Reconstruction administration, 1986—1991. In 1996 the Government of the Republic of Trinidad and Tobago approved a humanitarian grant of US \$12,000 to be disbursed at the rate of US \$1,000 a month to pay for medical treatment for Kwame Ture in Cuba. The grant was approved as a demonstration of the Government's commitment to the nation's human development including the diaspora of Trinidad and Tobago nationals.

Mr. Kwame Ture last visited Trinidad and Tobago in 1996 as a guest of the National Emancipation Support Committee whose lecture series he inaugurated. During that visit the Prime Minister, hon. Basdeo Panday, paid special tribute to Mr. Kwame Ture. Mr. Kwame Ture was acclaimed internationally as a person who followed in the philosophical lineage of distinguished Trinidad and Tobago Pan-Africanists and contributors to our development, among them men such as C.L.R. James, George Padmore and Henry Sylvester Williams. He will be remembered as a noble son of Trinidad and Tobago whose work has enriched our history and who contributed to our maturity as a nation.

Mr. President, as a further mark of respect for this great son of the soil, the Ministry of Information, Communication, Distance Learning and Training will be mounting a series of programmes on the life and times of Kwame Ture at prime-time on all the nation's television stations; ICN (TTT), CCN (TV6) and the Information Channel, TV 4 on Friday, Saturday and Sunday, respectively.

As it relates to Government's attendance at the funeral of the late Kwame Ture, on Sunday in Guinea, an appropriate statement will be issued after Thursday's weekly Cabinet meeting.

Mr. President, I thank you.

**1.50 p.m.**

#### ARRANGEMENT OF BUSINESS

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, instead of addressing "Motions" on the Order Paper, I seek leave of the Senate to deal with "Bills Second Reading".

Agreed to.

**RELATED BILLS**

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed):** Mr. President, Bill No. 1, the Sawmills (Amdt.) (No. 2) Bill, and Bill No. 2, the Forests (Amdt.) (No. 2) Bill are interrelated. I, therefore, seek leave of the Senate to deal with them together.

*Agreed to.*

**SAWMILLS (AMDT.) (NO. 2) BILL**

*Order for second reading read.*

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed):** Mr. President, I beg to move,

That a Bill to amend the Sawmills Act, Chap. 66:02, be read a second time.

In response to a question by Sen. Prof. Julian Kenny on November 6, 1997, I indicated to this honourable Senate that the Ministry of Agriculture, Land and Marine Resources would be bringing amendments to the Forests and Sawmills Acts in keeping with what has been happening with respect to the forests and watersheds in Trinidad and Tobago. We are here, therefore, to consider those amendments.

To give this Senate an indication as to why these amendments have become necessary, I would like to indicate that for a very long period of time, certain offences were being committed which have led to the rape of our forests to the detriment of our watersheds, without which there will be no water in Trinidad and Tobago for domestic, agriculture or industrial use.

We, in the Ministry, have been able to identify the deficiencies in these two pieces of legislation and have followed the procedure set out for bringing to this Parliament the amendments we feel necessary to plug the loopholes which have allowed for the damage, not only of our forests, but also the roadways in this country, which are used for the transportation of logs, be it legal or illegal.

These two pieces of legislation date back to 1980. Since that time, much has taken place which has resulted in damage to our environment. It has become necessary, therefore—and I will take this period afforded to me in this Senate—to present an amendment to the legislative framework within which the sawmillers, loggers and woodworkers of this country are intended to operate.

This honourable Senate has agreed that both pieces of legislation be presented together and I have pointed out that tremendous damage has been done to our environment because of illegal logging and ancillary illegal practices. Bearing in mind that, in this country, we have a sawmilling capacity which is beginning to indicate to us that there is larger processing capacity and the availability of feedstock, it is therefore incumbent on this Government to take those measures necessary to ensure that we are able to keep a close check on sawmillers operating in Trinidad and Tobago, the lumber jacks and all those involved in the industry, be it through sawmilling or furniture manufacture, and on the ratio between what is available and the sawmilling capacity at present.

To give a few statistics, we have ascertained in the Ministry that illegal logging has not only been restricted to our forest reserves, but has escalated into the cultivated forested areas, be it teak or pine. This is so much so that, in 1993, the Forestry Division estimated that the trade in stolen teak was worth over TT \$600,000, while in 1994, the estimated trade was tagged at over TT \$1 million. I expect that since that time the incidence of illegal logging and the value incurred with respect to those logs taken illegally from our forests have way exceeded that TT \$1 million.

Many of these illegal activities take place during the night or on weekends. This is so because the forestry officers of the Ministry of Agriculture, Land and Marine Resources, under the Public Service Regulations, are not required to work at nights or on weekends. The Ministry of Agriculture, Land and Marine Resources has already taken the initiative to negotiate with the Chief Personnel Officer with a view to changing the terms and conditions of the work of the forestry officers to correct the shortcomings of their not being available at nights or on weekends.

Further, we, in the Ministry, the Forestry Division in particular, have observed that because of certain technological advancements in the sawmilling industry there are certain types of portable saws which are being used within the forest reserves and on state lands. These saws are constructed in such a manner that they can be dismantled and reassembled. We have observed that owners of these saws have developed the habit of going into the forests with these saws, dismantled, reassembling them, cutting down the trees with their chain saws and then using the portable saws to convert the logs to dimensional stock—boards, scantlings and beams.

The present legislation does not take account of the fact that dimensional stock falls within the framework of the law. The present legislation takes account only of timber in log form, so that the perpetrators of those illegal acts, that is, harvesting the timber, cutting the logs and sawing them into dimensional stock, fall outside these pieces of legislation. We are now taking the necessary measures to amend the legislation to take care of that kind of activity.

**2.00 p.m.**

In addition, we in the ministry have observed that the furniture manufacturers and some of the sawmillers have been using small vehicles such as vans and pickups, and they are transforming the logs into dimensional stock in the forest reserves which would now allow them to better be able to manage shorter pieces of material in the form of dimensional stock, which provides them with the opportunity of using their vans and pickups to transport the stolen material. The amendments which have come to this Senate today are intended to take care of that kind of activity as well.

We have a situation, Mr. President, in which the foundations of the roads used by the loggers—be they sawmillers or what have you—for the transportation of logs were not built to take that kind of stress. Because of the extensive load placed on the trucks, many of these roads—the majority of which are agricultural access roads—are severely damaged by this practice. In keeping with that observation, amendments brought here today are intended to take care of that kind of damage which is being caused to roads. I am very concerned in my capacity as Minister of Agriculture, Land and Marine Resources, about the damage which is being caused to agricultural access roads in particular.

Mr. President, this does not mean that it is limited only to agricultural access roads, because it is also our observation that secondary roads which fall under the purview of the Ministry of Local Government are also being severely damaged because of the extensive weight and overloading of trucks with these logs. Amendments are before this honourable Senate today to take care of those kinds of activities as well.

If I may now give an idea of the kind of work that the Forestry Division has been doing with respect to putting a damper on these illegal activities and mention a brief statistic to indicate that in Trinidad alone over the first six months of this year, 81 cases of illegal logging were recorded by the Forestry Division. Despite our limited resources by way of forestry officers and so forth, the officers of the

Forestry Division have recovered stolen timber in 64 of these cases at an estimated cost of TT \$160,000 which gives us, up to the date of that statistic, a recovery rate of 79 per cent. I am advised that 31 persons have since been apprehended and charged with offences pertaining to illegal logging.

Mr. President, the amendment to the Forests Act, Chap. 66:01, is intended to address some of these issues which are as follows:

- i. The increase in theft of trees from Government's forests and from other private lands;
- ii. The harvest of trees on the northern slopes of the Northern Range and transporting them along the sea coast;
- iii. Establishment of load limits;
- ix. Monitoring the felling of trees on slopes above 30 degrees to maintain adequate forest cover;
- v. Transforming all species of trees destined for commercial purposes on private lands; and
- vi. Increasing the fines for offences committed under the Act.

So section 2 of the Act is being amended to include all species of trees. The Forests Act, Chap. 66:01, specifies those species of trees but we are now taking this opportunity through this medium, to ensure that all species of trees are covered by way of the amendment to the Forests Act and that it is a prerequisite for the private removal permit for all species of trees of commercial value.

Mr. President, section 3 of the Act is being amended to monitor the movement of timber along the North Coast where illicit activities are rampant and where offenders are now using the sea as a means of transporting illicitly gained timber.

Clauses 5 and 6 of the Bill seek to do the following:

- i. Repeal section 7 of the Forests Act by prohibiting the felling of all trees including those grown on private lands;
- ii. extract the requirement for a felling permit from section 8 and highlight that requirement into a separable provision, that is, as proposed in section 7;
- iii. establish a regime for the control or monitoring the removal of timber throughout Trinidad and Tobago;



- iv. establish the requirements for certain permits, that is removal permits and bulk removal permits and the procedure for obtaining same; and
- v. provide that load limits should be established by the Conservator of Forests to minimize the destruction of all roads.

Mr. President, some of these provisions may be perceived to impinge on the fundamental rights guaranteed by section 4(a) of the Constitution of the Republic of Trinidad and Tobago which provides for the regulation of the use of private property but by due process of law. Rights may be perceived to be affected, but in this case the aggrieved has the right of recourse in the reviewing of the grounds for refusal by an authorized officer or the Minister, with a final application to the court. This Government recognizes that notwithstanding, it has a mandate to manage our forests sustainably, to protect our watersheds, to maintain our biological diversity and at the same time to prevent site degradation.

Mr. President, I am advised that approximately 65 per cent of the south-facing slopes of the Northern Range is privately owned and as such we are not prepared to continue to allow the wanton felling of the vegetation on those slopes. Furthermore, if we are to protect our watersheds which give us that water for use, be it domestic or otherwise, some degree of protection must be afforded to those watersheds. We have watersheds in the Northern Range, in Central and in South.

What has been observed is that over a period of time and because of the loopholes in the legislation pertaining to the Forests Act and the Sawmills Act, large areas of these watersheds have been denuded of their vegetation. This, Mr. President, in certain respects, has been responsible for the heavy siltation of our watercourses because of excessive erosion and in addition, some of the flash floods which we have experienced in the past. So if there may be a perception that the clause being put in this piece of legislation by way of an amendment is likely to be in contravention of section 4(a) of the Constitution, we have to understand that if we continue to allow these things to happen, we are going to continue experiencing tremendous erosion, the siltation of our watercourses and the continued flooding problem.

Mr. President, in Canada, the United States and Europe, these kinds of laws exist whereby permission for the removal of vegetation is required by law, as far as I understand. Permission has to be granted first before vegetation can be removed. It has become necessary for us to take this course of action because of the tremendous environmental damage which we have suffered due to illegal logging and illegal practices.

I said that the southern slope of the Northern Range, or 65 per cent of those slopes, are privately owned. The majority of those slopes as well, are in excess of 30 degrees so there is a window of opportunity within the framework of the amendments whereby any person who considers himself or herself to be aggrieved by what is being recommended by way of an amendment, has recourse to the authorized officer or the Minister with the final application to the court if recourse becomes necessary. So the unwarranted felling of trees especially in the Northern Range—I have already spoken of the ecological integrity—causes soil erosion, landslides, flash flooding and what have you and, to re-emphasize, these matters are critical to the management of our watersheds.

Mr. President, the proposed list of amendments which have been circulated ensures that the rights of owners of private property—I repeat—ensures that the rights of owners of private property are not being infringed without due process. The proposed new clause 7(h) grants the right of appeal to the Minister if a permit is refused and reinforces the right to apply to a court for redress in accordance with the Constitution.

Mr. President, section 8 has been amended to increase the fines from \$2,000 to \$5,000 and to eliminate the difference between state lands and forest reserves. The present fines do not act as a deterrent, since offenders can profit from illegal logging. This increase is intended to deter offenders from illegal logging since in the past, offences committed on state lands carried a 50 per cent fine lower than if the offence was committed in a forest reserve. Offenders have been using this differential fine to commit offences on state lands. By eliminating this difference in fines between state lands and forest reserves, it is expected that our state lands would not be so hard hit by these illegal practices. Sections 18 and 21 increase the fines and penalties for offences under this Act to a more realistic level to act as a further deterrent to the activity of illegal logging.

Mr. President, if I may now turn to the amendments to the Sawmills Act, Chap: 66:02, these are being proposed to deal with some of the problems mainly faced by the forestry officers in the execution of their duties under this piece of legislation.

To point out some of these concerns: firstly, the use of small band saws and circular saws in furniture shops; sawmill fees; damage to the forest roads by haulage or logging equipment to which I have already alluded; indiscriminate use of power saws in fashioning lumber inside forested areas; and the illegal stockpiling of logs at sawmills without records.

The officers in the Forestry Division are often stymied in their duties by the fact that the present legislation governing sawmills does not take into account, for example, where the logs are stored outside the compound of the sawmill. A sawmiller is required by law to keep a log book—a record—of all the logs present on his compound. What we have been observing, Mr. President, is that sawmillers have adopted the practice of storing logs outside of their compound for which there is no record. In many instances when these matters are investigated, what is found is that these logs may very well have been stolen.

So one of the things that we have come to this Parliament to seek agreement for by way of an amendment, is to take into consideration the limitations of the sawmill compound and to take on board the fact that many of the sawmillers have adopted that practice of storing logs outside of the compound which, under the present legislation, does not give the authority to the forestry officers to take any legal action.

So section 2 of the Act is being amended to revise the definition, firstly, of a sawmill to include furniture factories where circular and band saws are prevalent; portable mills and power saws that are used to fashion logs on site; and also a definition for a compound is being included to refer to an area enclosed or not, used to operate one or more sawmills.

### **2.15 p.m.**

Mr. President, the traditional sawmills do not account for all logs leaving the forest. The rapid progress in the development of saws, which is the technology to which I have referred, and the availability of these in the furniture industry causes the use of small circular and band saws which are capable of converting logs into dimensional stock to be utilized successfully in the furniture industry without any records. The present legislation does not cover that. Logs are stolen from government plantations and brought into furniture shops where they are converted for use into furniture. It is imperative, therefore, that we monitor movements of logs into the furniture shops by including these saws under the Act.

Within the past decade or so, portable saws other than chain saws are being introduced in Trinidad and Tobago. In addition, power saws with the capacity of over 80 cubic centimetres are utilized to fashion logs on site in the forest, that is to say, those illegal loggers as they have become so skilled have developed the ability to use a chain saw to fashion a log into dimensional stock. The logs are felled inside the forest, but what comes out to the roadway for transportation is not a

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log, it is dimensional stock, and the present legislation does not take that into consideration. So one of the amendments coming under the Sawmills Act is to take care of that fact.

The present Act charges for one sawmill licence per sawmill compound located on a given compound. The sawmillers would now have to obtain a licence for every mill which is being used on any given compound. Section 3 of the Act is amended to increase the sawmill's licence from five hundred dollars to two thousand dollars per annum.

Mr. President, the last time there was a change in fees in obtaining sawmillers' licences was in 1980, however, since then, lumber prices have trebled and profit margins have become significantly higher.

Section 4A has been added to the present Act as a means of controlling damage to the forest and also to access roads by logging trucks, tractors, farm tractors and timber skidders. These log haulage permits do not deprive anyone of their rights. The Conservator of Forests shall grant the permit to anyone who applies. A new section 8A is being added to hold sawmillers accountable for logs stockpiled on their sawmill compound and in the surroundings of their sawmills. Within recent years, sawmillers have been refining their log storage outside of their sawmill compound. Logs stockpiled around their sawmills are disclaimed by them, or they deny any knowledge of the logs even though they are destined to be sawed at these mills, so this is one of the most common reasons which affect our ability to bring offenders to justice.

Section 9 has been amended to allow forest officers access without warrants to inspect the sawmills and compounds during the hours of operation of any of the mills whether gates or fences surrounding them are opened or closed.

Mr. President, it is my view and the view of the Ministry of Agriculture Land and Marine Resources, that these proposed amendments to these two pieces of legislation which are before this honourable Senate today would allow the ministry and the Government to exercise closer accountability in all sawmill transactions, closer security of the movement of all types of timber, and a reduction in the spate of illegal logging and a greater protection of site conditions and conservation of the wider diversity of Trinidad and Tobago.

With these few words, Mr. President, I urge Senators, in particular those on the opposite Benches, the PNM and the Independent Senators to support these amendments. I beg to move.

*Question proposed.*

**Sen. Nafeesa Mohammed:** Mr. President, we are indeed very happy to be back in this Chamber after the short break we had since the budget debate, and it is always a pleasure for me to speak immediately after the Minister of Agriculture, Land and Marine Resources.

I have listened to him as he presented the two Bills this afternoon and at first blush listening to him, the intent behind the legislation seems to be very noble indeed, however, when I look at the provisions of the two Bills themselves upon closer scrutiny, we have to ask the question whether the problems identified by the hon. Minister are really going to be addressed by the amendments which are being debated this afternoon. As I go along it is our submission that these amendments would certainly not tackle the real problem affecting this particular industry.

Mr. President, as I walked into the precincts of this Parliament this afternoon, I said a silent prayer to myself praying that this new session would be a very healthy and productive one for the country, and here it is, the very first pieces of legislation coming in this new session immediately after the budget, are pieces of legislation which, once again, would be impinging and infringing on our constitutional rights, notwithstanding what the hon. Minister has just said. It is a consistent pattern on the part of this Government.

We have just come out of a very tense period—I would not say come out—but just a few days ago we had the onslaught being launched against the media and the Opposition in this country and there is so much tension brewing in the society and here there are two pieces of legislation before this Parliament that are at first blush ordinary pieces of legislation, and upon closer examination, it is our submission that these two pieces of legislation would, in fact, impinge on the rights of people in terms of their constitutional right to own property. As I proceed in this debate, I would point out the particular provisions in the Bill that actually infringe on these rights and it is our submission that these Bills may very well require a special majority for them to be passed in this Parliament.

So immediately, we have some reservations in lending our support to the passage of these Bills in its present form. I know the Minister made reference to

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some amendments which were just circulated and one of them at the back of the page which is a new 7(h)(3) which says that nothing in this section shall be construed as restricting the right of an aggrieved person to apply to the High Court for redress in accordance with section 14 of the Constitution. That remedy is already there in the Constitution. If a person's right has been infringed, there is recourse to go to the High Court to seek redress, and if we are in the business of making law, then let us try to make proper laws which follow the correct procedures because certainly, in several of the provisions one would see where these amendments would, in fact, affect that particular right to the ownership of property and perhaps the hon. Minister should have brought these Bills in the correct form which would require the appropriate majority of support in the Parliament.

This is their usual style and we have said it before that we have seen several Bills and in the most conspicuous ways when you feel that they are simple pieces of legislation, there is some kind of thing lurking beneath the legislation and we always have to be vigilant. That is why we are here as the official Opposition in the Republic of Trinidad and Tobago to point out these blatant attempts by this Government as they continue to have repressive measures, whether in legislation or by their own actions. We must condemn them especially for the recent outburst and onslaught on the media, and, of course, the hosing down of citizens of the Republic of Trinidad and Tobago in Guayaguayare recently. We must condemn the Government for these actions. That is the kind of repression and state which this UNC Government is developing in the country.

Mr. President, one would think that these two pieces of legislation would be simple and there is no need to politic with them, but clearly, they have far-reaching consequences and that is why we have to raise these issues as unpleasant as they are.

Let us take an example in the amendment to the Forest Act. There is clause 5 which seeks to put restrictions on the felling of trees and there is a new clause 7(3) under clause 5 of the Bill which says:

“An owner or occupier of private land or a person authorized by the owner or occupier, who desires to fell any tree found growing on private land anywhere in Trinidad and Tobago, shall apply to the authorized officer of the district for a permit to do so,...

Mr. President, clause 6 introduces a new clause 7A which provides for a removal permit. In effect, this Bill is suggesting that even people who own private lands—and there are several persons who have acres upon acres of lands on which there are trees growing and there are crops planted by these owners—that these owners after they invest in planting their lands and these trees, many of which take as long as 30 years to become matured, you are now proposing restrictions on these people to tell them how and when they can cut their trees and they have to have the approval of the forestry department. Clearly, something is not right with that.

What these amendments highlight is yet another case of this UNC Government putting the cart before the horse. We have heard about the problem of illegal logging and we acknowledge that there is a major problem which needs to be dealt with, but the real core of the matter has to do with the policing of our forested areas.

**2.30 p.m.**

This reminds me of what recently took place with the flooding in Central Trinidad and the Caparo River. The Ministry re-aligned the river, when the first thing it needed to do was to build retention dams and fix the bridge. Just like with this legislation, let us just go through some of the specific provisions. I will first turn to the Sawmills (Amdt.) Bill.

In clause 2 of the Sawmills (Amdt.) Bill, the definition of the word “sawmill” is amended and the new meaning of the word as provided for in the Sawmills Act could now be interpreted to mean every furniture factory or backyard operation. Wherever a power saw, breakdown saw, small band or circular saw is kept, a special licence is now required to operate them. New clause 2(c) now requires a sawmill licence for the use of a portable saw or a power saw of 80 cubic centimetres and above.

If the purpose of this restriction is to restrict the use of power saws—as the hon. Minister has pointed out—to prevent illegal logging, the reality is that even the size of the saw that is stipulated here seems to be bigger than the actual saws some people are using. That is information that has come from a very reputable person who is aware of some of the problems that exist, and it shows how some of the legislation is ridiculous. They are seeking to tackle the problem of illegal logging by tackling it from the user's end and invariably, it is the small man who will be affected as opposed to going out there in the forested areas and dealing with the problem. That is a major concern with respect to these amendments.

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What is needed is a more efficient system of policing our forested areas. Instead, the amendments here today will only serve to add to the bureaucracy and open up the system to even more corruption that the hon. Minister knows or is aware of is taking place under the present system. It is just like the Domestic Violence Act of 1991. It was passed since then, but the support mechanisms must be put in place in order to make it more effective. We need respect for the law, especially from some of our ministers, but that we will deal with on another occasion.

Clause 3 of the Sawmills (Amdt.) Bill says that the Act is amended in section 3(4) by deleting the words “five hundred” and substituting the words “two thousand”. I am informed that this provision is going to bring about some more inequalities in the system, because there are people with two and three sawmills already who will have to pay the same fee that the simple small sawmillers will have to pay. That is one concern that has been expressed and I am simply putting it on the table for the hon. Minister to take into account as we go along.

Clause 4 introduces a new section 4A and 4B. Clause 4A seeks to introduce a log haulage permit. In other words, to transport logs or to use equipment for the haulage of logs from the forest, they must now have a special permit—a log haulage permit—and this costs \$300. Mr. President, I am informed that not every sawmiller owns a truck; many of them have to hire trucks and when they hire these trucks, this is now an imposition on the owners of trucks who will have to pay this \$300 fee. This is likely to create some hardships for these people.

Clause 4B, the new one that is being proposed with the power saw licence, this provision says that they now have to apply to the Conservator of Forests and to pay a fee of 15 per cent of the cost of the saw. When we look at 4(B)(3):

“Where a person intends to purchase a power saw to which this section applies, he shall apply to the Conservator for a licence, hereafter called a “Power Saw Licence” and upon application shall pay a fee of fifteen per cent of the cost of the power saw.”

I would like to know what machinery and mechanism exist within the Ministry and, indeed, in the Forestry Division for them to monitor this system and to have some system in place to actually carry out a valuation on the value of the power saw. Perhaps Sen. Nizam Baksh, who I know has a heavy equipment outlet in Barrackpore might have some expertise in the area, but I do not know that the Ministry has the manpower and the mechanisms in place to assess this. Is this not just opening up the system to more illicit activities?



A suggestion that was made is why not simply subject these people who are acquiring power saws to pay VAT on them? We have a system of collection already in place for VAT, simply impose a 15 per cent VAT on the price of these power saws so that they would not have to subject the Ministry to collect these fees and have systems in place to value these pieces of equipment.

Mr. President, as the Minister pointed out, many of these power saws are often used especially at night. People have been known, under flambeaux lights, to fell trees during the course of the night without any approval, and when they do so, they can slice them up and during the course of the day, they then remove these trees in the form of lumber. That is how they are getting away with this. Our submission is that this legislation does not tackle this problem. It does not! With all due respect, hon. Minister, I have read the legislation over and over and I have been speaking to people who are directly involved in this industry. There is a problem that needs to be dealt with. They need to deal with this board milling problem that is taking place in the forest and the felling of trees, especially in inaccessible areas.

I am glad that the hon. Minister in his contribution pointed out that they are taking measures now to review the terms and conditions of forest officers to enable them to work at night and during the weekend. We need more policing, especially by our forest officers. We need to make the system work more efficiently and effectively. So far, these amendments are like putting a plaster on a sore.

Let us look at the Forests (Amdt.) Bill. Clause 4 seeks to amend section 3 of the present Forests Act, and clause 4(b) talks about inserting after subsection (1) a new subsection which says:

“The Minister may, in consultation with the Minister with responsibility for national security, designate the required number of officers of the Coast Guard as Forest Officers, and may, by Notification published in the *Gazette*, authorise them to grant any permission required under this Act in relation to the removal of forest produce along the coast of Trinidad and Tobago.”

It sounds good, but let us know the reality.

We heard a few weeks ago from Sen. Prof. Kenny when former Minister, Dr. Max Awon, died in a forested area on the North Coast of Trinidad, it took some 24 hours in order to get assistance to remove his body, and I am sure the Coast

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Guard might have been approached for assistance. Our Coast Guard is already having problems to monitor and man our territorial waters. They have their hands filled. What about the problems with our fishermen and having to police the waters in order to ensure that both parties within the Gulf of Paria comply with the fishing agreements? The Coast Guard is under tremendous pressures. Look at what we read in the newspapers today about what is happening with our Defence Force, but we will deal with that on another occasion.

In clause 5 of this Forests (Amdt.) Bill, there is a new section 7 which I pointed out already, deals with the felling of trees, and look at how ridiculous it is. Clause 7(1) says here:

“A person who fells any

- (a) tree intended for commercial purposes; or
- (b) tree on slopes of over thirty degrees within a minimum of one hectare of land,

without a Felling Permit granted in accordance with section 7A, commits an offence and is liable on summary conviction...”

Mr. President, with all due respect, can the hon. Minister tell us who in the Ministry of Agriculture, Land and Marine Resources is equipped to deal with this problem? Who has the equipment or the instruments to determine that a slope is 30 degrees and that one needs a felling permit for the tree on that slope? It is a ridiculous provision. What instrument will be used to determine that? It just highlights the myopia of this Government in trying to bring this legislation; saying one thing and in truth and in fact, the provisions are meaningless.

Let us look at clause 7(3), “which requires a permit to fell any tree on private land”. It means that any owner of an estate, even a small estate, now has to be subjected to the bureaucracy to get these permits. I have been informed about some of the hardships that are presently experienced. When one has to deal with a forest officer in a particular area, sometimes one has to make an appointment to see him.

Clause 6 of this Forests (Amdt.) Bill introduces a new clause 7A to 7G. Let us look at clause 7B(1):

“No person shall remove any timber...by any means whatever, without a removal permit...”

Clear restriction on the rights of private citizens who own land. I wonder if I have a mango tree if I have to get a permit to cut it from my land.

Let us look at clause 7C(1):

“A permit to remove timber from private land shall be valid for a period of seven days.”

Mr. President, I am informed by persons involved in this industry that seven days will be too short. Sometimes some of these people who are involved have to hire trucks. What if a truck breaks down in the process? They suggested that perhaps a 30-day period might be more appropriate, and there is no crime in listening to the views of those persons who are going to be directly affected by this piece of legislation. I hope the hon. Minister is listening and taking note.

**2.45 p.m.**

Mr. President, the question here is whether we have enough manpower, be it forest officers or whomsoever, to really monitor these provisions and to deal with the processing of these permits. Let us look at section 7F(1) of the Forests (Amdt.) Bill. It says:

"A non-refundable/non-transferable fee of thirty dollars, shall be charged for any permit issued under this Act, but the fee for the Bulk Timber Removal Permit shall be fifty dollars."

It provides a fee for a permit. It has been suggested that what is required instead is a fee. The persons involved in this industry do not mind paying a fee for an appointment with these forest officers, who would have to deal with the felling of trees and approving them.

In clause 7H, the hon. Minister talks about his concerns for the damage being done to the roads, especially the agricultural access roads. It is, indeed, a matter that requires attention, but 7(H) provides for load limits. It states:

"Notwithstanding section 7G, a limit on the quantity of logs that may be carried at any time to be referred to as load limits may be established by—

- (a) the Conservator of Forests...
- (b) an officer designated by the Minister...
- (c) the relevant Regional Corporation..."

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What I would like to know is: how would any of these people be able to assess, for example, the tonnage of trucks that would be passing on these roads? Will it be based on the tonnage of the trucks, the size of their tyres or the measurement of the logs? What criteria are you using?

You know, Mr. President, what has been emphasized to me is that there are real problems with the forest industry and, moreso, the Forestry Division of the Ministry of Agriculture, Land and Marine Resources. I take this opportunity to commend the gentleman who now holds the position as the Conservator of Forests, Mr. Narine Lakhan. I know him to be a gentleman who has been working in the Ministry for a number of years and sometime ago, he was, in fact, confirmed in that position as Conservator of Forests. I am sure that over the years he will be very mindful and *au courant* with the problems that face his particular division.

Mr. President, we have identified already what the real problem is, that problem of illegal logging. We are saying that what is required is more efficient policing of our forests. It means, therefore, that one needs a cadre of forest officers who are equipped, men and women of integrity who will discharge their responsibilities with honesty and efficiency. We know that over the years that we have had a situation where these problems have been existing and it is as though a kind of blind eye is being turned on the illegal activities that are taking place, especially in the state lands. Everybody in the industry knows how difficult it is, as I mentioned before, to actually access our forest rangers, and we need them. They have to be there, they have to identify the trees, they have to be involved in the process, whether it is to approve a permit or whatever. This legislation is only compounding the problem.

A suggestion that was made sometime ago, and it is worthy of consideration, is perhaps the Ministry of Agriculture, Land and Marine Resources needs to invest in a small, light, aircraft and hire a pilot who would be able to patrol the area. There is nothing ridiculous about that suggestion. I understand a small, light, aircraft could cost something like \$150,000. All they need to do is, perhaps, cut back on some of the moneys from the airport contract and get an aircraft, hire a pilot, and so, there can have effective policing of forest reserves. But we see where their priorities are, Mr. President.

Whilst we are on this issue, I must, of necessity, raise a very important point, and it is a pity that the hon. Minister is turning his back and walking out of the Chamber, instead of taking note of the very serious concerns which are being raised. I am calling upon this Government to tell us, inform this Parliament and let

the nation know what its present policy is with respect to Tanteak. In Trinidad and Tobago we have one of the largest teak plantations in the Western Hemisphere and the state owns that plantation. Some 80 years ago, I understand, our first set of teak came from Burma and it takes about 50 years for teak trees to become matured and we are endowed with a very rich reserve of teak.

Now we know that the Forestry Division of the Ministry of Agriculture, Land and Marine Resources oversees the state's plantation. Just from doing a little background work, I became aware that Tanteak has been in existence since 1953 and for many years it operated as a division of the Ministry of Agriculture, Land and Marine Resources and, it is since 1978, I believe, it officially became a state enterprise. We know that for some time Tanteak has been undergoing severe financial difficulties and is struggling to become viable.

Mr. President, I am informed that sometime ago, the present board in charge of Tanteak came up with a strategic plan for the reorganizing of this company in an effort to effect a turnaround in the operations of this company. In fact, in that very same strategic plan, the point was made that, moreso, in the last two years, Tanteak as a financial entity has really been going down the drain. In this plan, two options are examined. One option is the possibility of securing an international joint venture partner or, the other option, for this company to continue as a wholly owned state enterprise, but with the implementation of some major reorganization of the operations of Tanteak. In this plan, a number of imperatives are set out for a successful turnaround of the company, that is, if it is to remain as a wholly owned state enterprise. This plan, I think, was actually presented around December, 1997. It is in the possession of the Government.

With regard to the whole quest to turn around this company, one of the issues which has been raised is the issue of the concession agreement that exists. Under the concession agreement that has been in existence for some time, the Conservator of Forests grants to Tanteak the right to cut and extract timber in the concession areas, that is those national forests reserves which are plantations of teak and pine. Tanteak has the exclusive rights over the harvesting and, indeed, the marketing of these plantations. That concession agreement is supposed to be valid from September 8, 1989 until September 7, 2007. Under that system, the Conservator notifies Tanteak of coupes marked and to be offered to Tanteak for thinnings, and declare felling that is required for the year. Tanteak is then required to submit a logging schedule and plan, and the timber is not supposed to be removed until they are measured for royalty payments and so forth.

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Now we know that there has been an ongoing problem, especially in the relationship between Tanteak and the Forestry Division of the Ministry, and this may be due to several factors. I am sure the bureaucracy is one, the question of royalty payments would be another factor.

But, I am informed that out of the blue, earlier this year, the Forestry Division started to sell teak and pine to private sawmillers and loggers. I understand that the present arrangement is for private people to get 40 per cent of these plantations' teak and Tanteak as a company gets 60 per cent. This development is a radical departure from the initial philosophy that underlies Tanteak. I am merely raising it for the Government to come clean with us and tell us what is its policy with respect to Tanteak as a company. Is it that the Government intends to close down Tanteak? If that is the intention, then be transparent, come out and say so, let us know what is happening. Because, it is well known that for Tanteak to be viable it must have control of its raw material. We are simply calling on the Government to tell us, clarify the situation and let us know what its policy is with respect to Tanteak.

I understand Tanteak has a sawmill in Carlsen Field, let us know something about that sawmill and its capacity. At one time, I think, under the former PNM administration it was even being suggested that we can have that sawmill actually refining logs coming from Guyana in order to make more use of the capacity that presently exists. Whatever the situation is, we simply want to know what is the direction that the Government is taking with respect to Tanteak. Is it that they are going for a joint venture partner or, if so, how would this change in the concession agreement impact on that particular direction in which they are planning to take us?

These are just some of the concerns that have been expressed to me and I have sought to elucidate in this Chamber. It is yet another time and situation when this present Minister of Agriculture, Land and Marine Resources brings Bills to this Parliament that will not bring about any meaningful change in terms of our agricultural sector. If, with all the problems he highlighted in terms of what the intent is supposed to be with respect to seeking to amend the Sawmills Act and the Forests Act, if these two Bills in their present form will really accomplish those objectives, certainly we would have no difficulty in supporting them, but when we look at the Bills, we are simply saying that they will infringe on our rights to property and, therefore, if they are doing that, they have to come in the proper way and seek that special majority of the Parliament in that respect. In any event, the

actual amendments that are contained in these Bills will not really address the problems which have been identified.

**3.00 p.m.**

It is just a case of putting the cart before the horse, and the problems are likely to be compounded. You are simply adding to the bureaucracy and opening up the system to more corruption. The Government should instead be pursuing some initiatives, for example, to encourage people, especially the private owners of land, estates and so forth, to plant more trees; whether they are to plant trees on the river banks or slopes, to prevent the erosion the Minister talked about. That is the kind of activity, effort and incentive we need from the Government.

As I said before, we need more effective and efficient policing methods, and certainly, in terms of the management of our state-owned forest plantations, planting, silviculture, access roads, assessments and what have you. There is also need for a more efficient management in terms of our forestry. I am simply asking the Minister to come clean. We are yearning for the Minister of Agriculture, Land and Marine Resources to tell us about his Government's initiatives to take the agriculture sector forward.

When we looked at the budget figures and documents recently, we saw that the agriculture sector had declined by some 21 per cent in the last year, and we are waiting to hear what new initiatives the Minister has.

Thank you, Mr. President, for the opportunity to participate in this debate.

**Sen. Prof. Julian Kenny:** Mr. President, I am absolutely amazed at the introduction of these two pieces of legislation and my role in it. I was told by Sen. Daly that I seem to have an ability to influence the Government. This is really to me a remarkable experience as this legislation is being introduced, that the hon. Minister is suggesting that somehow I had a say in it. I am flattered and honoured at the involvement.

I could make a few comments about this legislation. Having been, in part, responsible, in a very minor way, for the introduction of this legislation, I am placed in the rather peculiar position of, firstly, saying that it is not really necessary. There are other ways of doing the same thing that already exists on the books, that had there been close discussion among the Ministry and the other ministries involved, it might have been possible to come up with something that would go a much longer way to solving the problem. Therefore, while I say that

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this Bill is really tinkering with existing legislation, I obviously will not oppose it, but I would come up with what I think are constructive suggestions for dealing with the problems.

Relating to the existing legislation, I must share the concern expressed by Sen. Mohammed about the need for the special majority. I think that the hon. Minister is probably taking advice, but surely we remember the Planning and Development of Land Bill which lapsed because of the property rights problem. Let us be honest about it. This Bill that took an immense amount of work, got right up to the wire with the final report for signature, when it collapsed because wiser counsels prevailed in the Government which realized that by passing this legislation it was going to create a situation where property rights under the Constitution would have been affected and, therefore, quite wisely, allowed the Bill to lapse.

While the Minister has accepted the argument, I am persuaded otherwise, and it is up to our constitutional lawyers to clarify the issue. Nonetheless, I see no reason why we should not go ahead—except that this thing requires a special majority—forget the politics, think of the country and support this with the required majority. I make an appeal for this approach.

Mr. President, one of the general concerns I have with the problem of our forests is the question of the royalties that we get out of this resource. I am not entirely convinced that the royalties we extract bear any relation to the value of the resource. I ask that the Minister in his winding up give us some indication of the level of royalties and the total value of royalties owed from exploitation of our forests.

In other administrations, the regulation of activity on private lands with regard to forest particularly, usually, in more modern legislation, makes provision for compensation of some kind. So that when you tell a citizen who owns "X" hectares of slope, "Henceforth you may not extract timber from it, you are making a sacrifice based on the general good of the nation," then the nation, in recognition of this, makes arrangements for compensation for the loss of utility of your land. This was done in Dominica in its most recent legislation and has also been introduced in Guyana. Thus, if we are moving along these lines toward private property and especially along the critical northern range, we have to think in terms of, if you are asking a citizen to give up rights over his property, then you make some arrangement to compensate.



One of the other concerns I have about the legislation is the problem that Sen. McKenzie always jumps up and says, "Implementation!". If you are going to extend controls over private lands, is the existing establishment going to be able to cope with the problem? I have my doubts about that. Perhaps the hon. Minister can reassure us. Quite frankly, I think that for the social attitudes which exist in this country, we really need a police force for the forest, not just a few foresters working an eight-hour shift.

I could speak generally about the issue because I think the Minister touched on it. This is really to reinforce what he has said. The problem with our forests and the management of our forests is that a forest cycle is way beyond even a business cycle of a few decades or so, of up and down, or a political cycle of changing a government for two or three sessions. The normal cycle for our plantation of teak is 80 years, and here we are discussing the harvesting of teak which was planted while we were still a colony; teak that was planted before I was born. Somehow—Sen. Mohammed referred to the problem with Tanteak—we are harvesting this teak and selling logs, which is totally ridiculous! It goes back to the question of what value are we getting? What royalties are we getting? How are we selling our plantation forests and our natural forests?

In the Northern Range there are still many trees that are 150 or 200 years old. This is the sort of cycle of events, and we are trying to deal with the problem of management of a much longer cycle by tinkering with existing legislation. Herein is the crux of the issue. One of the problems of our forests is that we do not understand or appreciate the complexity or scale of the problem, and we tend to get carried away with the emotional issues.

Mr. President, the Nariva Swamp and the celebrated Environmental Impact Assessment (EIA) done by the Institute of Marine Affairs have occupied the attention of the media. I have stayed away from becoming involved in the Nariva problem—which, to me, was a problem largely of squatting—and have watched in absolute amazement.

Not long ago in this Senate, I suggested and recommended that the EIA for the Nariva Swamp be made available in the parliamentary library so that some of us who are interested could see what has actually been done. I have checked from time to time, but of course it was not available. Yet the newspapers seemed to be able to carry extracts of this document. The *Express* newspapers has been running bits and pieces, and all sorts of peculiar statements have been made, being extracted from the report. I think it is a bit sad and, frankly, disgraceful, that

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Members of Parliament do not have access to this one thing that is really quite important.

To come back to the issue, while there has been a lot of flak about the Nariva Swamp, let us face reality: the Nariva Swamp, including block B, historically, was carved up for rice farming, I think before the hon. Minister was born. Rice farming was tried in block A, along the edge, it did not really work, except at a subsistence level, and farmers went into other crops, then we had the squatting. If left to itself—just keep the squatters out of it—the wetland, the swamp land would regenerate. It is not that we have lost immense forest, the actual amount of forest in the Nariva Swamp is very small. But here we are, preoccupation, money being spent on EIAs, reports being made.

I would not for a second suggest that the Minister or Cabinet was responsible for leaking this thing, but somebody had access to this report that was made available to at least one of the newspapers. In fact, two of the newspapers have had access. Here we are pre-occupied with what I consider a relatively minor issue, and we have the Northern Range. We forget every time that there are floods and silting, and the hon. Minister of Finance has to find money, and the Minister of Works and Transport has to get out there and dredge river mouths. We forget the origin of the problem.

That is the problem which the hon. Minister has been addressing and bringing to our attention. I must commend the Government for at least attempting to do something about it. Although I emphasize, that had I real influence I would have directed the efforts elsewhere. I would come to this later.

### **3.15 p.m.**

I would use two examples of such areas, one is a forest reserve—perhaps I ought to correct myself, it was once a forest reserve. For the second, I would refer to a fairly large tract of land which is privately-owned.

First of all, I refer to the Long Stretch Reserve. When you left Valencia and you drove to Sangre Grande you drove through a wall of vegetation on either side. This was a magnificent place but rot started with government quarrying on the north side, roads went in and they extracted gravel during the boom for the expansion. Other people went in illegally quarrying and the squatters followed so all the northern side of the Long Stretch Reserve is now degraded.

In 1987 we had horrendous fires and the fires started at the eastern end of the southern side of the reserve and they just passed through and the southern part of the reserve was effectively destroyed.

Let us face reality, if that reserve is to be rehabilitated it is going to take a minimum of 100 years to get it to the point where it performs all these ecological services for free: saving our water, providing us with harvest, game and so forth. The Minister is absolutely right, we are dealing with a massive problem and a problem that really requires a non-partisan approach and, quite frankly, it requires a big stick.

I turn to a problem that is of concern to many people and this is the Arima Valley. As you drive from Arima across to Blanchisseuse you pass through an agricultural development, christophene farming, on private land. That was once forest. It looks green, it grows prodigious quantities of christophene and when it rains the water just runs down into the Arima River contributing to the run off in the Caroni drainage instead of going to the acquifers.

Mr. President, I was up there quite recently and I see that the Ministry of Works and Transport has actually started corrective measures on correcting the subsidence of the Arima Road because since they have cleared all the forest the road is subsiding and it has become positively dangerous and it has collapsed in places and now big stone retaining walls are going up. This is going to be at an immense cost and it is not going to solve the problem because the christophene farming is spreading. That is on private land and the hon. Minister of Finance is going to be approached. If we do not fix the Arima Road—forget the other ones that are harassing you, let us fix the Arima Road because ecotourism is our thrust and the Asa Wright Nature Centre visitors will not have access except they drive around Port of Spain, Santa Cruz, Maracas, Las Cuevas and so forth. That is the only way. The road is going to fall into the Arima River. Here we are, so many people affected and yet it is one owner who has built a very nice business in an inappropriate place which is going to cost the taxpayers of this country considerable sums of money.

I mention these two examples to illustrate the nature of the problem. If we started today to rehabilitate the Arima Valley to get it back to its original state—may I bore you and repeat the number? One hundred years. These are two examples and we can go on at length.

Mr. President, I know the Minister is looking at me as if he is going to scathe me. I know that he would not actually, at least in public. But because I am depressing I would like to get to the point where I am being very constructive and I hope that he takes it in the way in which it is intended.

We have a long history of passing legislation to solve the problem. We have a history of the quick fix. We have a problem of water at Point Lisas: desalination plant. That is the sort of thing when long term planning in the humid tropics would have given us the solution. Let us look at some of the options for addressing the general problem because the general problem is, first of all, one: we must arrest the process of degradation. When we look at these hills we see patches of forest but we also see the end product where we see grass. The process of going from forest to grass is not an abrupt one. It takes about 100 years of taking out the trees, the fire resistant trees remain and when you burn them repeatedly then they go; and then the grass takes over.

I said we have a history of addressing these problems with legislation. I would like to refer to the Town and Country Planning Act of 1969 and I would like to refer particularly to section 20 which offers a remedy for the problem. Section 20 (1) says:

“If it appears to the Minister that it is expedient in the interests of amenity to make provision for the preservation of any tree, trees or woodlands in any area, he may for that purpose make an order (in this Act referred to as a “tree preservation order”) with respect to any such tree, trees, groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order—”

It then goes on to little subsections for the prohibition of cutting, for the securing of replanting, for applying provisions and for payment by the Minister of compensation. That is under the Town and Country Planning Act of 1969. There has never been a tree preservation order made by any government of Trinidad and Tobago. What we are essentially doing on private lands is trying to make tree preservation orders under the Forests Act and the Sawmills Act. This may not be perfect legislation but, at least, the intent was there.

Mr. President, that part of that section goes on to the provision for making regulations for ministerial discretion, for the exemption of cutting down dead trees, for the penalty which at that time, in 1969, was considered a very serious business of a \$1,500 fine and \$300 per day as the offence continues. In other words, had the

Minister responsible put a preservation order on private property in the Arima Valley, the fine then, in 1969, would have been \$1,500 and \$300 a day for every day that the offence continued. Not only that, the Minister had power to tell the owners of that land that they have to replant.

This is the law of the land. We are being told all the time we must enforce the law of the land but why are we not using something like this? This is not the only available remedy. In fact, this is the one that I prefer once the Environmental Management Authority gets its act together.

The Environmental Management Act of 1995, section 41(1):

“The Authority may prescribe in accordance with section 26(e) the designation of a defined portion of the environment within Trinidad and Tobago as an ‘environmentally sensitive area’,”

If you take the interpretation of the environment it means all land, whether state or private. Therefore, the authority may take a piece of the Northern Range which is privately owned and say that is an environmentally sensitive area. It can then go on to make rules or provision for how that land may be used. That is a more modern remedy.

Mr. President, the Planning and Development of Land Bill, which lapsed because of the special majority problem, also offered remedies under the Schedule. Under the Second Schedule tree preservation orders remain. Under clause 11 it says:

“(1) Where—

- (a) the Commission is of the opinion; or
- (b) a representation has been made to the Commission by a body of persons within the meaning of subparagraph (13),  
that a tree, trees or woodlands should, in the interests of amenity or the proper development or preservation of land, be preserved, the Commission may make and serve on the owner and occupier of the land in question an interim tree preservation order.”

Therefore, had this gone through and become law there would have been another remedy.

Quite frankly, I think that in attempting to do it the way the Ministry is attempting to, is going to be very costly. It is going to be subverted by a lot of

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smart people and I think that the way to proceed is by going the route of the original Town and Country Planning Act and the Environmental Management Act once they get the regulations straightened out declaring areas environmentally sensitive areas. Quite frankly, these are far easier to define. You use topography, streambeds and elevations.

Had I the power I would take, as the first environmentally sensitive area, the Arima Valley from the floor of the Valley, from the Arima River moving East, taking the Eastern Main Road and the Valencia bypass right out to the coast and I would go over Arima into the Blanchisseuse Valley into the Marianne drainage and I would say that corner of Trinidad is an environmentally sensitive area. Once you have done that you can tell—it does not matter who it is, it does not matter whether I, an Opposition Member, or a Minister of Government owns the land; let us be fair. We would have to be guided by the regulations which the Environmental Management Authority has, apparently, already prepared and which have been submitted or will be submitted very shortly to the Minister responsible for tabling in Parliament. Once that is done you just need a police force. You can use your Civilian Conservation Corps or people like that who are backed by the Army to do some policing.

Those of us who remember Chaguaramas before the Americans came, remember what it looked like. When the Americans were here they just kept everybody out and there was natural regeneration and there were no forest fires. Now we have taken over we have illegal hunting in a national park and we have forest fires every year.

**3.30 p.m.**

This is actually the sort of approach where, obviously, even if it requires a special majority, which I think it does, I will still support what the Ministry is doing, and I emphasize that I support it strongly but, nevertheless, I do not think this is going to be as effective as other remedies.

Mr. President, I have a few other comments and one of the things that bothers me is that I am not quite sure of the legislative programme of the Ministry of Agriculture, Land and Marine Resources. You see, I read the supplement which was published after the budget debate about the work of the Ministry of Agriculture, Land and Marine Resources and I noticed what was supposed to be coming. Now, bearing in mind the uncertainty as to what the parliamentary agenda generally is, I become very concerned as to what is happening in the Ministry and

when we will get from the Ministry, the priority legislation which I consider to be parks and protected areas, wild life protection and fisheries management or fisheries protection. These three things I would expect to see as *de novo* legislation, because all the other legislation, as the Minister knows only too well is obsolete, dating back to the early part of the century. As I said, I have certain concerns about the legislative programme and this is what took me by surprise when this was the first piece of legislation being brought.

Mr. President, about two years ago, I asked a question of the hon. Minister—I would not spell out the whole question, but it was related to the convention on the international trade in endangered species, of which Trinidad and Tobago is a signatory. We signed the convention in 1984 and my question was related to this. I assumed that the response given by the Parliamentary Secretary at the time, reflected the position of the Ministry of Agriculture, Land and Marine Resources and, indeed, the Government. But, the main part of my question was when we were going to see CITES legislation. We sign these international treaties and we seem to be able to move things along intellectual property. Bang, it goes.

Anyway, I asked the question and I will just read a small bit of the *Hansard* of Tuesday, July 02, 1996:

**“Sen. Prof. Kenny:** Mr. Vice-President, I am somewhat confused by the answer in that we acceded to the Convention in 1984. Is that correct?

**Mr. Sharma:** Yes.

**Sen. Prof. Kenny:** It is now 1996 and we are still drafting legislation required for this Convention.

**Mr. Sharma:** I am glad you raised that point. It is the failure of the past administration. It is being attended to now.”

That was July of 1996. Now, has the CITES legislation been forgotten? There is a lot of illegal traffic—as the Minister knows only too well—through Icacos, not only in recreational chemicals, but live animals and produce. So, I think in his winding up, I would like to have some reinforcement from the Ministry as to what is its legislative agenda. I have not said I have given up entirely on Sen. Mark and the national agenda.

**Hon. Senator:** You have patience, boy.

**Sen. Prof. J. Kenny:** But, I would like to think that I would get some idea of where these things are coming because we are running out of time.

For example, the previous piece of legislation on the Planning and Development of Land Bill which is, to me, one of the most important pieces of legislation, has to be brought back to Parliament fairly soon, and I would like to see parks and protected areas and fisheries come back, because, certainly the parks and protected areas relate to some of the issues addressed in this legislation and, certainly, the parks and protected areas will address the issue of our forests and the preservation of our forests.

Mr. President, I would like to turn to a matter of some concern. This is the matter of rehabilitation of our forests. As I pointed out, the process of degradation is a hundred-year process and the process of rehabilitation is a minimum of 100 years, and I am not entirely convinced that we are addressing this issue with any degree of urgency. I keep wandering around Trinidad and Tobago and I keep seeing the progression of the degradation.

Mr. President, a week ago Sunday, I walked from the heights of Guanapo, from La Laja over the Northern Range down to Brasso Seco and I am absolutely appalled at the degradation of the upper Guanapo Valley. This is not state lands; it is private forest; and what the Minister is proposing, obviously, will attempt to arrest this, but I have watched so-called logging trails on 60° and 70° slopes.

What they do is they get the truck with the cable hoist; they fell the tree and they just pull it up to the road, mashing up the road and mashing up the forests. When the rain falls, it runs down the gully. And, where does it end up? The poor hon. Minister of Works and Transport has to clear up the mess and the Minister of Finance has to find the money for it. That is the top of the Guanapo Valley which, only 20 years ago, was in appropriate use. There were cocoa estates; there were interplanted cypre trees; there were cedar trees and many other native species that we find associated with tree crop agriculture. That has been absolutely devastated.

When I go along to the North and look back, especially towards Maracas and Las Cuevas, I can see the squatters creeping up and we can tell the heights to which the squatters would get, because they get right up to where the old cocoa plantations were and where the imortelle trees are.

It is all very fine expressing concern for the squatters of this country, but we have encouraged this sort of lawlessness and we have entrenched it in squatter regularization, not only the present administration, but the previous ones. This is one way in which votes can be won but this is the short-term gain—the short political cycle—and the long-term problem just creeps along gradually and we end



up with the problem of rehabilitation which would take 100 years and which is going to cost an enormous sum of money.

On my walk across the Northern Range, somebody had actually been up the La Laja trail from Brasso Seco and had actually taken a portable sawmill up there, and I think that this is not entirely one-sided in that portable saws can be devastating in the wrong hands especially in the hands of thieves, but portable sawmills do less damage in the forests because the log is slabbed and felled on the site of one's estate if it is privately owned. One gets a portable saw in there, the log is slabbed and the sawdust and the useless slabs remain there and are rendered back down into humus, then the material is dimensioned and it is easier to move the dimensioned material out of the forest than moving the log. So, it is not entirely one-sided.

Like with many things, I have mixed views on how we approach a problem. Certainly, the portable sawmills in the wrong hands wreck havoc. Yet, if I were going to extract timber from slopes and from private lands, I would have no major objection to having the logs removed in this way from private property, or for that matter, from state property under certain conditions. So that, I am not taking a hard and fast view.

Now, Mr. President, the one thing that really concerns me is the rehabilitation. The hon. Minister did reply to an earlier question of mine about the reforestation efforts and he gave us the figures over about a decade and there were some years in which—I might as well knock the Opposition—there was no reforestation at all, as the Minister knows only too well. Whatever the reasons for this may be, there were, in fact, some years in which there was no replanting and I think that the Ministry's efforts are aimed towards cranking up the programme. It is within the limits of the resources available.

Mr. President, replanting 20 hectares of forest, or 30 hectares of forest, or 50 hectares of forest, or even 100 hectares a year is not an adequate effort and we will continue to pay for the damage to our watersheds and our forests, progressively larger and larger sums of money to correct the siltation process, the dredging of watercourses, the building of bigger bridges and bigger culverts and so forth. So that my view is, this goes beyond one political administration; this is really planning for massive reforestation extending over a 50-year period with targets set.

We know that the Government talks in terms of aluminum smelters and thousand room hotels—I would like to think in terms of us cranking up this thing

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to an absolute minimum of 100 hectares a year particularly in the Northern Range. This would have an immense cost and, if we are serious about the future, we will somehow find the means, and I do not think we will find the means by waiting for some grant-giving authority to give us money to clean up the mess which we have made, so that there is this question of a major long-term reforestation programme that is related to the scale of problem.

I cannot claim originality because I occasionally discuss matters of this kind with other people, but it has struck other persons that one way of dealing with the reforestation programme is deep review of the royalties for extraction of timber. I hope that the Minister will tell us what kind of royalties we get now but, let us be realistic.

When a tree is taken out of the forest and 10 cents a cubic metre or \$1.00 a cubic metre is paid, that is peanuts compared to the value of the timber and, in the case of our teak, as the Minister knows only too well—he has been attempting to deal with the problem—our teak which is probably one of the most valuable of timbers, is virtually given away as logs. I think the contracts would end in 1999.

**Dr. Mohammed:** They have been stopped.

**Sen. Prof. J. Kenny:** They have been stopped. I would like to thump the desk. [*Desk thumping*] This is long overdue and then we have to start thinking in terms of: how do we ensure that we get maximum value out of these logs? One way of doing it is revising the royalties system and revising the system of collecting the royalties.

**3.45 p.m.**

Let us face it, Mr. President, Tanteak, according to the financial statement, is bankrupt. That is in the document we got here. I cannot remember who were the actual accountants, but they are from one of the major auditing firms. They tell us that Tanteak is bankrupt. Now, to me, the solution to the problem at Tanteak is to bite the bullet and do what has to be done. Tanteak has not worked in 20 years and it is not going to work. It should cut its losses and start thinking in terms of a way in which it can increase its royalties from the premium timber and set up a marketing company to deal with the private sector that may wish to buy timber.

I do not think that the public service bureaucracy is the way to deal with forestry. I believe that a company rather than Tanteak should be set up to market the produce and let it go ahead and extract the maximum royalties. Let them open public bids for parts of the plantation forest and let them supervise the extraction of timber. In this way the revenues will go back to the state.

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

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

*Question put and agreed to.*

**Sen. Prof. J. Kenny:** Thank you, Mr. President and fellow Senators. I gather that you are sensing some of my passion for this subject. I could, in fact, go on for hours in this way, but I realize the rules are going to force me to break at the appropriate time.

Mr. President, to come back to the resource, we talk about monetizing our gas resources, but what about monetizing our timber resources? The suggestion which came to me is that we should take it seriously. Let us depart from the run-of-the-mill approach to it and let this marketing company—which may be a very small one—direct all the revenues to a forestry development fund which can be devoted to the rehabilitation of our forests. This may be innocence on my part, but if we are going to solve the problem we are going to have to use quite unusual approaches. I think this is something which may be ventilated.

I now turn to another issue which, again, relates to what the Minister has been saying not only about the problem of theft of forest resources, but also the theft of stationery from public offices and so forth. This is something which has gone through our society and I believe that you can reverse this in a number of ways. Once legislation is made, there should be a way to make sure that somebody feels the brunt of it. Whether it is the amendments to the Forests Act or the Sawmills Act, the Sensitive Areas Regulations in the Environmental Management Authority Act, or if there is tree preservation in it—hopefully, the new Planning and Development of Land Bill or the existing Town and Country Planning Bill will—there should be enforcement and this requires two things: an adequate body of authorized people and sufficiently severe penalties.

Mr. President, I noticed that the penalties suggested in these two bills are, to me, peppercorn, compared to what these people are making. The fact is that we have 63 sawmills operating in Trinidad and Tobago—the Minister has told us that we have more capacity than the sustainable product of our forest—and if you fine somebody \$2,000 today, it is absolutely nothing. I would suggest that \$10,000 is a more reasonable figure. Indeed, in the Environmental Management Act, under section 70, the penalty is \$100,000 for polluting our watercourses. If one pours sulphuric acid or some other nasty into the watercourse, it is \$100,000 and the

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directors of the firm are also liable to be jailed. That is, to me, serious legislation. I would suggest that the ministry considers revising the penalties upwards.

I would point out also, Mr. President—and I would remind the Minister—that although this is only tenuously related to the problems, the officers responsible for the conservation of our wildlife are the game wardens and the honorary game wardens. For a country the size of Trinidad and Tobago—and the Minister may correct me—I think that there are 11 established posts of game warden. The Minister has not created the system of honorary game wardens, but he has apparently expanded it.

Mr. President, I was once an honorary game warden and today, honorary game wardens have certain powers. If an honorary game warden caught someone doing something that he or she ought not to be doing, he could write out a “caution” in his little Caution Book. I always like to remind people of an incident which occurred shortly after the Bush Bush Wildlife Sanctuary in the Nariva Swamp was declared a wildlife reserve. I was walking into Bush Bush, during the dry season, going about my interest which is the photography of natural organisms, when I met a party of about one dozen hunters all armed with shot guns coming out of a wildlife sanctuary with bags full of game. I am an honorary game warden, so I said “Good morning, Sir. Enjoy your day, Sir”, and went about my business.  
*[Laughter]*

Mr. President, the hon. Minister knows that they are recruiting honorary game wardens who are to be paid a little stipend. Honorary game wardens are not going to solve the problem. I would not embarrass the Minister by asking him to quote the number of offences which have been actually prosecuted as a result of honorary game wardens. My point is that if we look at our forest resource, which the Minister has very succinctly described, the role of our watersheds, our forest and water, the sustenance of life produce and so forth—one is not going to manage that resource with a handful of forest rangers. This is where we have to do a serious rethinking of the fact that the forest needs protection 24 hours per day.

Finally, Mr. President, although I know that I can go on—and I have plenty here—I would just like to end with a little comment made to me by Sen. Prof. Spence in an earlier debate.

“On this walk from La Laja to Brasso Seco, amongst me of my group was a party of Germans from the German Embassy who were prepared to pay serious money to be escorted by a person like myself who had some experience with the forest.”

**3.55 p.m.**

As we got up to the ridge between Guanapo and Blanchisseuse and I pointed out that there is the divide on the left, Morne Bleu—you can climb up there—it is a long walk. On the right there is a hunter's trail going up to the heights of Aripo, the highest part of Trinidad. The officer from the German Embassy looked at me as if I were some kind of lunatic. He said to me: "Do you actually allow hunters into your forest reserves?" This is a question from a foreigner who was admiring this beautiful forest, the first thing that struck him that there is a trail there which hunters regularly use.

The final comment was to repeat what Sen. Prof. Spence said in an earlier debate. What are we leaving for our grandchildren? Thank you, Mr. President.

**Sen. Dr. Eastlyn Mc Kenzie:** Mr. President, I crave your indulgence for a minute to stray from the topic a bit to pay a compliment to my honourable friend and colleague, Sen. Nizam Baksh, on his promotion to Parliamentary Secretary in the Ministry of Community Development. I am sure there is where he belongs. In fact, he should have been there a long time ago. He has been in the field of community development for a number of years and has been a very effective officer. We worked together, and I have very great admiration for his competence.

I take this opportunity to tell him how very happy and pleased and how proud I am of him as my very good friend and to wish him the best. I know he will make a difference in that ministry. My best wishes to him.

Mr. President, I listened very attentively to the hon. Minister and I noted that he summarized the problems which caused these two Bills to be brought to this Chamber. If I may briefly recap as far as I got them: they were the stealing of logs, timber, damaging of roads, damaging of the watersheds, contributing to flooding, loss of revenue and royalties in a nutshell.

I commend the hon. Minister and his officers for thinking of ways to solve these problems. However, I have as usual, just a few questions. I looked at the Sawmills (Amdt) Bill, where there is a sort of definition.

"2 (b) every furniture shop or place where wooden products are manufactured and in which power saws, ..."

I wondered whether the Minister thought of exempting places like work centres in schools where they manufacture wooden products even for examinations; the trade centres, the youth camps. I am not sure and I would like

this. Otherwise, our woodwork shops in the secondary schools, in the trade centres, in the youth camps and even in Tobago in our URP section where they make furniture for schools and so forth, what would be the situation and whether these places could come under this Act.

I looked at another section 4B (3) where it states one must obtain permission to buy a power saw and upon application a fee of 15 per cent must be paid if you are going to obtain one for the first time. I thought of the cars and I ask, would this apply also to foreign-used second-hand saws? Or, would this 15 per cent be only for new ones. I would like the Minister to be very clear on this for my clarification.

Then, I looked at the Forests (Amdt.) Bill

“7 (1) (b) A person who fells any—

tree on any slopes of over thirty degrees within a minimum of one hectare of land,”

I thought of the cultural habits of people in Tobago where there might be a sloping piece of land and as far as I heard from my teacher, Sen. Dr. St. Cyr, a hectare is just about 2.2 acres.

You might have a lone Cedar tree which my old father would say, leave it there, it is to be cut down in so many years when he is old, to rip into boards to make his coffin. I wondered if the Minister would not like to specify that within the 2.2 acres, and I am referring to the solution of the problem of cutting down trees that would damage the watershed or contribute to flooding and I cannot think of one tree or two trees within 2.2 acres that would have this kind of effect. Should he not stipulate that within the 2.2 acres, this rule would apply if there are so many trees and not just a lone Cedar tree standing on a little hill somewhere, that my grandfather would be saying, leave it to make the coffins of my grandchildren?

I looked further to clause 7 (3) and hoped that we would be straight as to who will be the authorizing officer and in which ministry. Some people are very confused where the authorizing officer would be stationed. I also thought of whether—as I heard Sen. Prof. Kenny remark in one of the laws somewhere else—in the case of trees which threaten houses or electric lines, or there are windfallen trees, things that happen in an emergency, whether I still have to say there is a tree that is leaning because of high wind last night. I will have to wait to get the licence to cut down my tree on my land that by the time I get the licence another gust of

wind might come and throw it down and cause damage. Are there any rules, laws that will not apply in cases of emergency?

I refer to 7 D validity of the permit. I think Sen. Mohammed brought this up. I think that a period of seven days is too short bearing in mind that the fee is non-refundable and non-transferable. In other words, I cannot say that I took the licence today, I was promised that the vehicle or whatever would come to do the job. Probably the road was broken away and the vehicle was not able to come, and I cannot get my money back and you have only given me seven days, could the time not be stretched, bearing in mind that this fee is non-refundable and non-transferable. I cannot just say my grandfather died the same day and I could not have anybody come in. I would like to have my permit deferred to another time. I think this is something that we need to consider.

Mr. President, I support the intent of the Bill, and hope we will have clarification on some of the problems I have with the Bill. I thank you very much, Sir.

**4.05 p.m.**

**The Parliamentary Secretary in the Ministry of Agriculture, Land and Marine Resources (Sen. Vimala Tota-Maharaj):** Mr. President, I rise to give my wholehearted support to both bills before this august Senate. It has become necessary to address the deficiencies of both bills, as we at the Ministry of Agriculture, Land and Marine Resources, in particular the Forestry Division, are well aware of the numerous problems being experienced in controlling the spate of forestry offences being committed in our country. We need to find ways and to put measures in place to solve these myriad problems. The problems in the area of forestry are not unique to Trinidad and Tobago or to the Caribbean. It is a worldwide problem.

In May of this year, a consultation was hosted in Trinidad and Tobago by the Ministry of Agriculture, Land and Marine Resources. This consultation was entitled, "A Forest Policy in the Caribbean: Strengthening Countries' Capacity and Efficiency". This consultation was part of a worldwide effort on the part of the Food and Agriculture Organization, the European Union and the Ministry of Agriculture, Land and Marine Resources, to analyze, identify, study and suggest actions necessary for sustainable development of the sector.

I pull an excerpt from the opening address by yours truly to this consultation, which was held on Tuesday, May 26, at the Hilton Hotel.

“It is well known that much emphasis has been placed on forestry in this country from as early as 1765 when the first forest reserve was declared in Tobago and continuing with many firsts such as the introduction of our teak and Caribbean pine plantations in 1913 and 1914, respectively.

The Arena Tropical Shelterwood System sets down the periodic block system and technical training provided at the Eastern Caribbean Institute of Agriculture and Forestry (ECIAF).”

No longer is forestry viewed as a closed sector engaging the interest of foresters and sawmillers alone. Forest eco-systems cover 30 per cent of land space globally and are managed with production and protection objectives.

As we approach the new millennium, the world’s forests are increasingly recognized for their stabilizing effects on the world’s climate as a major repository of its biodiversity; as a final destination for the growing eco-tourism market and as the major sync for greenhouse gases; all of which affect our lives fundamentally.

**Mr. President:** Please identify a little more clearly the document from which you quoted.

**Sen. V. Tota-Maharaj:** Mr. President, this document is the opening address on the Expert Consultation on Forest Policy in the Caribbean: Strengthening Countries Capacity and Effectiveness. This was delivered on Tuesday, May 26 by the Parliamentary Secretary, Ministry of Agriculture, Land and Marine Resources at the Hilton Hotel. The Ministry of Agriculture, Land and Marine Resources has been proactive and has been putting the necessary measures in place to ensure that our forests are protected.

When I heard terms such as “impinge on” and “infringe on the rights of citizens in our country” being used, I was taken aback. Even though Sen. Prof. Kenny discussed with me certain issues that he would be raising today in the Senate, we decided to keep the politics out of the debate.

I recall a document submitted by the Director of Forestry which speaks to an important watershed in the Northern Range—the Santa Cruz Watershed. In 1992, a study was conducted by the Forestry Division of the Ministry of Agriculture, Land and Marine Resources and the European Economic Commission and it was suggested that the Santa Cruz Valley be maintained as a crucial watershed. I do not know if I am correct. Sen. Prof. Kenny or Sen. Prof. Spence can guide me accordingly because they are my mentors on issues such as this.



This report was disregarded by the government of that day. One only has to go to the Santa Cruz Valley to see the degradation that has taken place there for political gain. I do not need to go further.

I will share some information from a publication of the Forestry Division. It is their quarterly newsletter entitled *Trees*, Issue No. 2, Volume 14, dated June 1998. This publication speaks to community-based forestry and agroforestry. This is a special programme established by the Forestry Division.

Over the years, there has been widespread forest removal for subsistence and commercial farming, on State, as well as on private lands. Large tracts of forests have also been cleared to satisfy the growing demand for timber.

The loss of protective forest cover triggers a chain reaction of events which results in land degradation in critical areas, including watersheds and the loss of biodiversity.

An effective means of reversing this cycle of deforestation and land degradation is through well-defined forestry/agroforestry and reforestation programmes.”

The Government of Trinidad and Tobago and the Forestry Division of the Ministry of Agriculture, Land and Marine Resources are well aware of the facts, we cannot do the job alone. We need the assistance of the citizens of this country, hence a special programme seminar/workshop was held earlier this year to address and meet the needs of farmers and land-owners’ interested in forestry.

#### **4.15 p.m.**

This workshop was held on Saturday, May 16, 1998 in Brickfield and there were 25 participants at this workshop which dealt with enlightening and enhancing the knowledge of farmers and private land-owners on the advantages of principles of agro-forestry. It also served to awaken a greater environmental awareness among the land-owners, encouraging them to create and nurture virtually self-supporting eco-systems. Mr. President, we are expecting to conduct workshops in North, East and Central Trinidad in the near future, to encourage private land-owners and farmers to get involved in replanting exercises and conserving our forests.

Mr. President, through Sen. Prof. Kenny's encouragement, I have become a merry wanderer over the weekends also. This weekend I decided to wander to

Lopinot. So in preparation for debate today, I spent half day in Lopinot with some of the residents up there; those who run reforestation programmes in conjunction with the Ministry of Agriculture, Land and Marine Resources, and I also visited the historical site. It was brought to my attention what was happening in the Arima Valley. I am also a daughter of Arima so I spend quite some time there, and I did visit the Arima Valley at the behest of the Lopinot farmers and residents. And yes, one of the largest christophene farmers resides in the Lopinot area, so we are well aware of what is happening in the Arima Valley. So thank you for making me a merry wanderer.

Mr. President, the Ministry of Agriculture, Land and Marine Resources would like to share with the Senate, the incentives for forestry. I would just like to reiterate these, as they were already highlighted by the hon. Minister during the budget debate. The rehabilitation of the watersheds: There was no existing incentive for the rehabilitation of watersheds and the incentive is now \$2,500. No existing incentive for nature trails per kilometres; now, \$500 per kilometre. Perimeter fire traces, no existing incentive; \$250 in the new incentive package. And forgive me if I pronounce this word wrong—I can be corrected, The Taungya system—we have different pronunciations; it is a Burmese system from Burma—no existing incentive; now \$800. So private land-owners are being encouraged, through incentives and seminar workshops, to get involved. We need to appreciate this. The Ministry of Agriculture, Land and Marine Resources, the Forestry Division and our forestry officers are making a concerted effort to monitor what is going on outside in the wider community and getting communities involved.

Mr. President, I am proud to say that I have been part of re-forestation, rehabilitation exercises taking place in the Northern Range. A number of NGOs from Lopinot, Surrey Village, the Caura area, the Muslim Credit Union, the Hindu Credit Union, schools, Rotary clubs and different groups, have been working together with the Ministry of Agriculture, Land and Marine Resources. We have been going out on weekends and I must say the Member of Parliament for Tunapuna, Mr. Eddie Hart, joined us on one of those exercises, at our invitation. The Speaker of the House of Representatives, Mr. Hector Mc Clean, and a number of children from surrounding schools also joined us on exercises, going out and planting a tree for the future.

Yes, as Sen. Dr. Mc Kenzie may say, it seems to be an exercise like trying to mop the sea or the ocean, but we are making a difference out there. How many citizens and how many of our detractors can say they have put aside their weekend

and gone out to the Forestry Division with their NGOs and made an effort to plant a tree? Mr. President, this is an open invitation to Members of the honourable Senate to join us on our exercises when we go out there and conduct our rehabilitation, afforestation exercises.

Mr. President, many of us well remember the headline, “‘The hills are on fire’”. I am quoting now from a Ministry of Agriculture, Land and Marine Resources publication entitled *AGRINET* by one of our officers. It reads:

“This headline screamed across the column of a daily newspaper here one hapless day in March.

‘Bush fires like bush’; ‘Fighting fire with fire’;...’Firestarters wage war on the hills’...”

Mr. President, I listen to the critics and to people who sit in their offices and say, “What is the Government doing? What are you all doing?” They must go out and see the work being done on the field. That same Valencia stretch which Sen. Kenny referred to, I remember spending a Sunday afternoon with the members of the Civilian Conservation Corps—all teenagers—spent their entire day out there in the field trying to keep down the bush fires. I do not know if you are aware of that, Senator. These young people, the future leaders of our country, are contributing to ensuring that we leave a legacy and clean air for our children, grandchildren and future generations to breathe. We must acknowledge the work being done by the different ministries and, as you know, the Civilian Conservation Corps rightly falls under the Ministry of National Security.

Mr. President, Sen. Kenny raised the issue of the Convention on International Trade in Endangered Species (CITES) and my predecessor did respond to certain questions posed by Sen. Kenny. We became party to this international convention in 1984, which is true, and in 1996 Mr. Chandresh Sharma did say that we were dealing with the legislation. However, we at the ministry have not been tardy, Sen. Prof. Kenny.

**Sen. Prof. Kenny:** Just two years.

**Sen. V. Tota-Maharaj:** It was being dealt with at the Chief Parliamentary Counsel’s office. Apparently the officer left and it was not handed over. We are now preparing legislation for the Wild Life Bill and we are trying to incorporate all this in one package. We are hoping that this piece of legislation will come to the Parliament during this session. I do not think I need to go into too much depth at this time. When we get more information I will share it with you.

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Mr. President, I think Sen. Nafeesa Mohammed raised a concern about VAT on power saws and she does not see the necessity for clamping down on these different types of saws being used in the forested areas. Sen. Kenny's argument is valid, yes, however, when we go out into the forested areas and see what is happening, it really concerns us. For those Senators who are not familiar with the type of saws being used in sawmills and out in the fields, I do have pictures which Senators can look at so they can familiarize themselves with the types of saws being used by these unscrupulous characters—let me use that term.

So, Mr. President, it is absolutely necessary that we do put this legislation in place at this time. We cannot sit back and wait. We cannot wait and play a look and see game; we cannot continue to do that. We need to act now. We need to educate our public and our people that the power is in their hands and they have to take action now. We know how we suffer when the rains come and the floods take place. We know how we feel. We know the types of losses experienced, not only by our farmers, but by citizens of this country. It is because of the degradation, because of the destruction, because of turning a blind eye to what are the watersheds of this country. We need to go out in the field before we make comments and criticize, and just see what is happening to these areas.

. I must return to the point of the Santa Cruz Valley because I know for a fact that the Member of Parliament for that area—if I may say so, Mr. President—posed that question to the current Minister of Works and Transport. Apparently the Member does not know what is happening in his own constituency or what took place in his own constituency in 1992. It really irks me to know that these persons do not know what is happening in their own constituencies that they claim to represent. It is all because of political gain, Mr. President.

**Mr. President:** Senator, Senator, do not criticize because that Member is not in this House to explain anything.

**Sen. V. Tota-Maharaj:** Thank you for guiding me, Mr. President. We have heard terms such as conservation, preservation, protection of the environment, and we all need to be proactive in these exercises. Let us not continue to criticize one another. Let us join hands and work together as a team to ensure that our environment is safeguarded and that we have a legacy which we can leave for our future generation.

Mr. President, I thank you.

**Mr. President:** We will break for tea at this stage. This sitting is now suspended until 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.03 p.m.:** *Sitting resumed.*

**Sen. Danny Montano:** Mr. President, I wanted to make a very short contribution this afternoon prompted primarily by something which Sen. Prof. Kenny mentioned and he was talking about the export of logs directly from the teak forest. It is not the first time it has come up in this Chamber and I had the privilege of working for Tanteak for a short time and had some insight into some of the problems at Tanteak and some of the problems of the forest. I think much has been said that is not entirely accurate and for the record, I would like to set it straight.

The confusion surrounding Tanteak and the perception as to how profitable it could be, and the value of the teak forest began in 1988 under the NAR government and there are statements which were made public at the time which were prompted by a report which is generally referred to in the industry as the McVorrán Report. McVorrán at the time was an officer at Tanteak and he had done an estimate of the size of the forest and its potential yield over a certain period of time and, as a result of that, a dollar value had been attributed to that potential yield and the NAR Administration, acting on that advice, decided to support the investment in Tanteak of a very large sawmill which was financed by the Caribbean Development Bank.

By the time I got involved with Tanteak, it became very apparent that the McVorrán Report was hopelessly wrong and I can refer to it here to give an example of what was taking place because I had meetings with officers from the Ministry of Agriculture, Land and Marine Resources at the time to try to clarify exactly what the position was. According to the McVorrán Report, when you clear fell a field, it means everything is cut down so you can absolutely determine what the standing stock was at the time it was clear felled. In Quarry, 1952, the estimate was that we could get 2,015 logs, 355 poles for a total yield of 2,371 pieces of timber. The actual was 369 logs, and 51 poles, which were only 420 pieces of timber, so you actually got 420 as opposed to 2,371.

In meetings and discussions with the forestry officials, it had been suggested to me when I was working at Tanteak that there was a tremendous amount of theft of the teak logs out of the forest. This evidence which came from the ministry would

have suggested that it would have been on such a grand scale and of such vast amount that there would have been teak flooded on the market, but there was no such evidence that teak was flooding the local market. Officers from the Ministry with whom I met, and Mr. Narine Lakhan was an officer who impressed me very greatly with his knowledge of the industry and business. I was indeed very impressed to know of the level and the calibre of officers this country has. I met with him and he agreed that the level of theft could not have been that high, there was theft, but it could not be quantified. There was no yardstick by which it could be comprehensively and scientifically measured so there was a certain problem. The evidence was that the forest in itself was not quite as valuable as had been originally estimated and Tanteak's major investment in the new plant had been laid on that basis.

The other thing which was of significance was that the management of the forest from virtually the time of its inception had been very poor. Teak is a tree which has to be regularly pruned and the small branches at the bottom of the tree have to be broken off so that the teak trunk, as it grows, would be free of knots. That is what makes the value of the teak. There are two aspects to the quality of teak, one is the absolute colour and texture of the wood which is influenced by the level of silicone in the soil, and the quality and texture of the teak we have here is of a very high calibre. However, the second aspect which relates to the quality of the teak has to do with the unblemished face of the teak. It must be free from any marks, blemishes, knots, pith and sap and the problem lay in the fact that the logs which we got out of the forest had a very high proportion of pith, sap, and knots and you do not get huge logs which are free from blemishes.

The problem with Tanteak was that it could not get enough of these big logs to put through the sawmill. Tanteak ran into the peculiar problem where, having invested in this huge sawmill—a lovely piece of equipment—and having begun to draw down on the financing, the actual construction of the mill was delayed for reasons I still do not clearly understand. The result was that the company had to begin paying back on the Caribbean Development Bank (CDB) loan one year before the plant was actually commissioned. At that point we only had the Brickfield Mill supporting the company and by no stretch of the imagination could it generate enough cut wood to support the overhead the company then had. It was just an impossible situation.

When I began to understand what the situation was, we asked the CDB if we could, in fact, restructure the loan and the short answer—although it took them

nearly a year to give a definitive response—was they would not reschedule that debt under any circumstances. In no way would they give a moratorium of any kind because that would completely compromise all of government's debt with the bank so Tanteak had to bear the whole brunt of this.

When we come to talk about the export of round logs, I want to let Senators know how it became necessary. Just to give a quick example, I have a report here from September 1995 where a total of about 20,000 logs were cut from the forest and brought into the yard. Of the 20,000, nothing could be done with 9,000 because they are too small to fit on any mill. They are just too small, they are small poles. Of the remaining 11,000, perhaps about 40 per cent of them are also very small and have to be cut down. If you have a long log, maybe 35 feet, the first half of it may be too small to fit on your sawmill so it has to be cut in half and only the big half could be used. So the long and short of that is what Tanteak was getting out of the forest was really not suitable for the mill as it was designed and there was a major problem. In order to subsidize its operations—

**Sen. Prof. Spence:** I wonder if the Senator could tell me whether the logs were suitable for any other mills in Trinidad and Tobago other than Tanteak.

**Sen. D. Montano:** The answer is yes. The problem was, we had those logs or poles generally for anybody who wanted them, but we were able to get a particular export price for them in US dollars and we were quite prepared to sell those poles and logs to anybody who would pay that price for them. The problem was nobody in this country wanted to pay that price for those logs.

When I joined Tanteak I had been told that there had been problems dealing with the pricing with the export of logs so I investigated this myself. On a particular order of which I got hold, at the particular time we were holding approximately 5,000 cubic metres of timber in the yard and about 30 per cent was between 3.5 inches to 5.5 inches in diameter, another 1,000 cubic metres were 6 to 8 inches in diameter and the remaining 2500 cubic metres were about 8 inches in length and very suitable for the sawmills which we had.

### **5.15 p.m.**

We entered into a contract where there was an arrangement to sell 3,500 cubic metres of timber to a company in India at a price of US \$150. My contacts in London asked me for the opportunity to bid on the same shipment. I sent them all of the information we had. We were only going to ship out 2,000 cubic metres of about 3.5 inches to 5.5 inches, even though we only had 1,500 standing in the

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yard, and we were collecting on a monthly basis, so by the time we made the shipment we would have had that. We were going to send out 2,000 cubic metres of 3.5 inches to 5.5 inches and 1,500 cubic metres of 6 to 8 inches, so we were not really stripping ourselves of anything we really needed, and the price we were getting from India was US \$150. My contacts in London said they were willing to pay \$135 for the larger logs and only \$30 for the small ones.

The long and short of it was that after speaking with some of the millers in the country who telephoned me directly and said they would like to buy logs, I said "Fine, but this is what we would like to get for them; \$150 generally." They said they would not pay that and I said, "Why should we sell it to you at a smaller price? That does not make any sense." They said, "Yes, but we would like to pay this price." I said, "How can I justify selling it to you at less than \$150?" We were, in fact, by exporting it, putting it to its highest and best use. Whereas I did not like doing it, those were the very simple economics. There was nothing magical about it. The fact is that the very tiny poles and the smaller logs are always at the Tanteak yards and anybody can go there and buy them, and at the time when I was there, we would sell them quite happily provided that they pay the export price for them. But nobody would do that. That was the problem. With all due respect, I was involved in some of those negotiations myself.

In terms of the Bill at hand, Sir, I wanted to mention just a couple of small points if I may. In some of the conversations I had with suppliers of sawmilling equipment and band saws and chain saws, I was advised that the Minister has inadvertently made an error in the limitations of the sizing of the saw to 80 ccs. I am advised that most of the saws that are going into the forest are less than 80 ccs and putting the limit at 80 ccs is not going to cause a serious dent in what they were trying to do. I support the objective, but they have got to find a way, if they are going to tackle it from this end, which I do not think is the right end, they have to look at the smaller saws. They are the ones doing a lot of damage.

As my colleague said, one of the things we seriously considered doing was to take over the management of the teak estates from the ministry and we would do all of the pruning of the trees ourselves. One of the things I wanted was to buy or charter airplane services, and I had looked at the planes that do the spraying of the Caroni crops and those men are well trained. They are expert flyers. They could have been flying around on a regular basis to go and spot where the milling is being done. It is not done in one night and then they move. They tend to stay in one place and cut, and one can catch them at night if one had certain infra-red



equipment which is not that expensive. If they really wanted to do it, they could do it quite easily. Unfortunately, we had no finance at all, but that is the far more effective way. The other way is to quite frankly beef up the Ministry's staff. They need a lot more people with a lot more authority doing longer hours.

Also, in the amendment to the Forests Bill, clause 5 dealing with section 7(1) puts a fine of \$2,000 for illegal felling and 7A(5) institutes a fine of \$3,000 for illegal removal, but in 7B if he makes a false declaration he gets a fine of \$3,000 and six months. It seems to me that the false declaration is receiving a harsher penalty than the other two, and that does not seem to make any sense.

Mr. President, I did not really want to get into a long debate on the Tanteak issue as to whether Tanteak should or should not exist. That is a decision that I think, because of the present financial structure of Tanteak, has to be a policy decision of the Government. From what we have heard and seen in the newspapers, about 60 per cent of the teak forest goes to the private sector and 40 per cent to Tanteak. Tanteak cannot survive on that, unless Tanteak has access to the biggest logs, that is only a formula for disaster.

I am not suggesting to the Minister to keep Tanteak or whatever he wants to do with it; that is a policy decision on their part, but the present practice does not make a whole lot of sense in terms of whether or not Tanteak can actually survive. I only suggest to him that he re-think that; if he wants to shut it down and sell it off, that is a policy decision. That is an entirely separate matter, but there is no point in choking it off and causing it to go into more serious debt. I hope that I have answered Sen. Prof. Kenny's questions and the issues in his mind about the exports.

I thank you very much.

**Sen. Prof. John Spence:** Mr. President, I have a few comments on the general issue of forestry which might include a remark or two on Tanteak. It seems to me that one of the problems with forestry in Trinidad and Tobago starts with the way that we treat with it, even from the point of view of the Agricultural Development Bank. Sen. Prof. Kenny made the point that forestry is a long cycle crop. If we are really going to encourage private lands to go into forestry, I think the first thing we have to ask ourselves is, does the Agricultural Development Bank treat forestry in a realistic way? I think it does not.

If we are going to deal with a long-term crop which is going to mature in 25 or 30 years, clearly one cannot have the same lending portfolio that one would have

for a crop that is going to mature in six months. That is the first issue we need to address. I certainly think that is much more important than the incentives which were suggested by the hon. Parliamentary Secretary which I do not think would make any impact at all on whether people plant forests or not.

One of the private foresters in Trinidad and Tobago is Elton Richardson , I have spoken about him frequently before in the Senate. I know of his difficulties with the Agricultural Development Bank because of this lack of understanding of forestry. I wonder on that same question if some of the new regulations, especially in the Forestry Act, may not act as a disincentive, and that is the requirement now that there will have to be permits for the felling of trees, even on private lands, which are not in areas which are environmentally sensitive.

I certainly prefer the approach Prof. Kenny has outlined which can be achieved by existing legislation whereby one does not just make a blanket provision in one's legislation for controlling private forests, but one selects certain areas and says that these are the areas which one has to control by way of private forests. It is likely to act as a disincentive if they are encouraging people in flat areas like Central Trinidad to plant cedar, mahogany or some such species for them to be in a situation where they do not know in 25 years' time whether they are going to be given the permit to harvest or not. It seems to me that perhaps the permit should come at the beginning of the planting stage so they could have some assurance that they would be able, in a way that is best suited to their cash flow, to be able to harvest their crop. It seems strange in areas where there may not be any adverse effect on the environment from the way that one harvests the crop to have that sort of regulation.

Also, I wonder if the legislation as given in clause 5(3) really is intended to apply to any tree, or whether it should not, under clause 5(3) also read, "any tree intended for commercial purposes". I do not know if the Hon. Minister could clarify whether this is the case. Surely, it cannot mean any tree at all. For example, if one has a cocoa estate and wants to convert it to a banana estate, whether one would have to get permission to cut down all of the trees. So, that seems to be an issue where one needs to get some more information.

With respect to the Sawmills (Amdt.) Bill, like Sen. Dr. Mc Kenzie, I ask for some more amplification to be given on the new definition of sawmill and to ask the question whether this definition now includes furniture shops. I understand why it is being worded in that way to capture what might be the legal practice of

bringing logs into these shops for cutting up, but I wonder if that does not open up another difficulty, does that mean that the shops can now become a real sawmill and, in fact, purchase equipment that is in the normal sawmill and, therefore, one has not, in an unintended way, increased the number of sawmills which, at the moment, from what I have been told, are too many anyhow. Perhaps he could comment on that.

Another point I would like to get some explanation on has to do with the transport of logs. I understand that the system is intended to control the transport of logs, but use of the chain saws and portable sawmills will mean that there will be transport of saw and lumber. Is there going to be an escape, or is the transport of this material not going to be captured in this legislation?

**5.30 p.m.**

So should the haulage provision also include haulage of lumber which has clearly been sawn by a power saw or a portable mill? Because certainly, my understanding is that one could distinguish between the two, so should they be controlled over the haulage of that sort of material as well, or are you not going to let slip through the cracks some material that you need to capture that way?

Having made those few points, Mr. President, I end by saying that I congratulate the Minister for having brought this legislation, because it indicates that there is an intention to control what is clearly a very undesirable current situation and to move towards, not only preservation of forests, but control of illegal activities which would cause degradation of forests. I am certainly in support of the policy and the concept and I think he is to be congratulated on moving in that direction.

Thank you, Mr. President.

**Sen. Mahadeo Jagmohan:** Mr. President, I too crave your indulgence to congratulate our friend—I am not seeing him here now—Sen. Haji Nizam Baksh on his promotion to the post of Parliamentary Secretary in the Ministry of Social and Community Development. I think it is a good thing for the country, provided that he gets the co-operation from those above him in order for him to do his job well. So we congratulate Sen. Haji Nizam Baksh on his elevation. [*Desk thumping*]

Mr. President and hon. Senators, a great deal was already said, but there are some extremely important points that I wish to make. I am doubtful whether I would use the entire statutory speaking time in my contribution, I might speak for less than that.

A very important issue is here in the Explanatory Note, about the third paragraph. It reads:

"Clause four would amend section three to state that officers of the Coast Guard would have the authority to perform functions as Forests Officers, in relation to any area of water along the coast of Trinidad or Tobago."

This move or intention of engaging the Coast Guard in the work of the Ministry of Agriculture, Land and Marine Resources is not advisable and it is not too late for the Minister to give some thought to this, because, the Coast Guard, like any other public sector area of employment or protective service, is already overworked, they do not have the necessary equipment and their infrastructure is poor. It is a good thing that the American Government is giving certain concessions and making certain equipment available. What is required here is for the Ministry of Agriculture, Land and Marine Resources to increase its personnel who would fall under the Civil Service Regulations or who would be daily-paid workers in the Ministry of Agriculture, Land and Marine Resources.

It seems to me, we have been looking at trends over the last three years, that the Government of the day does not seem to have total confidence in all areas and segments of their personnel engaged in the service of the Ministry of Agriculture, Land and Marine Resources. In some of the areas where people are designated forest officers, it has been drawn to my attention that certain types of their operations have been curtailed and they are put on a limited scope of operation. This has to be investigated.

The point I am making here is that presently, the Forestry Division of the Ministry does not have the required personnel to monitor and man the day-to-day operations of forest officers or honorary game wardens, or what have you. This could be increased by leaps and bounds if competent daily-paid workers with the capacity are trained, precepted and given the equipment to do a certain kind of work that can monitor illegal operations in the forest. Perhaps the hon. Minister and Parliamentary Secretary should do some consultation on this. For that matter, if any other ministry of Government seems to be having a problem in financing the upkeep of their employees, some consideration could be given for transfers or re-deployment.

Mr. President, the greatest amount of illegal activities takes place on evenings, at nights and on weekends. I think the Minister himself made reference to it, that the civil servants operate on the basis of their regulations from 8.00 a.m. to 4.00

p.m. per day, but I am aware that there are many conscientious forest officers and other senior personnel from the Ministry who work over and above the call of duty and they also do some kind of work over the weekend, or they have a network set up where they will be informed, and if that area is strengthened, some of the illegal activities might be minimized.

Having said that, I am looking at page 5, section 6, right down to the end of the page. I am worried about the way this section will operate if it becomes law. People's private lands will now be under the purview of the Ministry of Agriculture, Land and Marine Resources, in the sense that if one has a tree here or there and one wants to cut it down for good reason, either to put a building or make one's own private road, one will now have to apply to the Ministry of Agriculture, Land and Marine Resources; that is violating people's property rights. They are being prevented from enjoying their property, free from encumbrances of any kind. This clause should be taken out immediately. There is absolutely no need for this clause, and since this has a relationship with the fundamental rights of citizens in our Constitution, it is something we need to ponder.

Mr. President, clause 7A(3) of the Forests (Amdt.) Bill states:

"Where an application is being made to remove timber from private land and the applicant is the owner of such land, he shall make a declaration of ownership in the prescribed form."

Whatever the prescribed form is, the owner is actually surrendering parts of his rights to the state and, if this is allowed to go that way, then it is a way of getting the thin edge of the wedge in, and later on it is going to be terrible when the entire wedge is pierced through.

I am looking at clause 7C(2) which reads thus:

"Every such permit shall be returned to the office from which it was issued, within fifteen days of the date of expiry of such a permit."

But 7C(1) states:

"A permit to remove timber from private land shall be valid for a period of seven days."

This is not making sense at all. The validity of the permit is for a duration of seven days, but the period to return the used or unused permit is 15 days; this is licence for mischief and illegal activities. People have seven days in which to use the

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permit, but when the seven days expire, they have 15 days in which to return it. I wonder what went wrong with the legal draftspeople when they were doing this? Or is it that the Minister pressed them to put it so? I do not know. We need to find out what was intended.

Then clause 7E(1) states:

"A non-refundable/non-transferable fee of thirty dollars, shall be charged for any permit issued under this Act, but the fee for the Bulk Timber Removal Permit shall be fifty dollars."

This to my mind—I do not wish to use strong language to describe it—is ridiculous. In one permit, these people might be hauling from the forest and transporting on the road half million dollars worth of timber, and they will only have to pay \$50 for that facility, bearing in mind the damage they will do to infrastructure and the environment. I could not disagree more than I do in that respect.

Lower down, clause 7E(2) reads thus:

"The Minister may by Order prescribe such fees for the grant of the Bulk Timber Removal Permit in relation to the quantity of timber to be removed as he may think fit."

In this case, why is it not the Conservator of Forests or the Permanent Secretary in the Ministry? Why the Minister? Is it that sometime soon the Minister will not have much work to do and he will have to deal with day-to-day administrative matters? This is something mind-boggling and worrying. For so many other things, it is the forest officers and other officers, but for this, it is the Minister. Is someone going to say "Minister" here means anybody in the Ministry? We need to find out.

Clause 7G talks about a limit on the number of logs that the trucks will be permitted to carry and so forth. Are we going to have weigh bridges now installed in the country for these trucks to go over, as was done for so many decades at the Pitch Lake? How will this work? How will the weight of a loaded truck be estimated? Who will decide this? What will be the mechanism to come to terms with that?

I wish to re-emphasize this point. One of my colleagues spoke about the operations of Tanteak. Perhaps many people in the country do not know, but at Tanteak, they do very useful operations which benefit the whole country. At the same time, a bit of other things happen there. I suppose it is because of the kind of management and activities which take place there that this happens.

Now, since we are talking about the forests, I have had a nexus with the Ministry of Agriculture, Land and Marine Resources for a period of about 40 continuous, effective years.

**5.45 p.m.**

Mr. President, I have had a nexus. By that I mean, I have been an officer of the union since August 17, 1958 continuously, up to this time [*Desk thumping*] and we had to represent the Ministry of Agriculture, Land and Marine Resources' workers, Forestry Division, throughout Trinidad and Tobago. I can see two of our friends with whom we had to interface in industrial relations matters, among the technocrats, doing whatever they are here to do.

Regarding the trees in the forest, it does not seem that the Ministry is giving any thought to the local cedar, the teak, in particular, and the pine—I am only mentioning this point because my colleague, Sen. Montano, used to be chairman of the Tanteak board for a certain period. He is an experienced, highly trained and qualified accountant, and the first year he went into Tanteak, 1994, a substantial profit was shown. [*Desk thumping*]. [*Cross talk*] But he did not choose to remain there much longer anyway.

The agricultural officers knew this, but the Ministry in its estimates and *modus operandi* did not give thought to the fact that all trees in the forest that were meant to develop into real timber, should be pruned or trimmed early, so that when they are taken to the mill and cut, the nuts in the branches or twigs cut very early would be removed on the slabs. You would then see proper logs, good timber, that would provide real good board and so forth.

**Hon. Senator:** Good wood! [*Laughter*]

**Sen. M. Jagmohan:** That is a point that I think I should have made. As a matter of fact, perhaps the Minister was advised not to, but some of the people who can be accused of wrongdoing in the forests are given legal authority to enter the forest with their hunter's licence or whatever. Although I know that the Minister would not take me on in his reply, and would behave as though he did not hear me, I still say that if hunting is banned for three years there would be a reduction of illegal activities in the forest.

**Hon. Senator:** And no marijuana planting!

**Sen. M. Jagmohan:** Mr. President, I am re-emphasizing the point that the 8 a.m. to 4 p.m. monitoring of the forest and the forested areas is not good enough.

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Perhaps it is a good thing for some people, but to me it is a bad thing generally, that since the coming into office of the present government—and I have no quarrel with them, they are the Government and must rule properly, but whether they are doing that is another matter—there are too many meetings of technocrats and personnel in every ministry and department. They could never be found at their posts or head office, they are always somewhere in some kind of meeting.

The area that suffers most is primary schools where principals and vice principals are always at meetings, and teachers are always on courses. The same thing applies to all other government departments: too many meetings and they cannot do their work properly.

I am urging the hon. Minister and the Government—and they have a very excellent area to draw from—to train those people to monitor the forest. Among that group of people there are many men of good integrity, who will do their work well. I am talking about the daily-paid workers in the Ministry of Agriculture, Land and Marine Resources. They are willing to do their work well, provided they are given the cooperation. The Minister should think of precepting those people. Give them the power of arrest and have them work after 4.00 p.m. Perhaps the recognized majority union might like to talk about that.

I suggest that since the pilferage and wrongdoings take place on weekends and public holidays, that those are the days to put some of those people on a shift system, where you do not have to pay double, triple, quadruple time or whatever. They would be able to assist in saving the forests, which is one of our greatest and best heritage. I urge the Minister to give thought to this suggestion.

Mr. President, I always have difficulty in speaking on two Bills together, but because of my respect for authority and the law, I try to go along as best as I can. It is a difficult proposition. We on this side do not enjoy the luxury as those on the other side, of coming with written speeches, so we have to make the best we can of the situation.

Regarding the Sawmills (Amdt.) (No. 2) Bill, Sir, no one in their wildest dreams, before this Bill came before Parliament, would have thought that a person operating in a place 20 feet wide by about 30 feet long and having another little shed going from under one of the eaves of that building with some wood packed, that this legislation would now call that person's place a sawmill, and that he or she must have a licence and so forth, and a book for the number of logs or pieces of wood in there. [*Cross talk*]



**Dr. Mohammed:** It was always that way, check the Act!

**Sen. M. Jagmohan:** Mr. President, I have tremendous difficulty with that. I know of a particular gentleman—who must not be named—he is a middle manager in the Ministry of Works and Transport, and in order for him to do the things he wants to do and give his family what he wants to give them, he runs a part-time furniture shop. His specialty is souvenirs. He does not occupy a very big place, but now he must let his place be known as a sawmill. I do not know where we are going!

Since we are speaking on both Bills together, this point came to my mind. In a certain location in south Trinidad, there was a Ministry of Agriculture, Land and Marine Resources' plantation with very young teak and pine. Since this Government came into being—and nothing is wrong with people being strong supporters of the Government, they may if they wish—but I am advised that people who were somewhat middle sized financiers and strong supporters of the Government went in without authority, bulldozed those young trees and cleared thousands of acres in order to plant sugar cane because it was more lucrative to them than to do anything else on that land. [*Cross talk*] That happened about two and a half years ago.

With respect to the Sawmills (Amdt.) (No. 2) Bill, clause 4 under section 4A (2) states:

"A permit to be called a Log Haulage Permit shall be issued by the Conservator upon application from the owner or driver of the vehicle or user of equipment on which logs are to be transported, or hauled from the forests."

The second line of this subsection talks about "haulage," and from the general knowledge we have, this is about hauling logs from the forest. Some people still have animals pulling these logs by certain means, and then the wheel tractor with wheels that are specially fitted with what is normally called either the "sheep feet wheel" or whatever. Sen. Baksh knows what I am talking about. I do not want to call it peg wheels because it would relate to a pair of football boots. [*Laughter*]

Two major points are wrapped up in one subsection which would confuse people. The draftspeople should have given thought to this: "a permit to be called a log haulage permit." That is a permit to pull the logs out from the forest and depot them in some place where the trucks could pick them up. Then you call that the "transport procedure". But why one permit for all of that? Haulage and transport should be separated.

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I referred to this already, but clause 4 under section 4A (4) states:

"The fee for the Log Haulage Permit shall be three hundred dollars."

Why have they done that? Why was it not \$1,000?

Mr. President, I turn next to page 6 of the Sawmills (Amdt.) (No. 2) Bill. I am wondering, are we not going to have difficulties with respect to our 15 per cent fee for a power saw licence? Because a number of people—and the Minister spoke about it—travel out of the country and upon returning they have a power saw in a little sack holding in their hands. Some of them may be hunters or gardeners, and a 15 per cent fee for that, is much too high.

Under clause 5, subsection 8A(1) states:

"A person who stores or stockpiles timber in a sawmill compound, shall keep a record of the number of Removal Permits granted under the Forests Act, the date of its issue and the name of the officer who issued same, for each occasion on which timber is removed from its source."

"Source" means the forest, I imagine. It seems to us that any time a forest officer wants to check and recheck, he is entitled to. Why can he not make only one check until the timber is gotten rid of by way of cutting or processing, and they would carry the identification mark of the Ministry? This seems to be confusing. You have got to see it from the layman's point of view in order to understand this.

Both Bills are here, the Minister might have had terrible, sleepless nights thinking about what he wants the draftspeople to put in this Bill. I have no doubt that he and his technocrats have decided how they wanted this Bill done and so forth. This Forests (Amdt.) (No. 2) Bill which has stipulated that people with private lands must now have permission before they could cut down a tree on their own estates, is taking things a little too far.

### **6.00 p.m.**

I do not know how this Senate will proceed later on in dealing with this but that clause of the Bill should be immediately removed. The intention of the Minister to preserve the forest and have orderly operations is a laudable one but the way the Bill is prepared and put here—both Bills we have difficulty with. The Forests Bill: private lands and how owners must deal. In the Sawmills (Amdt.) Bill (No. 2) every little joiner shop in every little alley is now a sawmill. I am wondering if the nation is made aware of this what they are going to think about the Minister and the Ministry.

Without any shadow of a doubt the Ministry of Agriculture, Land and Marine Resources has some of the most qualified officers and technocrats compared with the other ministries. They really have a number of distinguished people there who work well and are well trained and qualified to do their job but perhaps they might have been told to shut up and be quiet, the Minister wants his way and the Government wants to do it in a certain way.

I am hoping that good sense will prevail and either certain sections will be withdrawn or at the committee stage, if we are having that at all, something will be done about the oppressive section to which we object strongly.

I thank you, Mr. President. [*Desk thumping*]

#### PROCEDURAL MOTION

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, purely on a Procedural Motion and in accordance with Standing Order 9(8) I beg to move that the Senate continues to sit until the conclusion of the matter now before the Senate.

*Question put and agreed to.*

#### SAWMILLS (AMDT.) (NO. 2) BILL

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed):** Mr. President, I have absolutely no intention of dealing with anything other than the issues. I am not going to become involved in any political quarrel at this time of the day. I intend to deal collectively with the concerns expressed by the other side.

Permit me to start with some of the things that Sen. Jagmohan mentioned. If my memory serves me correctly he said—correct me if I am wrong, Sir—that the Coast Guard should never become involved in policing the seas for the transport of logs and, further, that the Coast Guard should not be involved in the activities of the Ministry.

I want to point out to him, Mr. President, that the Coast Guard is highly involved in the fisheries subsector of the Ministry of Agriculture, Land and Marine Resources. Therefore, I do not see his objection to having the Coast Guard involved by way of a policing mechanism especially in light of what is taking place on the North Coast. There are illegal loggers or what have you felling trees, sliding them down the slopes into the sea and taking it by boat to wherever, perhaps coming out on a road somewhere else and then trucking it from there.

Mr. President, one of the things Sen. Jagmohan mentioned as well is that we can never have the required physical policing mechanism in place. I want to remind him that when we came into Government the nine Coast Guard boats were all down and out. I would like to advise this honourable Senate that I am advised by the Minister of National Security that six of those boats have already gone through the testing as far as sea worthiness is concerned and by the end of this month six of the nine boats, which this Government has taken the time to have repaired to assist us in providing the policing mechanism on the seas, will become operational. The other three boats are costing us a lot more than some of the other six but we are getting there. Hopefully by mid next year all nine of the boats which, when we came into Government, were non functional under the Coast Guard will be fully operational. So that I can put aside that concern by Sen. Jagmohan.

On his question of the airplane and the use of the aircraft for surveillance: we will be doing more than that and we have already put in motion what we will be doing about that. We intend to use GISGP technology whereby we will be linking our forces with the University of the West Indies and renting a window on the satellite at a fee, of course. This will be paid jointly by the University and the Ministry of Agriculture, Land and Marine Resources.

We will not only be monitoring our silviculture, we will be monitoring our fish stocks and our land situation. We will be able to monitor who is where felling trees illegally and when because it will all be digitized. Therefore, this question of spending money to buy an aircraft as proposed by the lady Senator and Sen. Montano is archaic and a waste of time and money. This is the way this Government is going. We are going to be using technology by way of GISGPS and tying in with the satellite system in conjunction with the University of the West Indies so that we will be able to monitor all of the fish stocks, silviculture, pests and diseases. That is the way we are going.

Concerns were expressed by Sen. Prof. Kenny. He wanted the legislative agenda detailed for him. Before I respond to his question on royalties, Sir, the legislative agenda for the Ministry of Agriculture, Land and Marine Resources, in order of priority is the Agricultural Small Holdings and Tenure Act which is due to come back to Cabinet soon for laying in Parliament—Mr. President, I heard murmurs from the other side which I will not respond to for the simple reason that they were charged with that responsibility and in four years they never did it—the National Parks and Protected Areas Bill was discussed at a meeting on Monday at the Attorney General's office. It is due to come back to Cabinet, if not this week

next week, for laying in Parliament; the Wild Life Bill, same procedure. It has already gone to the Law Reform Commission (LRC) and hopefully it will be laid in Parliament soon; the Forests Bill has already been drafted; the Fisheries Bill has already been drafted and I think that is out for public comment. I have instructed my people that in the event that Prof. Kenny has not received a copy he should get a copy. That is the legislative agenda.

With respect to the royalties, I am advised by the technocrats that royalties are set at 30 per cent of the selling price of logs at roadside after taking into account the cost of felling and extraction. The species of trees are subdivided into four classes based on and Country Planning Act, as it stands now, when it was revalidated required the special majority. I think the Planning and Development of Land Bill, because this replaced the Town and Country Planning Act, also required the special majority.

**Dr. The Hon. R. Mohammed:** Thank you Prof. Kenny. I was thinking along the line of regulations coming out of that piece of legislation to give effect to the example you used with the Arima Valley situation and the growing of christophene and what have you and to say that the Town and Country Planning Act of 1969, whatever took place there, the Planning and Development of Land Bill and so forth, whatever took place with that, if we continue to wait for these things to be put in place, these things take a fair amount of time to do and given the crisis situation in which we presently find ourselves with respect to the illegal logging and the damage to the environment and what have you, we feel that it is crucial at this point, given the importance of what we are attempting to do—

**Sen. Prof. Spence:** Mr. President, I understand that it is possible to make an interim order even without the regulations so, in fact, the hon. Minister can use that Act tomorrow in order to declare certain areas of Trinidad to be under that Act for tree felling.

**Dr. The Hon. R. Mohammed:** That is something we are more than willing to consider but the point I am making is that we need to give immediate effect to the . amendments that we have brought by way of these two Bills and that we need to do this immediately in an effort to halt these particular problems which I described during my opening presentation.

If we continue to allow this to go on as it is going and we allow the time that is necessary for these respective pieces of legislation to be finalized we may just wake up one morning and find half of the Northern Range gone, half of the

*Sawmills (Amdt.) (No.2) Bill*  
[HON. R. MOHAMMED]

*Tuesday, November 17, 1998*

southern watershed has gone and the entire Central Range has gone. It is in keeping with this kind of high impact and desire to get a better handle through this legislative framework through these amendments so that we can begin, at least, to stymie the operations of these illegal loggers and their negative impacts on the environment that we have brought these things here today.

We feel comfortable in the Ministry because of the fact that we have already started negotiations with the Chief Personnel Officer's office to change the working hours of some of our staff, especially in the Forestry Division. With respect to the policing mechanisms we feel comfortable in view of the fact that we have recently reappointed, by way of Cabinet, 280 honorary game wardens. We have the Civilian Conservation Corps at our disposal.

**6.15 p.m.**

We have recognized and we already had Cabinet approval for an additional nine honorary game wardens. We feel that we have been doing all that is necessary to fill that gap in terms of more bodies and in terms of personnel to assist us to effect the type of policing mechanism which will be required in this case. [*Sen. Mohammed attempts to stand*] Just allow me to finish my point.

This is one of the reasons we have considered, within the framework of the amendments, bringing on board the services of the Coast Guard. I have been speaking with the hon. Minister of National Security and I am having wonderful co-operation from him through his Ministry, through the Defence Force and the Police Service in assisting us in the case of going out there on surveillance with the honorary game wardens. They no longer go out there alone; they go out accompanied by army personnel and police officers, because the honorary game wardens are only vested with the powers of arrest; they cannot lay charges.

Sen. Prof. Kenny made the point. He was walking through the Nariva Swamp before I was born with a camera and there were 12 hunters with shotguns coming out. We understand all that and that is why we have taken the time and the patience within the framework of the ministry, working along with the ministry's personnel in developing these systems.

I would like to advise here that the drafting of the Bill, in truth and in fact, represents the policy that was developed collectively by the ministry officials and I heard Sen. Jagmohan making certain comments and concerns about the drafting of the amendments about which I am a little concerned, because as a Ministry and, as

Minister responsible for that Ministry, we feel comfortable that the way the thing is drafted represents the policy for which it was intended.

**Sen. Mohammed:** Thank you very much, hon. Minister, for giving way. Mr. President, just now the hon. Minister said that one morning we may get up and see that the Northern Range forest has been cut down, or elsewhere. In the same vein, we are fearful that one morning we may get up and realize that we no longer have our fundamental rights and freedoms.

What is the difficulty, seeing that there is a kind of consensus in terms of the need for something effective to be done to deal with the illegal problems? What is the difficulty in coming with the bills in a way that they would cater to the concerns we have raised insofar as the infringement of fundamental rights and freedoms are concerned, and to bring back these bills properly drafted and requiring the appropriate special majority, seeing that this argument has been raised? What is the great difficulty in coming with properly drafted bills to cater for these concerns?

**Dr. The Hon. R. Mohammed:** Hon. Senator, I have just said that we feel comfortable that the Bill has been drafted in keeping with the policy. I also made it very clear in my opening statement that if there is a perception that a special majority is needed because of infringement, or whatever, the thing is that there are situations internationally where this kind of concept is developed and implemented in order to protect the environment. We have become too lawless where our environment is concerned and if this is one of the measures and the ways, in keeping with the urgent need to put these mechanisms in place by way of a legislative framework to take care of these concerns, we on this side have absolutely no problem and no concern at this point, in feeling in any way that this is against the Constitution of the Republic of Trinidad and Tobago, by way of freedom.

We are very comfortable that the infringement, if it is perceived as infringement, there is a due process by law where there are three levels or three areas of opportunity for recourse. There is first the designated officer in the Ministry, the Conservator of Forests; there is recourse to the Minister for an appeal; there is also the courts. I do not understand that concern by the Opposition. Sen. Mohammed gave the impression that everybody on that side is concerned about this. I did not get that impression. I sat here all afternoon and I listened to everyone. So we feel comfortable—

**Sen. Mohammed:** We feel very uncomfortable.

**Dr. The Hon. R. Mohammed:**—given the immediate situation and the need to implement these things immediately, in keeping with the fact that we have legislation presently being formulated and modified to ensure that these things are not only related or impacted on by the Forestry Division of the Ministry of Agriculture, Land and Marine Resources, we feel that the time has come—

**Sen. Jagmohan:** Minister, would you give way?

**Dr. The Hon. R. Mohammed:** Please, please. The Senator had his opportunity. I want to wind up, please.

We feel that we have taken care of the major loopholes in the Acts of 1998, both in the Forests Act and the Sawmills Act, and whether I have been able to allay the concerns expressed by Senators on the other side, the Bill still has a few stages to be gone through.

In keeping with good parliamentary practice, Mr. President, I beg to move.

**Mr. President:** Procedurally, the Bills will now have to be dealt with separately.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

*Clauses 1 to 3 ordered to stand part of the Bill.*

*Clause 4.*

*Question proposed, That clause 4 stand part of the Bill.*

**Sen. Prof. Spence:** Mr. Chairman, I had raised the point as to whether it might be necessary to have a haulage permit for planks as well, because a portable mill can cut the logs into what is called planks. Is that the right word? So, we might circumvent the haulage provision by cutting the thing up before starting to haul it and I wondered whether it was necessary to have a provision for haulage of sawn lumber.

**Dr. Mohammed:** Should we say a timber haulage permit then, because that would include planks?



**Sen. Prof. Spence:** Yes. The only thing about timber haulage is I think it would run into the other problem of if one is transporting timber to build a house or something, that one would have to get a permit for that. Really, what we want to capture is the sawn lumber which a portable mill or chain saw has cut into planks which is then transported and there is no control over it that would be had if it were a log. That is the only point. I am not sure how it would be done, but it seems to me that we want to be able to apprehend illegal planks being taken around in the same way we would want to apprehend illegal logs being taken around.

**Dr. Mohammed:** Prof. Spence, the problem is how to discern between legal and illegal planks?

**Sen. Prof. Spence:** Well, it is the same thing as two of the logs. The haulage permit is being put in because control of movement of logs is needed, whether they are legal or illegal.

**Dr. Mohammed:** The only way I can see us getting around this problem is if we stipulate dimensional stock, because a plank will be of a particular dimension. Then, again, if the perpetrator of an illegal act in the forest with his portable saw decides to cut the material into something other than a plank, then we would end up with the same problem. How do we get around this problem?

**Sen. Prof. Spence:** It seems to me that you have really left a loophole here for movement of sawn lumber which may mean that much of the illegal things will escape.

**Dr. Mohammed:** Can we define log?

**Sen. Prof. Spence:** To include something else, to include sawn logs. That may be the way around it. If we can define logs to mean log or recently sawn logs or a log sawn by a portable saw or portable sawmill.

**Dr. Mohammed:** It will be very difficult to determine whether it is sawn by a portable saw or not.

**Sen. Prof. Spence:** I was having some discussion with sawmillers and they told me that certainly they can tell if it is done with a portable saw as opposed to a sawmill.

**Dr. Mohammed:** We are checking the definition of "timber" here to see if it can be couched in such a way that it would take care of that.

**Sen. Prof. Spence:** Mr. Chairman, perhaps we could go on and come back to that.

**Dr. Mohammed:** Okay. We will come back to that.

**Mr. Chairman:** We shall revert to clause 4 later on.

*Clause 4, by leave, deferred.*

*Clauses 5 and 6 ordered to stand part of the Bill.*

*Clause 4 recommitted.*

**Sen. Dr. Mc Kenzie:** Mr. Chairman, I remember the suggestion made by Sen. Prof. Spence in clause 4(a)(i) about logs, or timber, and the reply was given that the mistake could be made that the timber was referring to timber for the construction of a house. I thought that the phrase “from the forest” qualifies it or shows the difference, so I did not see anything wrong with putting in haulage of logs or timber from the forest. This is my suggestion. I think the phrase “from the forest” qualifies it and takes away the matter of construction or building totally. I think that could be safe enough.

**6.30 p.m.**

**Dr. Mohammed:** We should retain it as it is to be logs from the forest, and retain the definition for log.

**Sen. Dr. Mc Kenzie:** Yes. Let the word “logs” remain and put in the word “timber” so if it is cut up, logs and timber from the forest would mean they are cut up and are coming directly from the forest as apart from a hardware store. That is how I see it.

**Sen. Prof. Spence:** Mr. Chairman, under clause 4A.(1) where it says:

“No person may carry or transport logs or use equipment for the haulage of logs from the forest...”

**Sen. Prof. Kenny:** Mr. Chairman, I think it could be made even clearer by saying “*in situ* process timber” rather than saying “from the forest” because you can be driving down the Blanchisseuse Road carrying a load of timber. If you say *in situ* process timber, that is log and *in situ* process timber.

**Dr. Mohammed:** That would be covered under the removal permit. The haulage permit is haulage from the forest to the road. I agree with Sen. Dr. Mc Kenzie’s suggestion that we retain this but we would not retain the word “log”, just call it a haulage permit.

**Sen. Dr. Mc Kenzie:** When you are talking about logs, we know what you are talking about. What we were really debating was sawing the logs and having the timber. To get away from the word “logs” alone which come under a different concept, I am saying put “haulage of logs and timber” and it does not confuse construction.

**Sen. Moore:** Mr. Chairman, do we consider that it is only in the forest all these timber-producing wood would grow? Suppose it is a plantation cultivating lumber, which I know some people are doing, is that called forest too?

**Dr. Mohammed:** Can we consider calling it a haulage permit?

“...transport logs or timber, or use equipment for the haulage of logs or timber from the forests without a valid permit issued by the Conservator of Forests.”

That would take care of all the concerns.

**Sen. Prof. Spence:** I agree entirely, but Sen. Moore has made a point perhaps you could answer it. He asked whether cultivated forest would come under the definition of forest. If you are cultivating timber on five acres of land in Central Trinidad, would that satisfy the definition of forest? If it would, then there is no difficulty. We must be sure that the definition of the word “forest” in the original Act covers cultivated forests in any part of the country and not just what we think of as forest.

**Sen. Dr. Mc Kenzie:** That is a plantation. That is not a forest.

**Sen. Prof. Spence:** It depends on the definition. The definition could mean planted trees in a forest land.

**Dr. Mohammed:** I am being advised that the intention of the haulage permit is that all haulage of logs and/or timber, be it in private cultivated forest or forest reserves would apply.

Mr. Chairman, I beg to move that clause 4A.(1) be amended as follows:

“No person may carry or transport logs or timber or use equipment for the haulage of logs or timber from the forests, without a valid permit issued by the Conservator of Forests.”

**Sen. Prof. Spence:** Could you hold on clause 4A(1), Mr. Chairman, because I want to make a comment on clause 4B(3) which states:

“Where a person intends to purchase a power saw to which this section applies, he shall apply to the Conservator for a licence, hereafter called a

“Power Saw Licence” and upon application shall pay a fee of fifteen per cent of the cost of the power saw.”

The point was raised and it is a point made to me by sawmillers as to whether it is not more convenient to put that on to the sawmill rather than charge a fee of 15 per cent to the licence. They pay a standard fee for the licence but VAT is charged on the saw. I have no strong views on this, I just put it forward as a point which had been made to me.

**Dr. Mohammed:** I am advised that presently it does not attract VAT.

**Sen. Prof. Spence:** The suggestion is that it be made vatable and a discretionary fee be a set fee rather than a percentage of the cost of the saw which is a more difficult matter to determine. VAT is fairly straightforward because there are ways of dealing with that, but it means that your forestry department is now going to have to put a value on the saw.

**Dr. Mohammed:** Sen. Prof. Spence, how are we going to keep a check on who have saws and who do not?

**Sen. Prof. Spence:** I am saying have the licence with a standard fee of \$200.00 or whatever, but in addition to that, charge VAT on the saw. Be sure to put in a 15 per cent charge for the licence.

**Dr. Mohammed:** So the 15 per cent charged would be at the institution of purchase?

**Sen. Prof. Spence:** Yes. Charge a small fee for the licence as well.

The only change you would need here is to remove the 15 per cent and put a standard fee, but to make the thing equitable to the payment, you ought to get the Ministry of Finance to agree to make the chain saws vatable.

**Dr. Mohammed:** I am being advised that the intention of clause 4B(3) is that they come to the ministry, obtain a licence with the invoice, and then purchase the saw so we can have a record of who has a saw and who does not have?

**Sen. Prof. Spence:** Suppose I am buying a second-hand saw, who is going to determine the value of the saw to charge me 15 per cent? Would it be the Forestry Department?

**Dr. Mohammed:** Sen. Prof. Spence, I am advised that the intention with respect to the sale of a second-hand saw would be the same as the person who

goes to the store to purchase a brand new saw. The individual who intends to purchase a second-hand saw would have to come to the ministry with an invoice from the vendor.

**Sen. Prof. Spence:** If I am buying a second-hand saw and I arrange with my friend to under-invoice the value of the saw. You have to be able to value it so the Forestry Department must say whether it is a legitimate value otherwise it is open to corruption.

**Dr. Mohammed:** I do not think the intention here is to collect a fee *per se*, it is to keep a register of who have these saws.

**Sen. Prof. Spence:** Then have a standard fee.

**Dr. Mohammed:** Sen. Prof. Spence, would you be prepared to consider at this juncture that we go with it as it is and return to it at a later stage?

*Question put and agreed to.*

*Clause 4A(1), as amended, ordered to stand part of the Bill.*

**Sen. Prof. Spence:** Mr. Chairman, before you return to the whole Bill, would you allow me to raise a point in clause 2? It is just for information, but I think it is important. I had asked a question which I do not think the Minister answered. If you have every furniture shop now being called a sawmill, is this a back door way of becoming a sawmill? In other words, can I now as a furniture shop having been licensed to be a sawmill buy a real big sawmill equipment and set myself up as a sawmill? How do you stop that?

**Dr. Mohammed:** There is a procedure for obtaining a licence for a sawmill. An approach has to be made to the Conservator of Forests seeking permission to purchase a sawmill, because a sawmill in a furniture shop is a different thing.

**Sen. Prof. Spence:** If I get a licence to operate a sawmill, every time I want to buy new equipment do I have to get permission again even though I am licensed as a sawmiller?

**Dr. Mohammed:** Every new sawmill would require a new licence. Every year you have to get a new licence for a sawmill, Professor.

**Sen. Prof. Spence:** If I want to buy new equipment within the year, do I have to get another licence?

**Dr. Mohammed:** As many sawmills as you have, you must have a licence for it.

**6.45 p.m.**

*Question put and agreed to, That the Bill be reported to the Senate.*

*Senate resumed.*

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

**FORESTS (AMDT.) (NO. 2) BILL**

*Order for second reading read.*

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed):** Mr. President, I beg to move

That a bill to amend the Forests Act, Chap. 66:01 be now read a second time.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

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

*Clause 5.*

*Question proposed, That clause 5 stand part of the Bill.*

**Sen. Prof. Spence:** Mr. Chairman, may I inquire whether the intention in clause 7(3) was for any tree or is it any tree intended for commercial purposes?

**Dr. Mohammed:** It applies to any tree for commercial purposes.

**Sen. Prof. Spence:** Could we not include it so as not to cause confusion?

**Dr. Mohammed:** Sure.

**Sen. Prof. Spence:** I am asking the question, what was intended?

**Dr. Mohammed:** I am advised that any tree referred to in subsection (1), because the legislation speaks to trees on slopes as well as trees for commercial purposes.

*Clause 5 ordered to stand part of the Bill.*

*Clause 6.*

*Question proposed, That clause 6 stand part of the Bill.*

**Dr. Mohammed:** Mr. Chairman, I beg to move that clause 6 be amended as follows.

- A. In the proposed section 7D delete the word “the” in the second place where it occurs and substitute the word “any”.
- B. Insert the following new clause immediately after the proposed 7G:

“Appeal to the  
Minister

7H (1) Where an application of any permit is refused by the Authorised Officer, the aggrieved applicant may appeal to the Minister for a review of the decision, not later than one month after the refusal of the application stating the grounds for the appeal.

(2) Minister shall consider an application for review of the refusal, within a reasonable time after the receipt of the application.

(3) Nothing in this section shall be constructed as restricting the right of an aggrieved person to apply to the High Court for redress in accordance with Section 14 of the Constitution.

**Sen. Prof. Spence:** Before we leave that clause, a number of people made a point in 7C whether seven days is a reasonable time. That was also raised to me by sawmillers who felt it was unreasonable.

**Dr. Mohammed:** Professor, I think the intention here is that after the seven-day period they could apply for an extension, because we would need the officers to go out after the seven days to see what has been done during those seven days. The practice has been observed whereby these people take these same permits and go to the different parcels, so we need a mechanism to give us that check and balance.

**Sen. Prof. Spence:** According to legislation now, it is no longer valid and one has to pay another fee.

**Dr. Mohammed:** The extension does not require an additional fee.

**Sen. Prof. Spence:** It does not say so in the legislation, so they cannot give that extension.

**Dr. Mohammed:** We can speak to that in the regulations.

**Sen. Prof. Spence:** If the Act says that the permit is for seven days then it is no longer valid, they have to charge another \$30 by law. Their regulations cannot say something for which they have not made provision. So it must say here, "and may be extended without an additional charge".

**Dr. Mohammed:** I am being advised here that the power to grant a permit also includes the power to extend a permit or to revoke it, according to the Interpretation Act.

**Sen. Prof. Spence:** I think the public must be made aware, so if they are going to make regulations, I think it is important to make provision for that.

**Dr. Mohammed:** Will do.

*Question put and agreed to.*

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

*Clauses 7 to 9 ordered to stand part of the Bill.*

*Clause 10.*

*Question proposed, That clause 10 stand part of the Bill.*

**Sen. Prof. Kenny:** Mr. Chairman, may I suggest that the fine be raised to something that acts as a deterrent? I think a \$1,000 fine has no meaning.

**Dr. Mohammed:** Sen. Prof. Kenny, I am advised that these fines, in keeping with what you are suggesting, are being taken into consideration by view of the new Forests Bill.

*Question put and agreed to.*

*Clause 10 ordered to stand part of the Bill.*

*New Clause 11.*



**Dr. Mohammed:** Mr. President, I propose a new clause 11 which reads as follows:

11. The Act is amended by deleting the Second Schedule.

*New clause 11 read the first time.*

*Question proposed, That the new clause be read a second time.*

*Question put and agreed to.*

*Question proposed, That the new clause be added to the Bill.*

*Question and agreed to.*

*New clause 11 added to the Bill.*

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

*Senate resumed.*

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

#### ADJOURNMENT

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, I beg to move that this Senate do now adjourn to Tuesday, November 24, 1998 at 1.30 p.m. at which time we will deal with Private Members' Business, Motion No. 1 standing in the name of Sen. Dr. Eric St. Cyr.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 7.01 p.m.*