

*Leave of Absence**Tuesday, May 08, 2001***SENATE***Tuesday, May 08, 2001*

The Senate met at 1.33 p.m.

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

Mr. President: Hon. Senators, leave of absence from sittings of the Senate has been approved for the following Members of the Senate: Sen. Dr. Tim Gopeesingh during the period May 1 to May 19, and Sen. Mary King during the period May 5 to May 9, 2001.

SENATOR'S APPOINTMENT

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

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON, T.C.,
O.C.C., S.C., President and Commander-in-Chief of
the Republic of Trinidad and Tobago.

/s/ Arthur N. R. Robinson
President.

TO: MR. VINCENT CABRERA

WHEREAS Senator Tim Gopeesingh 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 the 8th May, 2001 and continuing during the absence from Trinidad and Tobago of the said Senator Tim Gopeesingh.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 4th day of May, 2001.”

CONDOLENCES**(MR. CARLISLE FENWICK CHANG)**

Mr. President: Hon. Senators, I wish to record the passing of a very distinguished and renowned visual artist, designer and sculptor, in the person of Carlisle Fenwick Chang who passed away on May 6, 2001 and will be interred on May 10.

He exhibited locally as well as internationally and won acclaim whenever and wherever he did his exhibitions. According to Michael Anthony in a document "Historical Dictionary of Trinidad and Tobago", Carlisle Chang was the person reputed to have designed the national flag of Trinidad and Tobago as well as the country's Coat of Arms.

On behalf of all Members of the Senate, I extend to the family of the bereaved our heartfelt condolences. I have asked the Clerk of the Senate to send to the family an appropriate letter of condolence.

We pray God's blessings that his soul may rest in eternal peace.

OATH OF ALLEGIANCE

Sen. Vincent Cabrera took and subscribed the Oath of Allegiance as required by law.

SUPPLEMENTAL POLICE (AMDT.) BILL

Bill to amend the Supplemental Police Act, Chap. 15:02, brought from the House of Representatives [*The Attorney General and Minister of Legal Affairs*]; read the first time.

**ADMINISTRATION OF JUSTICE
(MISCELLANEOUS PROVISIONS) BILL**

Bill to repeal section 14A of the Evidence Act, Chap. 7:02; to amend the Larceny Act, Chap. 11:12; to amend the Legal Aid and Advice Act, Chap. 7:07, to allow a magistrate to appoint an attorney-at-law to give legal aid to an accused; to amend the Bail Act, 1994; to amend the Negotiable Instruments (Dishonoured Cheques) Act, 1998; and for other related matters, brought from the House of Representatives [*The Attorney General and Minister of Legal Affairs*]; read the first time.

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

Question put and agreed to.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Eric Williams Medical Sciences Complex Authority for the year ended December 31, 1991. [*The Minister of Finance (Sen. The Hon. Gerald Yetming)*]
2. Report of the Auditor General on the accounts of the Eric Williams Medical Sciences Complex Authority for the year ended December 31, 1992. (*Hon. G. Yetming*)
3. Report of the Auditor General on the accounts of the Eric Williams Medical Sciences Complex Authority for the year ended December 31, 1993. (*Hon. G. Yetming*)
4. Report of the Auditor General on the accounts of the National Institute of Higher Education, Research, Science and Technology, for the year ended December 31, 1998. (*Hon. G. Yetming*)
5. Report of the Auditor General on the opening balance sheet of the Trinidad and Tobago Postal Corporation as at July 01, 1999. (*Hon. G. Yetming*)
6. Report of the Auditor General on the accounts of the Deposit Insurance Corporation for the year ended September 30, 2000. (*Hon. G. Yetming*)
7. Report of the Auditor General on the public accounts of the Republic of Trinidad and Tobago for the financial year October 01, 1999 to September 30, 2000 and on other selected audited activities. (*Hon. G. Yetming*)
8. Remuneration packages for offices on the establishment of the Regulated Industries Commission (RIC). [*Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette)*]
9. The Certificate of Environmental Clearance (Designated Activities) Order, 2001. (*Sen. The Hon. L. Gillette*)
10. Report of the Auditor General on the accounts of the Airports Authority of Trinidad and Tobago for the years ended December 31, 1998 and December 31, 1999. (*Hon. G. Yetming*)
11. Report of the Auditor General on the accounts of the Environmental Trust Fund for the nine-month period ended September 30, 2000. (*Hon. G. Yetming*)
12. Report of the Auditor General on the accounts of the Strategic Services Agency for the nine-month period ended September 30, 1998. (*Hon. G. Yetming*)

ORAL ANSWER TO QUESTION**Town and Country Planning Act
(Issuing of Enforcement Notices)**

- 4. Sen. Prof. Julian Kenny** asked the Minister of Integrated Planning and Development:
- (a) Could the hon. Minister inform the Senate whether enforcement notices under Section 16 of the Town and Country Planning Act have been issued in each of the years 1998, 1999 and 2000?
 - (b) If the answer is in the affirmative, could the hon. Minister state the number issued in each year, the general nature including the localities of the breaches of planning control and the status of these enforcement notices?

The Minister of Integrated Planning and Development (Hon. John Humphrey): Mr. President, I am authorized by Cabinet to give the following response to the question of the hon. Senator.

Section 16 of the Town and Country Planning Act, to which the hon. Senator refers, authorizes the Minister to serve an enforcement notice on the owner and occupier of land on which unauthorized development occurs "if the Minister considers it expedient to do so having regard to the development plan and to any other material considerations".

The general intent of notices served is to secure compliance with the requirements of the Town and Country Planning Act and planning policies within a period specified in the notice.

With respect to the hon. Senator's question, whether such notices were issued in each of the years mentioned, the Minister of Integrated Planning and Development wishes to indicate to the Senate that no such notices were served in 1998, but such notices were served in each of the years 1999 and 2000.

With respect to the second part of the question, the Minister wishes to indicate that the number of notices, the general nature of breaches and the present status of the matters involved in the notices served in the years 1999 and 2000 were as follows: in 1999 four notices were served. Their particulars are:

I) Location

A site at 85 Whiteland Road, Williamsville.

Nature of Breaches

The carrying-out of building operations consisting of the installation of a bitumen-processing plant and construction of two sheds and the making of a material change in the use of land from residential use to use for the processing and storing of bitumen, all of which was done without permission.

Status

This file was closed upon advice received from the Director of Public Prosecutions that the matter had become statute-barred.

II) Location

A site at Southern Main Road, Enterprise Village, Chaguanas.

Nature of Breaches

The carrying-out of building operations by the erection of a two-storey addition to an existing building used as a grocery without the grant of planning permission.

Status

This matter is before the courts on complaint brought against the developer under section 17(3) TCPA by reason of his non-compliance with terms of the notice.

III) A site at Lot No. 3 Golden Grove Road, Buccoo, Tobago.

Nature of Breaches

Firstly, the making of a material change in the use of land from a nil use to use for the storage and sale of aggregate (gravel and fine sand). Secondly, the installation of a container on the site and the carrying-out of building operations by the structural addition of a wooden shed and a small room to the container. Thirdly, the use of the entire structure for storage and related office use, all of which was done without permission.

Status

This matter is before the courts on complaint brought against the developer under section 17(3) TCPA by reason of his non-compliance with the terms of the notice.

(IV) Location

A site at Lot No. 7 McLean Development, Retrench Village, San Fernando.

Nature of Breaches

The making of a material change in the use of the land from residential use to use for storage and rental of motor vehicles and the carrying-out of building operations by the erection of a shed, all without permission.

Status

There has been partial compliance with the notice in that the developer has discontinued the offending use and has removed the roof from the shed erected. In order to secure full compliance, a complaint is in preparation for filing in the court pursuant to section 17(3) TCPA.

1.45 p.m.

In the year 2,000, two notices were served. The particulars are:

Location:

A site at 17 Rosalind Drive, Lot 6, Palmiste, La Romain.

Nature of breach:

Carrying-out a building operation by the erection of eight sheds and enclosing wall exceeding the maximum permitted height of seven feet; all without permission.

Status:

The matter is being processed for filing at the San Fernando Magistrates' Court.

Location:

A site at 113 Paria Main Road, Blanchisseuse.

Nature of Breach:

The carrying-out of building operations consisting of erection of residential resort building contrary to the terms of planning permission granted.

Status:

Following service of the notice the developer applied for permission to retain the unauthorized construction, pursuant to section 14(1) of the Town and Country Planning Act. The application was refused. The developer has since applied to the hon. Minister for review of the decision refusing that application for permission to retain the unauthorized construction.

Sen. Prof. Kenny: On the subject of the last enforcement notice, is the hon. Minister aware that the building is now being used and occupied by the owners?

Hon. J. Humphrey: The Minister is so aware and the matter is under continuing review.

Sen. Prof. Kenny: There are a number of visible breaches of planning control in particular, for example, the Emerald Plaza at St. Augustine, which we are told has been modified without planning approval. Has the Town and Country Planning Division looked at this particular application?

Hon. J. Humphrey: Mr. President, the answer is yes. Planning permission was given on condition that other planning permissions are obtained.

Sen. Prof. Kenny: One final question. In the particular case, did the other authorities approve the extensive modifications to the building?

Hon. J. Humphrey: Mr. President, unfortunately, they do not all fall under the portfolio of the Minister of Integrated Planning and Development. But, if the Senator wishes, I can get answers to the supplemental question.

ARRANGEMENT OF BUSINESS

The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette): Mr. President, I seek leave of the Senate to deal with Motion No. 1, followed by Bill No. 2, under "Bills Second Reading."

Agreed to.

LAND ACQUISITION

The Minister of Housing and Settlements (Hon. Sadiq Baksh): Mr. President, I beg to move the following Motion standing in my name:

Resolved that this Senate approve the decision of the President to acquire the lands described in Appendix I for the public purpose specified.

Mr. President, some of the matters before this honourable House have been in the system for over three decades. I can go into the reason for each delay individually, but I do not think that approach will solve the problem.

Let me first of all outline the process of acquisition. The Land Acquisition Act No. 28 of 1994 governs the process of the acquisition of land and is undertaken in three stages.

In the first stage, section 3 of the Land Acquisition Act involves the publication of the intended acquisition in the *Trinidad and Tobago Gazette* and the notification of the landowner.

The second stage, section 4 of the Land Acquisition Act, involves gaining access or possession of the land to commence work.

The third stage, section 5 of the Land Acquisition Act, involves the formal acquisition of the land.

At each stage of the land acquisition process there are activities which require the input of various state agencies; namely Lands and Surveys Division, Town and Country Planning Division, the Valuation Division, and other agencies. Over the years, the process of land acquisition has been sometimes long and exhaustive, due to a number of related problems. These problems are, but not limited to:

- (1) failure of the requesting agency to provide the relevant documentation on a timely basis for initiation of the acquisition proceedings;
- (2) the time expended in the negotiation process on the compensation payable to landowners; and
- (3) the funds available for land acquisition.

These are the administrative problems. However, there are many other reasons that have served to delay some of the acquisitions before us today.

I am here to try to resolve these matters as expeditiously as possible. The Ministry would do everything possible to complete the backlog while simultaneously working on the current cases to ensure that we do not allow these to accumulate and become tomorrow's backlog.

The first acquisition is to approve the decision of the President to formally acquire a parcel of land comprising 2,277.4 square metres, more or less, situate off the extension of Lambeau Cemetery Street, Lambeau, in the Ward of Tobago, the Parish of St. Andrew; belonging to David Elder.

The subject acquisition is at the request of the Minister of Infrastructure Development and Local Government.

Proceedings for the acquisition of land were initiated on August 15, 1974, when a notice of intended acquisition was published under section 3 of the Land Acquisition Act and authority to commence work under section 4 was issued on September 9, 1974. The site forms part of a larger parcel comprising 4,047 hectares and possesses all urban services.

This final step in the process is necessary to formally acquire the subject parcel and expedite and facilitate compensation to its owner, Mr. David Elder.

The procedure for the acquisition of land for public purposes is standard and such matters have previously been brought before the House. On this occasion, we are indeed honoured to outline this process.

The second acquisition is to approve the decision of the President to acquire a parcel of land comprising 13.0756 hectares, more or less, situate in Caroni Village, in the Ward of Tacarigua, in the County of St. George; bounded by the Caroni River to the north; the Caroni South Bank Road to the south; a burial ground to the east, and a recreation ground and other lands to the west; and said to belong now or formerly to Caroni (1975) Limited.

The parcel of land is to be acquired to be utilized under the Government's National Settlements Programme.

1.55 p.m.

The Government is committed to the principle that adequate and affordable housing and shelter should be made available to the citizens of this country. It is also committed to the national physical development of Trinidad and Tobago which includes establishing viable self-sustaining settlements. One component of our national physical development is facilitating the development and allocation of land at affordable prices for shelter construction.

This acquisition will allow the Ministry of Housing and Settlements to commence construction and allocation of 140 lots within the next two weeks. It is part of the final stage of the settlements programme that started in 1989 and, in fact, it is earmarked for completion by September 30, 2001.

Information on the parcel of land can be found in Survey Plan GA 115 in the vault of the Lands and Surveys Department, Red House, Port of Spain. The procedure for the acquisition of land for public purpose is standard and we have

Land Acquisition
[HON. S. BAKSH]

Tuesday, May 08, 2001

brought these arrangements before this honourable House, again, for its ratification and approval.

The third parcel of land to be formally acquired under this said acquisition is a parcel of land comprising 40.1062 hectares more or less, containing several parcels of varying sizes situated between the Toruba Overpass, Toruba, San Fernando and Cross Crossing Roundabout, in the ward of Naparima, in the county of Victoria. The acquisition which is at the request of the Minister of Infrastructure Development and Local Government is for the public purpose of the extension of the Solomon Hochoy Highway and related works.

Proceedings for the acquisition of the land were initiated on January 5, 1996, when a notice of intended acquisition was published under section 3 of the Land Acquisition Act. This was followed by the authority to commence work under section 4 of the said Act on February 18, 1998.

The Government, acting upon its commitment to improve the quality of life for the citizens of Trinidad and Tobago has sought, through this project, to facilitate access to the urban areas for a wider cross-section of the society. The various components of the project have been accomplished so far and we are continuing with the extension of the Solomon Hochoy Highway; construction of a connector road from Golconda through the sugarcane lands of Caroni (1975) Limited and the National Housing Authority Cross Crossing Development to the Cross Crossing Roundabout at Union Hall Junction; the dualling of the San Fernando Bye-pass on its eastern side from Chaconia Avenue, Pleasantville on the north to the Cross Crossing Roundabout on the south. Again, the procedure for the acquisition of lands for public purposes is standard and, as such, we are here today to request this honourable House to ratify this decision by the President.

The other parcel of land, again, is at the request of the Minister of Infrastructure Development and Local Government which comprises 0.2082 hectares more or less, situated at the intersection of the Claude Noel Highway and the Northside Road in the ward of Tobago in the parish of St. Andrew and said to belong to Errol Scott. The subject acquisition is at the request of the said Ministry.

Mr. President, the parcel of land forms part of a strip of land approximately 10 miles long, varying in width from 36 feet to 250 feet and comprising approximately 200 acres, situated in the parish of St. Andrew in the ward of Tobago, which was utilized for public purpose of the construction of the Scarborough Parkway, now known as the Claude Noel Highway. The subject acquisition is for an isolated parcel which has only recently been surveyed.

Proceedings for the acquisition of the land were initiated on August 15, 1974, when a notice of intended acquisition was published under section 3 of the Land Acquisition Act and authority to commence work under section 4 was issued on September 9, 1974. The site is vacant, abounded by suburban residential use and possesses all urban services, such as water, electricity and telephone access.

The Claude Noel Highway has significantly contributed to the achievement of the development of Tobago and for the benefit of all of us. It is now necessary that this final step be taken to formally acquire the subject parcel and expedite compensation to Mr. Errol Scott after over two decades.

I also move that this honourable House approve the decision of the President to formally acquire a parcel of land comprising 319.4 square metres, more or less, situated on Auchenskeoch/Buccoo Road, Tobago in the ward of Tobago in the parish of St. Patrick and said to belong to Alston Thomas. The subject acquisition is at the request of the Minister of Infrastructure Development and Local Government.

Proceedings for the land acquisition of the said parcel of land were initiated on October 01, 1981, when a notice of intended acquisition was published under section 3 of the Land Acquisition Act and authority to commence work under section 4 was issued on December 02, 1981. The parcel of land forms part of several strips of land on both sides of Auchenskeoch Road and Buccoo Road, comprising approximately 9.09 acres and has only been recently surveyed.

The development of Auchenskeoch Road and Buccoo Road has greatly facilitated access into, and out of, Buccoo and its environs and has promoted a sense of safety among the motoring public. The procedure for acquisition of lands for public purposes is standard and as such we are also bringing this matter to the attention of this honourable House.

Another parcel comprising 421.5 square metres, more or less, situated along the Uriah Butler Highway, Warner Village, Charlieville, in the ward of Cunupia, in the county of Caroni and said to belong now or formerly to Sewnarine Maharaj is to be acquired at the request of the Minister of Infrastructure Development and Local Government for the purpose of construction of a parallel feeder road to the Uriah Butler Highway.

Over 22 years ago it was intended to build this parallel road. It is now the wish of the Minister of Infrastructure Development and Local Government to proceed with such. Proceedings for acquisition of the parcel of land were initiated on July 5, 1979, when a notice of intended acquisition was published under

section 3 of the Land Acquisition Act and authority to commence work under section 4 of the said Act was issued on July 31, 1979.

Our Government, in keeping with its policy to improve the country's infrastructure, has embarked upon the improvement works on the roads and highways throughout the country. These improvement works, when completed, will bring relief and also allow greater mobility to centres of commerce, recreation, education and employment opportunities. It is now necessary that this final step be taken to formally acquire the subject parcel and expedite compensation to its owner, Mr. Sewnarine Maharaj.

Information on the parcel of land can be found on a Survey Plan filed in book 1140, folio 223 in the vault of the Lands and Surveys Division, Red House, Port of Spain. This, again, is the procedure for the acquisition of land for public purposes which is standard and which we have brought here from time to time.

The final piece of acquisition today is to formally acquire two parcels of land comprising together 1,771.3 square metres, more or less, situated at First Street, San Juan, in the ward of St. Ann's, in the county of St. George and said to belong now or formerly to Aranguez Estates Limited and currently tenanted by M. Keen and Aziz Ali.

The Minister of Infrastructure Development and Local Government has requested that the parcels of land be acquired for the purpose of the extension of the San Juan market. Those of us who have had the opportunity to use and utilize the services of vendors at the San Juan market, would realize that this was, in fact, a desirability for a long time.

Proceedings for the acquisition of the parcels of land were initiated on December 8, 1998, when a notice of intended acquisition was published under section 3 of the Land Acquisition Act and authority to commence work under section 4 of the said Act was issued on October 18, 1999. The Government, through its ministries and agencies, has provided additional infrastructure to encourage and facilitate economic activity in communities, and the extension of the San Juan market is one such initiative. Information on the parcels of land can be found in Survey Plan filed in book 1243, folio 36 in the vault of the Lands and Surveys Division, Red House, Port of Spain.

2.05 p.m.

Mr. President, as I stated earlier, having had the exposure in the Senate before and hearing questions raised by Members on the Independent and Opposition Benches, I realized that this matter came to the attention of the then Minister of

Housing and Settlements almost 18 months ago. He initiated a team of people to look simultaneously at all outstanding matters of land acquisition. Some of them date as far back as 1959. The latest one we discovered in the ministry is one around 1959. We have not been successful in bringing that to a conclusion. We also undertook at that time to meet with a Member of the Senate in Tobago who drew our attention to some of these matters. I am pleased to say that three of those matters which came up on that occasion are being addressed today, while dealing with current issues.

The commitment of the Ministry of Housing and Settlements is to work on the backlog recognizing that people have suffered over the years and also ensuring that what we do today, we bring them as expeditiously as possible to the Parliament for formal acquisition. We recognize that from time to time some will fall through the cracks. We are hoping to find an Information Technology solution so that that will not occur in the future. I am not here to blame anyone for not bringing these matters before you because I am aware of the amount of work that is necessary and the number of agencies involved. I cannot pinpoint anybody being responsible for them not coming through. I assure this House that we are committed to working to bring all the backlog to an end and not to allow this to occur in the future.

Thank you.

Question proposed.

Sen. Rennie Dumas: Mr. President, it is quite easy to stand and agree wholeheartedly with the intention of the Motion which is that we agree with the acquisition and do all things to support the statement. It would be quite remiss of me, if I do not ask some other questions and bring to the attention of the Minister some of the issues that we face.

When we look at the argument with which he closed, he said that he could not locate the responsibility—or words to that effect—but he would make a commitment to do all things which will bring these similar matters to fruition. He pointed out that 18 months ago these matters were brought to the attention of the then Minister of Housing and Settlements. I do not think it is as simple as that. The Government boasts about performance, sustainability of development and participation. They cannot glibly say that they will do this when there is the evidence that in the last period they have not done it. They could not have promoted a man—but that is what they did. If someone is taken from the Ministry of Housing and Settlements and is placed overall to the Ministry of

Integrated Planning and Development for the whole physical development of the nation, that is a promotion. They could not have promoted a man who failed to satisfy people, when very small strips of land and development were not cleaned up and did not make sure that things were put in the right perspective. They cannot take credit for performance as a government when they failed to address matters that are old and stale.

The reality for me is a unique experience. Some of the three names I know. David Elder, my classmate, is of my age. What are we saying? The state has denied David Elder the use of land that has high value and has failed to compensate him for quite a number of years. The gentleman I know, not having had the benefit of that property and the proceeds of that property would have suffered stunted development personally and as a family, and certainly in his community as one step down. The island as a whole may be one step down because a young bright man did not have the opportunity to put his assets towards his dreams. When we talk about performance, David Elder and everybody of his age will say to this Government, "you have not delivered."

I agree with him. We cannot say that the ones who were there in 1974 and 1979 failed, and therefore, our generation must fail. I make bold as to try to join the generation of the Minister. Certainly, I see him in the Government promoting somebody who has been there before and is from another generation, but did not seem to appreciate where we were going with these things and the value to us as individuals and communities.

I did not single out David because of the absence of care for the other individuals, nor did I single out these in Tobago because I do not care about the others in Trinidad. I only used that as an example to demonstrate what must have been the experience of those individuals, families and communities. They have to do better than saying to us that they have a team who is trying to find out. Some people say if you want to have nothing done appoint a committee. This Minister cannot repeat the mistake of the last minister. He must tell the Senate that he is taking personal responsibility as minister for clearing the backlog.

In the Tobago situation, scores of other people are involved in Auchenskeoch and the Claude Noel Highway. That was built when I was a little boy. If in the last period and other periods it was not fixed, and the Minister is saying that they do not know or they cannot locate where the responsibility is, we cannot trust what the response would be. I ask the Minister, when he closes to correct that position in which he is putting us. I think he should tell us that he would take the responsibility to have this backlog cleared and to ensure that others do not fall

through the cracks. Again the question comes: On what measure shall we depend, if at the same time we are saying that we are not sure where it goes? I remember sitting in the conference hall at the Ministry of Works in Tobago and a team of people from the Government, at the request of Independent Senator Dr. Eastlyn McKenzie, asked the people who were in similar situations to come to the Ministry of Works. We had a joke about that. We said, "Walk with your paper and come." The people filled the hall. They were given the assurance that this matter would have been dealt with expeditiously. When I was appointed Senator one of the first things people met me in the street and said was to make sure that these fellows honour their promises where that land is concerned. That is the reality. There were a list, an agenda and radio programmes which filled the airwaves for a length of time.

2.15 p.m.

I am saying that the Minister responsible left. He had to go other places, so he did not receive this. I am sorry that the present Minister is the one who has to hear this. I am not blaming him. I am asking him to take responsibility on behalf of the Government to get this matter expedited but I want to put a different context to it.

I am grateful to the Minister for outlining the steps which have to be taken because it is quite clear that he knows. It is quite clear that the stages for acquisition are clear. But the problems he gave—that the agencies that are supposed to assist may fail to provide documentation, may fail to provide activities that are required for the Land Acquisition Bill to be brought to the Senate, difficulty in negotiation and compensation and unavailability of funds. I am suggesting that you can deal with all these as the Government. The agencies are all government agencies and, therefore, the Government can intervene at some stage to ensure that the agencies provide the documentation and the agencies do the task required.

Negotiation and compensation—again, the Government can intervene. Without stating the dollar value, the Minister was identifying the sources of value, the factors that one can use to make sure that the compensation required by the people is adequate. How are you going to compensate a man for land which he did not have the use of for 20-odd years? There must be some measure, and if the gentleman says that maybe this is not enough, maybe you have to discuss it. But you cannot use the present method that I know, that somebody gives an assessment based on something that has no relevance to today, and says this is the compensation that you should receive. Of course, any sensible person would say

this is not market value. Normally, one would say “take it or leave it”. As the old people would say, “Government money is yours, it is there”. And the Government decides how much you get and there is no negotiation. People are saying that is not fair and they are resisting it.

Funds available. We have been told that on the question of acquiring the land, too often the projects come without being costed at full value. We are happy to say we have these projects as Government, and I am not blaming anybody. I am talking about a principle. We are happy to say we have the projects as Government, but we are not happy to provide the funds for the exchange of real value that goes with the real estate. Everyone knows that in Tobago now the real estate valuation issue is a serious issue. When we say this is the project, we are talking about the built infrastructure and we do not go down to the base asset on which we hope to build. It is time we address that in our planning and in our projects and proposals.

Again, I speak of what I know best. When we say the agency did not fulfil its responsibilities—the agency in Tobago’s case is the House of Assembly. In six years a study was commissioned that pointed out what was the capacity of the Tobago House of Assembly to carry out its functions under the Tobago House of Assembly Act. The committee met, the recommendations came to the Cabinet, the conclusions were there, discussions ensued, guarantees were given to the then House of Assembly. The conclusion was that you needed specific departments with particular functions, with particular capacities to carry out government functions in Tobago and nothing happened for four years. Nothing has happened in the last three years. When you come to talk about land distribution valuation and transfer, what is the capacity of the Tobago House of Assembly? What is the capacity asked for and what are the provisions made for fulfilling the requirements to carry out the agenda of the State? What is the capacity that you gave them? I want to suggest that nothing has changed. We hear complaints from other agencies like the San Juan/Laventille Regional Corporation, and other local corporations which are saying that they also have not been provided with the capacity to carry out the functions that are required of them in this matter and in others.

I would believe the Minister when he says to the Senate that he is very much concerned about the matter, and the backlog would not be allowed to continue. But to me, having identified the problem, having identified the intent, he has to say to the Senate, what are the measures he would have put in place to ensure the capacity of these government agencies to carry out their functions.

Mr. President, in particular, I want to draw to your attention the need for capacity to carry out the surveys. There is an argument that the information infrastructure required to identify the pieces of land, to even inform yourself as to exactly what has been acquired and what is being used for development in Tobago is not in place. The requirement for unique identification of plots of land—proposal on the desk, funding provided; IDB loan agreements. The project has not gone forward; at least we are not told that it has gone forward. So the possibility of unique identification of land and, therefore, the unique identification of what is owed to whom and whose land has been taken, is not possible. Do you know what they said? It is said it belongs to Mr. Scott. Is it that we are not sure that it is Mr. Scott's land and, therefore we need to begin a process of uniquely linking unique individuals as owners to each unique piece of land? We need to go through that process and, therefore, would the people identify what is being done in that context.

The register of usage. Government agencies continue to use people's land in Tobago and all over Trinidad and Tobago without registering what amounts, where or whose land is being used. People are crying out and refusing to accept it and rightfully so and, therefore, it comes back to the valuation question. Government values its property, but the Government does not seem to value the property of all the little people from whom they take four feet by 100 feet and so on, and we need to identify that in some kind of register and make provisions for that valuation.

2.25 p.m.

I want to put this in a context. The Minister in presenting the argument identified some things. He talked about the land that was taken providing access; the land that was taken providing for development; the land that was provided allowing people to feel safe; the land that was provided lending itself to the expansion of commerce; improved infrastructure. It cannot be proper that we normally have people out there with claims to land that the state is using that every other citizen has the right to and the original owner has not been identified. His land is not valued and we have not sat with them in fair and proper negotiations, nor have we made provisions for funds for them.

I believe that the proposal of the Minister for paying these people and completing the acquisition is proper and must be supported, but I am suggesting, and I am bringing the voice of all the people who have said this to me, that he needs to make a personal commitment to this. The other Minister has failed and

we promoted him so the truth is that we cannot trust the Government to keep its promise in this matter. That is a truth. We now have to come to the point that says what are the adequate provisions for making sure that the other people who are not taken up will be taken up.

I suggest, simply and calmly, that the Minister go ahead and compensate these people, but make provisions for the acceleration of the registering, surveying, valuing and compensating of all the people owed by the State and take those steps as a personal pledge to the Senate.

I thank you, Mr. President.

Sen. Dr. Eastlyn McKenzie: Mr. President, thank you very much.

Let me continue from where my colleague, Sen. Dumas, left off. I know that the hon. Minister would have heard much of this before because he was here in the last session in this very Senate. He would remember that in 1996, and again in 1998, I brought to the Senate, two questions on acquisition of lands, especially pertaining to Tobago. I also know that since the hon. Minister has taken over this portfolio—previously the portfolio went from hon. Minister Reeza Mohammed to hon. Minister John Humphrey—and now it is under the present Minister.

I met him in Tobago a month ago, coming from doing some homework on this question of acquisition, as he sought to get more information on those pieces of land that he has in this Motion today. Let me give him a little more insight and let me, through you, Mr. President, invite the hon. Minister to let us work together to try to solve the problem.

Yesterday would have been two years that the meeting referred to by Sen. Rennie Dumas took place. That came about when I asked the question here. I got a response that there were seven pieces of land acquired and not paid for and 28 pieces not acquired and, obviously, not paid for. I published the list in the *Tobago News* and appealed to the Tobago public—whether their names were there or if there were any omissions—to come forward.

At that meeting on May 7, there were 48 representations—sometimes one person representing three and four persons. There were persons whose lands were taken as far back as 1958 and 1960. I could give you the records—whose lands, where the lands are, what year the land was taken and what the development was for. That is why I am saying to the Minister, “Let us work together.” I could give him this list and from there he can work out some sort of procedure.

At this stage, I would like to pay tribute to the former Sen. Cuffy Dowlat and Sen. Vimala Tota-Maharaj. In fact, Sen. Dowlat, who was working at that particular ministry at the time brought a team of officers from Trinidad—Valuation Division, Surveying Division, you name it. As long as they had anything to do with acquisition, they all came to Tobago and sat at that meeting and met one-on-one with those people and chatted with them. That is where we got this list.

I know things began to happen because files began to come to Tobago from Trinidad and information began to flow. I am asking you, Sir. Let us put our heads together to solve the heartaches. I can tell you that some of the very people who came to the meeting have gone to the far beyond and so their representatives will have to represent them now.

It is a very ticklish question; it is a very hard question. I will tell you some of the problems we had. It bothered me when, in an Appropriation Bill subsequent to this meeting, I saw where funds were being vired from this vote to another vote. I asked the question: How could you put funds from this vote to another vote when there are people to pay and some of these people have their titles ready and their land surveyed? In fact, some of the people who came to the meeting walked with their deeds. They had everything in order and yet they were taking away the money from that. I wish that I had not heard you say that lack of funds was one of the reasons. I hope that this time you will not take funds from there and put elsewhere because we have all these people to pay.

Another promise that was made by one of the Ministers was that they would post surveyors in Tobago. One of the problems was that the lands were taken and they could not say how much, so they wanted surveyors. I was promised that they would post surveyors to Tobago; they would give contracts to private surveyors in Tobago. I have seen from the response that this has been done on a limited scale, because I have seen on one of the documents that two private surveyors were asked to do some work.

I urge you, through the hon. President, to make this a real crash programme. We visited some of the sites and you would not believe that they are small strips of land about one-third of this hall; small strips of land; small pieces around some corners. In fact, I was saying, “Why don’t you get a tape and measure it?” and Sen. Dowlat said they would lock her up. Simple things like that, a little strip of land, a few hundred feet or something, and we have to have a long bureaucratic process and while this is happening people are quarrelling.

I will give you one example of how irksome this is. One of these persons from Bloody Bay owned one strip of land running from east to west. They were cutting a north to south road through and they parted the man's land one piece on this side and one on the other side with the road between and they have not paid him. This happened in 1960. It was in 1960 that that Bloody Bay Road was cut. We have some from 1959.

Another problem I would like to bring to your attention, Mr. President, and to the hon. Minister's attention is where, in some instances, these people were promised what we call a swap. In other words, Government, in one case I know in Louis D'or had used the people's land because there was a river, and something with water. They said, "Okay, you give me your piece of water land and I will give you another piece that the Government owns elsewhere. The Government is using the people's land and they have not given them the other piece. That is so unfair.

So, Mr. President, I would like the hon. Minister to let us sit together and work out a procedure. He may want us to call a meeting of the people because he is coming and have them bring their pillow cases with their deeds and all their stuff—because that is how they went, they walked with all their little grips and bags and they brought their stuff.

2.35 p.m.

Mr. President, they want action, according to Sen. Dumas. They want to know that you are going to have a surveyor posted there; that you are going to give private surveyors contracts to do this; that you are going to ensure we have this and in six months time they should be able to get their compensation. They want deadlines set. They do not want an airy-fairy business again.

After that meeting we recognized that there were people who did not have proper titles to their lands. That is a problem, too. In other words, the land belonged to some parent or grandparent and they did not transfer the title through the administrative process. We encouraged them to do that and some of them have done it. Some have not done it because they said they could not afford to do it, as it has to be valued by today's value. They have not gotten any money as compensation for the land but they are expected to put out money to have the title changed and so forth. Mr. Minister, I am asking you to see whether a process could be worked out where the land titles could be regularized.

I want to make another appeal. I want to commend the Attorney General's Department for the blitz they had on the radio when they said to people: "You

need not go to look for stamps, come and pay in cash.” That approach was well received. I am asking you to make a blitz of the steps for land acquisition to let the people know that if they did not have their land titles they should get them. If the land is not surveyed, this must be done. All the steps should be listed properly. I know that the former Sen. Cuffy Dowlat and others had a document on this. I left my copy at home. They had the steps listed. They should print it in the newspapers so that people could cut it out to keep. As I said, make a blitz of it! Educate people! Public education is what we want so that people would know that they have a responsibility. According to that document, the people have the responsibility of saying what they want for their lands and to make claims and so forth. Many of them do not know how to do this.

Mr. President, some of the people have said that neither the Tobago House of Assembly nor the Government has informed them that they have taken a piece of their land or they have used a piece of their land. All they know is that people come on their land. They do not know anything about legal notices and gazetting and so forth. They do not know! This is why I am talking about public education. They would say: “Dr. McKenzie, the tractors come and when we ask what they are doing there, the drivers would say somebody send them and we cannot do anything about it.” The people do not know! There is no record, sometimes, of these people being represented anywhere for the lands taken and used.

I would like you, again, to see whether you could reconcile what you have had from the Tobago House of Assembly versus what people are going to tell you. I do not know whether you have found this anomaly but people have said this. The Assembly has not sent anything, in some instances, and they are expecting money. People do not know that their lands have been used so we have some work to do.

Mr. President, I would like to support the Hon. Minister in the Motion he has brought because I would like to know that all these people are paid. I hope he would put a cost to it, and that he would have the money waiting so that when the Motion succeeds, he would not have to say we do not have any money to pay people for their lands, thereby creating another stalemate.

Mr. President, I am hopeful. I am hopeful, probably, because I know that this hon. Minister works hard. I am taking him at his word. I am hopeful that things would materialize as he has said. I know he is energetic. I know he is well meaning. I hope he would be supported by the other divisions and Ministers, especially those who have to give him money. I hope that he sets a deadline so

that by the end of the year 2001, at least—I would not even say all—if you could get half of this backlog cleared—I would hope for all but I am a reasonable person—I would give you a lot of marks.

Mr. President, I support the Minister and I wish him well. I hope he gets the support he needs and he feels comfortable working with Mr. Dumas, myself and others, to ensure that this land acquisition business goes very smoothly.

Thank you very much, Mr. President.

Sen. Rev. Daniel Teelucksingh: Mr. President, I wish to make some brief comments on Motion No. 1, concerning Government's proposed acquisition of lands listed in the Appendix.

You would have noticed that among the lands listed—the bulk of acquisitions, I think it is about 46 items, if I am not mistaken—include several parcels of land required from the extension of the Solomon Hochoy Highway. I wish to compliment the Government for its plans to extend the Solomon Hochoy Highway further south, as the highway is the main artery, as we all know, linking North, Central and South Trinidad. While plans are commendable for the rehabilitation and the extension of that highway, certain sections remain a nightmare for the travelling public.

The Freeport/Claxton Bay section continues to claim many lives and fatalities, frequently, in this high-speed zone. The latest report is of an accident victim who is in a coma and there are several other accidents that go unnoticed. There is the newest warning sign of white grid-like markers on the road near the Freeport Flyover, which is most welcomed. That area is a scene of many a tragedy. Those warning markers are not to be seen in any other highway in Trinidad, as far as I understand. I hope those warning markers will save lives.

Mr. President, something is wrong; we are spending millions and millions on that highway. The Solomon Hochoy Highway needs special speed traps and police patrols on a daily basis. Our roads must be more efficiently policed. Those casually moving squad cars are not about anything on the highway. Many of us use it as a drag strip and those lazy moving patrol cars ignore everybody on the highway, you wonder what they are doing there.

Mr. President, the point I am making is we cannot approve expenditure on the acquisition of lands, spending millions of dollars on the highways. The proper use of these highways is very important and that must be supervised so they would not be graveyards. I do not want to be facetious but I want to add—Could you imagine driving on the rehabilitated highway, the extended highway and seeing in

your rear view mirror, Mr. President, two brothers or any other person for that matter in their Lincoln Navigator armoured SUVs, a virtual war machine, bomb proof, bullet proof with dragon-like flame throwers and gun holsters trying to pass you on the Freeport Flyover—place of death—with a Blue Maria Police Ford Taurus in chase? [*Laughter*] Do not be there, Mr. President.

I, unreservedly, today support the Comptroller of Customs and the Government in their stance to confiscate those SUVs, which certainly have no place in the hands of civilians in Trinidad and Tobago. It is an excellent proposal and an excellent move. I support the Government. With the possible exception of the army or the police, no one should be permitted to import or use those vehicles anywhere in this country.

Mr. President, we have had some bad experiences with the Spanish firm, Comylsa-Lain Limited. They are responsible for the debacle on the highway, in a section of the highway that embarrassed the Government in its last term. I want to ask the hon. Minister, since he is proposing and putting plans before us for extension of the highway, tell us something about the \$120 million grant by the European Union. What is the state of that, knowing that our deal with Comylsa-Lain Limited has turned sour?

2.45 p.m.

You see, in the long run, we have been telling you as a Government that we have road contractors in Trinidad and Tobago who would have done a better job instead of having you punish the population for nearly two years at the hands of the Spanish firm. They are the same local contractors who are going over the job and I think they are doing a good job and that is important. I think we need some guidance on that. What is the validity? What is the status of that \$120 million from the European Union? Are we going to use some of that, and are we tied up with the conditionality of having foreign contractors as Comylsa-Lain?

Mr. President, just as I end these thoughts—I have some other things to say on the highway itself—permit me to add possibly in my little metaphor on another major highway, the highway of political power and the highway of governance. I will be very brief. My purpose, and our purpose here is good counsel. Good counsel to those who within the past weeks, and this is how we spent our vacation, we had a little recess and the talking point of the recess in the country focused on positions of leadership in the ruling parties of our Parliament. Those who aspire—

Sen. Daly: Both of them.

Sen. Rev. D. Teelucksingh: Yes, the ruling parties in the Parliament, the party chairman, those who aspire to be leaders and deputies to guide this nation on Trinidad and Tobago's highway of political power and highway of governance. I found a beautiful quote by one Josiah Holland that I want to leave with all those who desire to lead us on this particular highway I am talking about. I quote:

“God gave us leaders a time like this demands.

Strong minds, great hearts, true faith and ready hands.

Leaders who the loss of office does not kill.

Leaders whom the spoils of office cannot buy.

Leaders who possess opinions and a will.

Leaders who have honour.

Leaders who will not lie.

Leaders who can stand before a demagogue and damn his treacherous flatteries without winking.

Tall men, sun-crowned who live above deceit in public duty and in private thinking, for while they rabble with their thumb worn creeds, their large profession and their little deeds mingle in selfish strife.

Lo, freedom weeps, wrong rules the lands and waiting justice sleeps.”

It is a good thought for those who would like to go on that highway and lead us there.

The second matter I want to share with the hon. Minister from the Schedule is the fact that I have noticed, or we have observed at least seven parcels of land for acquisition, and I quote from the Schedule, “belong now or formerly to Caroni (1975) Limited”. That is your description. I know that Government will compensate Caroni (1975) Limited. You have always done this recently. *[Laughter]*

Yes, recently you found \$80 million to save the present sugar crop, I know you will pay. I want to bring to the attention, Mr. President, of the hon. Minister and possibly the Minister of Finance, the fact that there was an investigative story. It is about land acquisition, I am still with it, in the *Daily Express* of September 24, 2000, where it was reported that Innercob Industries Limited—that is the

InnCogen company—was owing Caroni (1975) Limited \$2 million in annual rent for the 32 hectares of lease land it uses, and I have found no answer. I would like to hear whether those tenants have paid for the 32 hectares of land they are using. I am certain that Caroni (1975) Limited will welcome these fees for the use of its land.

Furthermore, Mr. President, I hope that Government will be alert and will not permit such a situation to be dictated by any foreign investor. Already, that investor has not kept another of its promises, you know. They promised to construct a glass plant, a paper plant and methanol plants in Trinidad and Tobago, and I just want the hon. Minister to know this is a very serious motion before us about the acquisition of land. It is for companies like these and for us as a nation to know that with the exception of our human resources, with our limited land space in Trinidad and Tobago, our lands are our most valuable assets.

I share this conviction, Mr. President, that in Trinidad and Tobago, here it is, I cannot understand the irony of this, though, that for little strips of land, those small strips that Sen. Dr. McKenzie talked about, they have to come to Parliament for approval if they want to acquire, but they will take 32 hectares, as I mentioned here, and very possibly another large block of land in the Couva area, they have given the Farmland MissChem project to these people, and you ask yourself, was this ever presented to Parliament?

Did we ever know about these large blocks of land that the state will take and put in the hands of foreign investors and here you come with some little strips of land asking us for approval? Something has to be wrong. Someone has to answer this. How come they come with little strips of land and they want approval, and then they take large blocks like these, 32 hectares in one shot, and give it to InnCogen? Almost 60 acres of land!

How much have they given recently to Farmland MissChem in Couva, and what are the conditions of the use of the land? No answer at all. I am only suspecting that possibly it is because the Minister of Finance has to make releases for these small payments. This is joke to the amount of land we take and we give away to the investors and Parliament knows very little about the conditions of lease possible, whatever it is. We know very little.

In fact, I believe, Mr. President, that with our limited land space in the country, no government has a right to take large blocks of state lands and distribute this land willy-nilly to any investor or any developer without careful

consideration of the impact on the nation as a whole, since our land space is so very precious and so limited.

Mr. Baksh: Mr. President, I just want to correct that statement because basically, those would be acquired by private treaty and would not form part of the land acquisition purpose. The purpose of land acquisition by the Government of Trinidad and Tobago, and all previous governments, is only to deal with land for public purpose. As such, any organization wanting to lease, rent or buy from another agency would do so by private treaty. So it is not the Government being involved in that, and they would pay for it based on their tenant/landlord relationship.

Sen. Rev. D. Teelucksingh: Just one response to that. It still does not eliminate my concern or make my concern poorer in that the lands of Trinidad and Tobago do not belong to those individuals, whoever they are. They belong to the people of this country and the custodians must be the Parliament. That is extremely important. You get the feeling, Sir, that we are in charge only of small strips and other people are in charge of large portions, and that irony must be corrected.

Thank you, Sir.

Sen. Joan Yuille-Williams: Mr. President, like my colleague, I, too, agree with the intention of the Motion but, as I sat here this evening, I heard certain words, especially coming from Sen. Dr. McKenzie about promises, promises. I, too, remember some time ago when the Government was applauded for going to Tobago, bringing all these people together and giving them some sort of hope. This afternoon when I listened, I could not believe I would have heard the kind of report, because at that time, the promises that were made to those people were almost certain to be fulfilled. I wondered whether any of them were paid at all.

I am a bit disturbed that Sen. Dr. McKenzie seems that she would like to see that happen again; that they will go down with their deeds, and whatnot, to meet with another delegation. I think we need to go to another step, and this is what has been happening all the time. I am not as hopeful as Sen. Dr. McKenzie in that this Government, through this Minister, will, at this time do any better than has been done before.

I want to tell you why I do not believe it. That has now trickled down into what we are looking at today in terms of this piece of legislation where we are asking the Parliament to approve the fact that the Government is taking portions of land with the hope that some time it would pay.

I remember the previous administration was criticized saying that certain pieces of land were not paid for and this Government said, “We will pay”. We have not paid and I do not think it will happen in the near future but, more than that, what bothers me—and I want to look at two of the areas in which this Government is taking the land.

I want to bring something to the attention of this Minister. I am happy it is this Minister here this evening because, for example, a parcel is being taken up in the county of St. George for housing. I understand that 140 lots will be made available or will be used for housing within the next two weeks. That seems to be a little turn in terms of the policy because I remember being here, and when we talked about providing low cost houses, I remember this Government said that their priority was providing land, so it seems that there is a switch now in policy and they are going to be providing the houses.

I am a bit concerned when he said it is for the national community. My idea of national community is that everybody in the community will have a chance to acquire a lot. I want to tell you that that will not happen. It will not happen. This national community, clearly I would say, regardless of who does not like it, will be for certain people on a more political basis. I want to tell you why I am saying so.

I want to give you an example. Do not get too restless yet. I want to give an example. I live in San Fernando and, at the moment, in Pleasantville, NUGFW had some lands to build houses. The infrastructure was put down similar to Valsayn, but then I do not know what happened to the NUGFW project. It fell apart and that was not done. The Government has now decided to build houses on those lands—Chaconia, whatever the name is—and a number of people have been trying, coming around asking, “How could we get houses?” I told them to go to the National Housing Authority and collect their forms. Remember this is IDB for this one.

They went to the National Housing Authority and there were no forms for them. When they asked, “Why are there no forms for us?”, they were told that they could go to Ciperio Street in San Fernando, which incidentally is the office of the Minister, and they would get their forms there. Those of you who looked at the newspaper recently—I am sorry I did not bring that clipping—would have seen hundreds of people outside the Minister's office on Ciperio Street, San Fernando attempting to get forms for those lots in Pleasantville.

Therefore, when I read that the lots here are going to be awarded and they say for the national community, I am saying that your national community will differ from ours. I want you to look in the same San Fernando East, that settlement called Union Hall settlement—and your colleagues will know about that—came into being with the last PNM administration. It was an IDB settlement, and a special unit was set up to handle that.

Nobody came to any Minister's office to collect forms. The IDB said on a first come first served basis. If you go into that settlement you will see evidence of that. It is a very mixed community, on a first come first served basis. Just go and see Union Hall and you will see how the PNM distributed those lots. I cannot remember the name of the unit, but your colleagues will tell you the name of the unit.

3.00 p.m.

People went to the National Housing Authority to that unit to collect their forms. They made applications to this special unit and those lands were given out. Therefore, when I see another Inter-American Development Bank settlement here in the county of St. George, I am telling you that this will not happen as it should have happened. Right now the forms are at the Minister's office, and they are both IDB settlements; one in Union Hall, handled differently, and this one. Therefore, you are not going to tell me anything about national community; I am saying no.

Judging from what has just happened—the Minister has just gone into office—and judging from how he is handling the lands which were allocated to NUGFW, this is how he would handle these lands. We are here saying yes to housing, but for special people. I am using the basis of what I have seen and the evidence that has come to pass that we have seen right there in San Fernando. Just look at your paper, like it or not, and you would see what I mean. And that hurts, because if you are going into low-cost housing, all members of the national community should have an opportunity; not only those who satisfy certain criteria and can come to your office for it.

Do like what has happened with the Union Hall settlement, which is in San Fernando East. At that time, the Political Leader of the party was the Prime Minister. He could have done it differently, but it was not handled in that way. It was handled on a basis where there was equity, and anybody who qualified was able to get a housing lot there. The evidence is there for you to look at, at this time.

I am concerned. As we sit here thinking that we are going to be paying for land that will benefit all; it will not benefit all the people in Trinidad and Tobago, and that is a great concern of mine.

Mr. President, I also want to make some comments on the other acquisition, the Solomon Hochoy. Like Sen. Rev. Teelucksingh, any time I see the Solomon Hochoy Highway I get angry. It is unfortunate that this Minister had to come here again to bring this acquisition, because I remember that he made us suffer for two long years. We really suffered for two long years as he attempted to renovate or whatever he was going to do with that highway to San Fernando, and failed.

I heard Sen. Rev. Teelucksingh ask about Comylsa-Lain Limited. I really want to ask about that, because I remember there was a lot of fanfare when the project was closed. They could not just close it without fanfare and humiliate themselves, so to close it, there was a big fanfare. The Minister was on national television and radio saying that he had been able to stop the contract and it was the first time in history that that had been done. I will never forget him. He also said that the contractors would pay, that there was going to be arbitration and they were going to be taken to court. I remember all the “gallery”.

I want to ask: What has happened to that court case with Comylsa-Lain Limited? Where is the arbitration to date? Did we take them to court? What has happened? More than that, Comylsa-Lain had some equipment on the highway and it is my understanding the equipment is at the CLV asphalt plant in Point Lisas, seized by the Government. Customs seized certain things and they are placed there.

I do not know what is the value of what we seized, if there is any value at all, but I know that we are spending money again keeping that equipment there for what purpose, I do not know. I understand that Plipdeco or somebody is going to take you to court for money owed on the rusting equipment from Comylsa-Lain. I heard that the cost of the site for one year—because the equipment has been there for a year—is \$116,000, that you owe. That is my figure that I have got. You owe that and it is going to be increasing while you have the equipment there.

I heard that you have MTS guarding the equipment. We do not even know the value. It could be all rusty equipment; we do not know what value it is. At \$21,000 a month, I have heard that you owe \$252,000 to MTS for looking at Comylsa-Lain equipment which you seized. I understand that the Trinidad and Tobago Electricity Commission is also owed \$19,200. Those are my figures. In all, so far, for one year, you owe \$387,200.

I want to ask: What is the equipment you have there? Are we going to continue to lease and continue to have bills mounting up as we look at the rusty Comylsa-Lain equipment? Is it worth it? A lot of money went down the drain on that highway, and it seems that now we are taking our own money and continuing. We could keep that there for 10 years. I do not know what is the arbitration process, where it has gone, but I know we have men. We have a firm there, we have lights, we have leased land, and I do not know if we have a value attached to this Comylsa-Lain equipment. I probably would like the Minister to tell us something about it.

We have suffered enough from Comylsa-Lain, to continue suffering again. This is taxpayers' money that we are now wasting there. That was Comylsa-Lain on that highway. Thankfully we are getting some kind of relief.

I have looked into the lands we are acquiring, and I know you are going across the other way. Any time I see Cross Crossing I also get hurt. I could not make a few comments today if I did not talk about the Cross Crossing Interchange. Have any of you gone down to Cross Crossing recently and looked at the interchange? It is the most unfinished piece of work that I have seen for a long time. I do not know if the Minister who is here could tell us why we have not finished the work. Something must have gone wrong why that work is not finished. Probably it is no longer in his hands, but I am now the representative for the area and there is that interchange that is unfinished, and it is dangerous.

In fact, there are some people who do not even want to pass near certain places. We had certain problems while it was being built, but now it is very dangerous. It is a little bit confusing. I knew that you had put out the cat's eyes, as the case may be, to help regulate the traffic, but aesthetically that interchange does not even look good. I am quite sure that you will agree that something needs to be done to finish it. That has cost quite a lot of money.

We are continuing to build roads now. We are connecting to that road that is going to South, but at the same time we must look at where we have spent the money. If you have spent so much money on that interchange, I think we need to complete it. I am saying that the interchange is not complete. It is not something that you feel proud of as a Trinidadian. Therefore, I need to bring that to your attention.

I know that you are going ahead with the Torouba Highway. I knew at the time when we talked about this, we were relocating the squatters so that the road could pass. I must say this here: I remember talking about the squatters who were going to be relocated to allow this highway to pass. We had pleaded that you do

not relocate people in such a way that you move the squatter settlement from one place and put it in another place. That is exactly what has happened. It was not in your time, you admitted, but it is getting worse. As soon as you get to the entrance to San Fernando, at Torouba, we see a squatter settlement going up. Those people were legally sent there.

We were told at one time that they would get core houses, because that is the entrance to the city. There is nothing like a core house. All we knew is that they got some transport, broke their houses wherever they were and they have now moved to the entrance at Torouba. That is not pleasing to the eyes of anybody who lives in San Fernando, or anybody who passes through. You must feel bad, because at this time we would have thought that something would have been done to assist these people. We still expected that some of those people from the wharf were going to be moved there.

I am going to tell everybody, for those who do not know, at some point in time you are going to be greeted at the entrance to the city with a large squatter settlement, and no attempt has been made by this Government to regulate that at all. I am saying so because you brought people from other areas, who were squatters, to the Torouba Junction at the entrance of the city, and allowed them to continue squatting. You just gave them the land; no assistance. Whatever little assistance they might have picked up was in the likes of galvanize and any type of used materials, but we have a squatter settlement that we do not feel proud about at all, after being given the assurance that it was not going to happen.

We are now building a highway and along the highway we have now officially located a large number of squatters. Then we talk about development, sustainable development, movement forward and getting there. I am saying that you are not.

You are talking about building low-cost housing on that NUGFW land. Why did you not, therefore, address the problem of those squatters that you have there and build some houses? I am sure you are not going to take these people from there and put them into these houses, because the kinds of things you are asking for they would not be able to afford it, so I know that it is not those people going there.

I still think you could have had a priority in doing certain things for those squatters in Torouba that they could have better houses. Use some of the money; the funds you have available. You have a lot of funds available to you. I do not want to go into all that I am seeing in terms of the roads and the roads that are

Land Acquisition
[SEN. YUILLE-WILLIAMS]

Tuesday, May 08, 2001

being built. I am sure we would have a lot of time to concentrate on those roads that are being built now and the paving that is going on, but this is a highway which we welcome.

We say yes to the highway, but we are not thinking about the social side of it. We are not thinking about caring for the people, which I think is most important. We are building a city. We are putting in the highway, but we are not thinking about where we put our people. I did not tell you to hide them anywhere. What I said is to provide better housing for them. I am telling the Minister, if you have money for low-cost housing, you were part of the Government at that time, and I am quite sure you were a Member of the Senate when we raised all these points, and I am hoping that you would do your part, even at this late stage. See if you can do something for those squatters who are there, because it is most unsightly.

When I say unsightly, I am not saying take them from there and hide them somewhere else where you cannot find them. I know more and more people are moving in. In fact, we do not regulate the squatting any more. In fact, I have gone to so many areas and every day you see large numbers of people just squatting all around, so because those lands are there, you are going to see hundreds of squatters filling up the places. We need to even look at the whole business of squatting in terms of even the development of the highway.

I know we have come up with letters of comfort and whatnot for people legitimately in certain places, but I am telling you, that even among those who were there, we are seeing new people every day. Every day I could see some more people just coming in and building houses. I think we have to be able to look at the overall development of our country. If we want to move in a direction where we say that we want to be a highly developed country, we have to look at all these things which go towards making it.

Mr. President, even though I have said to myself that I agree with the intent of the Bill, I must say that I think much more needs to be done as we try to carve our way forward. These people need to be paid, yes. I do not know when they will be paid, but people need to be paid. I agree with those who said that some of these are our smallest people. I agree with people who say that some people do not even know when their lands are being confiscated. I would say "confiscated" to use a strong term, because I think if you are not confiscating people's lands, you would have told them before that it was happening.

All of that is just so, but when you put things into context, you have to look at how people feel and what we do with people's inheritance. Therefore, I would still

like to get some word from our Minister on what is happening in terms of the highway, Comylsa-Lain Limited, the squatters and the money that is owing.

This time we have got a couple parcels. I know sometimes we see one parcel slipping through. I always wonder how come you can only come up with one area that you want to acquire, and that is when somebody has been pressing you. This time we have a little more than we normally have, coming through.

I do not know one other area, the feeder road prior to the Uriah Butler; I wonder if that is the area where you have the lay-by or whatever. I am not sure which road it is, or if it is one that PriceSmart has put in. Still you need to tell me which one, because all these are roads that I am seeing there. I remember when you did the Lay-by Estate almost two years after the people had made a lot of noise, "Don't take my land." We built that and we took two years before we opened it, and even now it seems to be quite useless because sometimes I see just one or two vendors there. To me it was an opening for the firm at the back. They have now built a road to connect with your road. I wonder what the real purpose of it was, but I have to leave it there.

Then I see PriceSmart coming through. They have picked up a whole lot of land themselves and are building access to their buildings, so I would really like to know which one is this one, in particular.

These are the comments I would make, as I look forward to some response from the hon. Minister.

Thank you.

3.15 p.m.

Sen. Martin Daly: Mr. President, I do not think I have ever said anything before on a motion connected with land acquisition. What is disturbing about these motions is that we are required to approve these acquisitions essentially in order to transfer the title of the land that is described in the schedule to the State and it is really one step in the process of the compulsory acquisition of land.

I am joining the debate simply to say that this whole question of land acquisition and the delays in compensating people for land that is acquired is really a question of governance and it really underlines the poverty of our politics. I have been in the Senate for quite a long time and I have been gradually compiling a list of problems that are never solved and are very rarely debated.

Each of the political parties talks about these things but never does anything about them. Land acquisition is one of the things on that list. Some of the other things on the list are: the role of BWIA in an island state—about which I would have some more to say in the next Bill because we contemplate another airlift crisis and we never debated the role of BWIA. Caroni (1975) Limited, which everyone says is a drain on the Treasury but it remains a drain on the Treasury; public housing—we are always talking about squatters but nobody has any solution for squatting; emergency health care; diesel fumes. These are all things that come up in the Parliament tangentially, from time to time.

There is no political party in Trinidad and Tobago that has ever formed the government that has the credibility to say anything about land acquisition. As I said, in a sense it is a sign of the poverty of our politics that we could treat people in this way without it having a political consequence.

My concern is that I am being involved in a process that is essentially dirty. That is taking possession of people's land and not paying them for donkey's years. There is not much I can do about it except to agree to pass the resolution as quickly as possible because it is one step along the way of people getting their money. I do not really want to be involved in this dirty process because when successive governments ignore the problems of compulsory land acquisition and the length of time that people have to be waiting, what they are really doing is devaluing the credibility of the whole system of government, and eventually this just becomes another orphan problem that is manipulated by successive governments.

They manipulate BWIA to suit their will; they manipulate Caroni (1975) Limited to suit their will; they manipulate the health service to suit their will, and they manipulate squatters to suit their will. I think it is time that somebody makes a really firm protest on this question of land acquisition.

I would strongly suggest to the two major political parties in this country that they really get together and decide what is going to be done about land acquisition as a bipartisan issue. I can make one suggestion. My suggestion is that it should either be made unlawful or agree to a moratorium on the possession of land prior to formal vesting. It is really no incentive to any government to do anything about land acquisition as long as the law permits—as it does—the Government to go into possession of the land without observing the procedures; just publish a notice in the *Gazette* and go into possession.

I want to spend a little time on describing why this damages the credibility of government and the system. Basically, when compulsory possession is taken of

someone's land, a feeling of injustice is immediately created. I daresay that if it is for a useful purpose, a highway or whatever, provided they are promptly compensated, their initial feeling of injustice may be assuaged. The point I am trying to make is that land acquisition by itself is upsetting to people. Then, of course, it is made more upsetting by an indefinable amount when the land is taken and nothing is done about it.

It is not just that you are taking away something that has a monetary value. In many parts of this country land has, for want of a better word, an emotional value. It is as though politicians become deaf to how people speak in this country. People would say, well you know I have a piece of land and I do X or Y with it; the land is almost part of their life; it is not just something they own. Perhaps it is that all politicians as they get into their new cars become bourgeois and they lose any sense of their roots.

Many people have an emotional connection to the land, either because it was the land of their ancestors or persons qualified in some of the social sciences, like some of my colleagues, will tell you that land also has a particular emotional value, given the history of slavery and indenture, but it is like we do not know this. It is as though we are taking away a second car from the bourgeois garage, when we take somebody's land. They do not really need it and we would pay them for it sometime.

Land has an emotional value, therefore, you are again, multiplying the sense of injustice by an infinite amount, so it becomes a question of governance. Then we wonder why people are cynical; why people are taking the law into their own hands; why political leaders have no credibility; why people do not pay any credence to what they say. They are victims of politicians and the system.

Every single person who is on Sen. Dr. McKenzie's list and all the other people who have had their land taken away are victims of ours and I have to identify with it because, regrettably on this occasion, I am part of the system. I am a victim too because I have to pass this and send it onto the next stage.

3.25 p.m.

I really want to bring forcibly to the minds of those who are involved in party politics and striving for government, how it is they are making people victims. To keep talking about who took longer to pay and who did this, the fact about it is, that in 1994, we repealed the 1947 Land Acquisition Act, and in 1994, if I recall correctly, we had a particular government in power and I have not—we do not have research assistants, Mr. President, so I have to rely on my memory. I am

quite sure that when that new Land Acquisition Act was introduced in 1994, we would have heard lots of pious promises. In fact, I am glad Sen. Dr. Lasse is here, because he would, no doubt, have special knowledge about this. I am quite sure that when the Act was introduced in 1994 we received pious promises, as we always do from governments: “Well, you know, we are going to pass a new law and everything is going to be fixed; we are not going to have any more intellectual property piracy because we pass a law; we are not going to have any more rape because we now have alternate jurors”; all these kinds of bizarre links that we make with legislation.

So in 1994 we passed a new Land Acquisition Act, and I am quite sure, speaking from memory, we had lots of promises, “Well, everything was going to improve.” Then in 2000—I think we had a different government in power then—we amended the Land Acquisition Act, 1994, and I am quite sure that on the occasion of that debate we would have been told: “Well, you know, it is just that we overlooked these little technical matters; just make these little amendments quickly and the whole system will improve.”

And of course, it does not.

So having committed an act that goes against the grain of an individual’s sense of justice, we compound the sense of injustice by not providing timely compensation; we compound the sense of injustice by leaving them in the rain, apparently, indefinitely, without recourse, then we change the law and make promises that things would get better, and they do not, and I would like us, as people, charged with—some of us are doing it voluntarily, and that also seems to be forgotten sometimes—making the system of government work, how badly this reflects on all of us. I hasten to say it reflects “least worst”, as we say, on the Independent Senators, because we are not striving for executive power or deputy-anything or chairman-anything. In fact, we do not even have a leader; we have an administrative leader who looks after administrative matters and makes sure that if the Government tells her on time, we will know what we are debating.

So we are not persons who have any executive power; we are not people seeking any executive power. We come here voluntarily for our sins, and I think it is important we point this out. I certainly will not offer the lofty sentiments that the Reverend offered in what appears to be a new type of election season. In due course, as I see them, I will congratulate those who have ascended. Unfortunately, I cannot give Minister Baksh any “picong”, because he is a wise man; he keeps his head tucked into his shirt; he does not stick it out. So I cannot give him any “fatigue” or congratulate him on any advancement. In due course we will have the

opportunity of congratulating those who kept their heads and commiserating with those who lose them.

But that is another matter. On both sides, it is really going to be quite interesting by September or December. Then, I think, even Dr. Moonilal will not protest if we use the term, losers, because as sure as night follows day, there are going to be some real losers this time. But we will come to that another time. I am just very glad that my good friend, the Minister of Finance, if not wise in his heart, has been guided by technical wisdom; stay and do the job that he does well and for which he is eminently qualified. Happily for him, at any rate, there was a technical hurdle, so in the unlikely event that he had any temptations, he was obliged to resist them; not so with some others that we may see in the Senate from time to time.

Mr. President, I do not want to run afoul of the Chair, but this is a very good time—since we have all these political contenders—to remind them, as they go into this political contention, that they are actually going into political contention allegedly to make life better for people. Or dare I quote Sen. Lucky—some of her quotes are not always well received in the media: they are going into politics to get it right.

Well, we have to get this right, and I do not care what it takes, but I think the time has really come. We have had three different governments;—well, some people would say, of course, they are not different; they are just chess pieces that we have rearranged on the board. But that is another philosophical matter. We have had three allegedly different governments and this problem—like BWIA, Caroni (1975) Limited, diesel fumes, lack of emergency health care—is still with us. I really want to stir the consciences of the people who are either in executive power or who aspire to executive power, to understand—we like to use the words victimization and discrimination very easily in this country—what a continuing savage, heartfelt injustice we are perpetrating with this perennial problem that no government has solved.

I am suggesting, one of the things that we might agree to do is to remove or put a moratorium on the section that permits possession before vesting. I have a view about the legality of that section in the new Act. Unfortunately, the matters that we are discussing now are matters that commenced under the old Act, which was an existing law and is clearly saved by the Constitution. But this thing is a disgrace. It is as disgraceful as having to beg foreigners to fly to Tobago when we have an airline that could fly there. But more of that later.

It is as disgraceful as saying that Caroni (1975) Limited is a drain on the Treasury, but coming to no proper agreement with the Caroni constituency, which I remind you, Mr. President, does not belong to anybody unless you are religious and you believe they all belong to God. They certainly do not belong to any political party. It is as disgraceful as saying—almost as though the people in Caroni are doing something wrong; they are a drain on the Treasury when we cannot come to any arrangement with them about how Caroni's land is to be used.

Sen. Rev. Teelucksingh is perfectly right; it is tremendously ironic that the Government cannot vest a little strip of land that it requires for a road, but it can vest acres upon acres of land in private investors. It is very ironic, and we never get to debate what are clearly the public purposes for which those lands are to be used. We never get to debate that, and he is quite right and he is not to be deflected by the technicality that we have legislation providing for this.

The broader question is, there is no mechanism or machinery by which we can debate in any useful manner, the use of public lands or State lands by the Government. We have no mechanism to do that. What we have is something that is very time-consuming, which is having to pass a resolution so that people can get money that they are owed for years and years and years. Really, Mr. President, it is very painful to see this continuing problem of land acquisition. I am urging both political parties to get together and decide what we are going to do about land acquisition. It is a national problem; it is a grave sense of injustice; it is a violation of people's rights and it really has to stop.

Thank you, Mr. President.

The Minister of Housing and Settlements (Hon. Sadiq Baksh): Mr. President, I would like to thank all the distinguished Members on the Opposition and the Independent Benches for their contribution. But in my wildest imagination and dreams I could not imagine that we would have evoked this type of discussion on a matter that I thought to be simple. Out of respect for my colleagues here, I, in fact, prepared well. I came with all the documents because I know of the great interest that all the Members here have in this particular subject.

I said at the beginning that I can go into the reasons for each and every delay individually but I did not think that that approach would solve the problem. I thought, in fact, I was hinting at a particular situation that we now have well under control, in that, just by bringing these measures here today and the different parcels, you would realize how out of the seven, over 50 per cent of those presented here, came from over two decades ago.

3.35 p.m.

One can see a definite commitment by the Ministry of Housing and Settlements to deal simultaneously with these matters. For the first time in the history of land acquisition in Trinidad and Tobago, we are bringing to this House—prior to actual occupation of those lands—the necessary legislation to move on to them. It is that commitment that started two years ago. That dream which was born on that day is now a reality. We are now in a position to deal with issues as they come up, but not leave the backlog wherever it was. That is the commitment of the ministry. What we are seeing today is the realization of the commitment made two years ago. It is a long time, but in the ministry we are committed to follow.

I did not start that. The previous minister laid the foundation for this to take place. There is now a system where we are identifying all those lands which were acquired over four and five decades in some cases. As I said, to go into them will serve no useful purpose. We are about coming to terms with that backlog and we are committed to doing so. Today's presentation is a demonstration of that, by bringing four pieces of acquisition on the agenda, that prior to now took over two decades.

In addition to that, in terms of the procedure for land acquisition, I accept the advice of Sen. Dr. McKenzie in terms of publishing all the steps necessary. It starts with the request of the ministry or authority, then Lands and Surveys Division, the Valuation Division, the Chief State Solicitor, the Ministry of Housing and Settlements, Ministry of Finance, then to the transmission of Cabinet, then to Parliament, the Ministry of Information, Revenue Office, Registrar General, Accounting Unit of the Ministry of Housing and Settlements, Government Printery, Town and Country Planning, and finally to the Property Management Unit of the Ministry of Infrastructure Development and Local Government. That is part of the procedure. Irrespective of the procedure, we are committed that whenever we have to acquire compulsorily, any property, that we do so in a manner that will bring relief to our citizens. We have no intention of depriving our citizens of the right of use of their property.

In terms of the suggestion of Sen. Dumas, we are willing to work together specifically on those problems of Tobago. I was very pleased that in preparation for this presentation today, I visited every location to satisfy myself, meet some of the people and look at the sensitivity of the position.

In terms of answering Sen. Joan Yuille-Williams with regard to the location of that piece of land to be acquired in Warner Village, it is a parallel road. If she

looks at the Guayamare area she would see two bridges were built in 1979. It is to facilitate that parallel road which will now allow people who own lands on the highway to have access off the highway to promote a safer highway.

I do not plan to deal with the issues that are now under the responsibility of my distinguished colleague, the Minister of Infrastructure Development and Local Government. He will be able to answer those matters.

I am willing to state all the plans for the Ministry of Housing and Settlements. I inform this House that of the 1,241 houses earmarked for construction in 2000–2001, we have constructed 800. I assure you that as we begin the construction of those houses do not blame me for building 500 houses, when the infrastructure was there for 25 years and nothing was done with it. I do not plan to do that. After 25 years of putting in all the infrastructure, I am committed to doing all the necessary remedial work. I assure you that we will get 500 houses constructed there as part of the Government's policy in improving the quality of life of the citizens of Trinidad and Tobago.

Sen. Yuille-Williams: Mr. President, my question was not on the commitment to build. I was very specific in my question. I attempted to get application forms and I was told that he had them at his office.

Hon. S. Baksh: Mr. President, in my normal fashion, things that are untruths I do not normally deal with. They do not really deserve an answer. I assure her that I will provide her with press releases from the Ministry of Housing and Settlements stating where those forms would be available. They are available now and there are people at the ministry to assist applicants with the completion of those forms. We invited Trinidad and Tobago Mortgage Finance to be based at the Ministry of Housing and Settlements, in an effort to ensure that we provide every opportunity for citizens to get access to capital. We at the ministry are committed to going even further.

Sen. Yuille-Williams raised the question of squatters. We know that squatting is a problem which started in Trinidad and Tobago in 1986, and since then it went on unabated. The commitment of this Government is to ensure that those people who squatted before 1998 will be comforted; and anyone who squatted after January 1, 1998, will not be allowed to queue in the system to participate in government-approved housing programmes. It is one of the deterrents to allowing people to squat and to squatting going on unabated.

I would like to state categorically that application forms for housing are available at the Ministry of Housing and Settlements. They were always available

from the land settlement agencies and other agencies in the Government of Trinidad and Tobago. You can get them at the constituency office of the Member for San Fernando West, or the Minister of Housing and Settlements, from 9.00 a.m. to midnight any day of the week. If you accuse me of making it available after hours, I plead guilty. I assure you it is for the convenience of the public of Trinidad and Tobago.

I am looking for some of the points to answer, but I cannot think of any more except to say that we will bring acquisitions on a regular basis to this House. I am giving the commitment that we will not stop until we have cleared the entire backlog. We are also willing to work with the Opposition and Independent Senators to bring to an end this vexing problem which we have had to face for decades.

Sen. Dumas: I am hoping that I will have the encouragement to ask whether he can comment on the improved capacity of the Tobago House of Assembly to help him with his task.

Mr. President: I will not permit that. It is going into an area that we have not discussed at all.

Hon. S. Baksh: Mr. President, thank you for your guidance. The position is that we are committed to working with all the agencies and the people who suffered this injustice. One of the points I would like to clear is that it is not a question of funding. On an annual basis we have had to vire funds from the ministry to other projects or return them to the Treasury because we did not complete all that was necessary to formally acquire these properties.

In Trinidad, I assure you that we have never gone on to private lands without doing all that was necessary. We have had reports in other areas that this took place, but we have no evidence of that. We are committed to correcting that position and more of these would be coming to the House.

Question put and agreed to.

Resolved:

That this House approve the decision of the President to acquire the lands described in Appendix I for the public purpose specified.

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>1. The parcel of land containing 2277.4 square metres more or less, situate off the extension of Lambeau Cemetery Street, Lambeau in the parish of St. Andrew in the ward of Tobago described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated April 21, 1995 and filed in his office is required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising 2277.4 square metres more or less, situate off the extension of Lambeau Cemetery Street, Lambeau, in the parish of St. Andrew in the ward of Tobago and said to belong now or formerly to David Elder.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140 folio 181 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>Construction of the Claude Noel Highway</p>
<p>2. The parcel of land containing 13.0756 hectares more or less, situate at Caroni Village in the ward of Tacarigua in the county of St. George and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated August 28, 1995 and filed in his office is required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising 13.0756 hectares more or less, situate at Caroni Village in the ward of Tacarigua in the county of St. George, bounded by the Caroni River to the north, Caroni South Bank Road to the south, a Burial Ground to the east, a Recreation Ground and other lands to the west, and said to belong now or formerly to Caroni (1975) Limited.</p>	<p>For the National Housing Authority, to be utilized under the IDB National Settlements Programme</p>

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>This parcel is more particularly shown coloured raw sienna on a survey plan filed Plan GA 115 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	
<p>3. Several parcels of land together containing 40.1062 hectares more or less, situate between the Toruba Overpass, Toruba, San Fernando and Cross Crossing Roundabout, in the ward of Naparima, in the county of Victoria and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated November 23, 1998 and filed in his office are required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>Several parcels of land together containing 40.1062 hectares more or less, situate between the Toruba Overpass, Toruba, San Fernando and Cross Crossing Roundabout, in the ward of Naparima, in the county of Victoria and further described as follows:</p> <ul style="list-style-type: none"> (a) a parcel of land comprising 85,901 square metres more or less, said to belong now or formerly to Caroni (1975) Limited; (b) a parcel of land comprising 593.3 square metres more or less, said to belong now or formerly to Johamiah; (c) a parcel of land comprising 714.8 square metres more or less, said to belong now or formerly to Valina Herbert; (d) a parcel of land comprising 636.2 square metres more or less, said to belong now or formerly to Carmen Corolla; (e) a parcel of land comprising 889 square metres more or less, said to belong now or formerly to Marcus Nelson; 	<p>Extension of the Solomon Hochoy Highway</p>

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>(f) a parcel of land comprising 491.3 square metres more or less, said to belong now or formerly to the heirs of Collymore;</p> <p>(g) a parcel of land comprising 898.8 square metres more or less, said to belong now or formerly to Garth Andrew Lamsee;</p> <p>(h) a parcel of land comprising 695.4 square metres more or less, said to belong now or formerly to Pauline Marshall;</p> <p>(i) a parcel of land comprising 29.7 square metres more or less, said to belong now or formerly to Myrtle Yearwood;</p> <p>(j) a parcel of land comprising 48,505 square metres more or less, said to belong now or formerly to East San Fernando Housing Development Limited;</p> <p>(k) a parcel of land comprising 114,023 square metres more or less, said to belong now or formerly to Caroni (1975) Limited;</p> <p>(l) a parcel of land comprising 38,529 square metres more or less, said to belong now or formerly to Caroni (1975) Limited;</p> <p>(m) a parcel of land comprising 515.8 square metres more or less, said to belong now or formerly to heirs of Irvin Jaggernauth;</p> <p>(n) a parcel of land comprising 483.8 square metres more or less, said to belong now or formerly to heirs of Irvin Jaggernauth;</p> <p>(o) a parcel of land comprising 479.7 square metres more or less, said to belong now or formerly to heirs of Irvin Jaggernauth;</p> <p>(p) a parcel of land comprising 477.2 square metres more or less, said to belong now or formerly to heirs of Irvin Jaggernauth;</p>	

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
(q) a parcel of land comprising 481 square metres more or less, said to belong now or formerly to Ramraj Ghesiawan;	
(r) a parcel of land comprising 511.2 square metres more or less, said to belong now or formerly to Harryram Nanan;	
(s) a parcel of land comprising 534.7 square metres more or less, said to belong now or formerly to Frankie Rampersad;	
(t) a parcel of land comprising 514.3 square metres more or less, said to belong now or formerly to Bashir Shah and others;	
(u) a parcel of land comprising 3,049 square metres more or less, said to belong now or formerly to Ramrattan Rampersad and Abrajie Rampersad;	
(v) a parcel of land comprising 13,203 square metres more or less, said to belong now or formerly to Clyde Brahim;	
(w) a parcel of land comprising 68,944 square metres more or less, said to belong now or formerly to Caroni (1975) Limited;	
(x) a parcel of land comprising 533 square metres more or less, said to belong now or formerly to Shurland and Helenese Rahaman;	
(y) a parcel of land comprising 620.1 square metres more or less, said to belong now or formerly to Lalan Bhagirath;	
(z) a parcel of land comprising 489.8 square metres more or less, said to belong now or formerly to Joseph and Denzil Indar;	
(aa) a parcel of land comprising 35.8 square metres more or less, said to belong now or formerly to the heirs of Knolly Straker;	

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
(bb) a parcel of land comprising 364.1 square metres more or less, said to belong now or formerly to Sookdeo Samadeen;	
(cc) a parcel of land comprising 7,991 square metres more or less, said to belong now or formerly to Kissundath and Bissoondath Mahabir;	
(dd) a parcel of land comprising 2,517 square metres more or less, said to belong now or formerly to H.R. Moonan;	
(ee) a parcel of land comprising 315.2 square metres more or less, said to belong now or formerly to Presentation college;	
(ff) a parcel of land comprising 2,203 square metres more or less, said to belong now or formerly to Southland Mall;	
(gg) a parcel of land comprising 889 square metres more or less, said to belong now or formerly to Industrial Bags Limited/Caribbean Farm and Poultry distribution Limited;	
(hh) a parcel of land comprising 541.2 square metres more or less, said to belong now or formerly to Queensway;	
(ii) a parcel of land comprising 397.4 square metres more or less, said to belong now or formerly to Queensway;	
(jj) a parcel of land comprising 410.4 square metres more or less, said to belong now or formerly to Union Steel and Hardware Limited;	
(kk) a parcel of land comprising 75.9 square metres more or less, said to belong now or formerly to Laing;	

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>(ll) a parcel of land comprising 169.3 square metres more or less, said to belong now or formerly of Laurie Mc Lean;</p> <p>(mm) a parcel of land comprising 16.1 square metres more or less, said to belong now or formerly to Laurie Mc Lean;</p> <p>(nn) a parcel of land comprising 334.9 square metres more or less, said to belong now or formerly to Union Steel and Hardware Limited;</p> <p>(oo) a parcel of land comprising 45.3 square metres more or less, said to belong now or formerly to Caroni (1975) Limited;</p> <p>(pp) a parcel of land comprising 1,457 square metres more or less, said to belong now or formerly to Caroni (1975) Limited;</p> <p>(qq) a parcel of land comprising 357.5 square metres more or less, said to belong now or formerly to Green Acres;</p> <p>(rr) a parcel of land comprising 78.5 square metres more or less, said to belong now or formerly to A. Rahamut;</p> <p>(ss) a parcel of land comprising 90.5 square metres more or less, said to belong now or formerly to W. Bernard; and</p> <p>(tt) a parcel of land comprising 30 square metres more or less, said to belong now or formerly to W. Bernard</p>	
<p>4. These parcels are more particularly shown coloured raw sienna on a survey plan filed as AN 185A to AN 185M in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>The parcel of land comprising 0.2082 of a hectare more or less, situate at the intersection of the Claude Noel Highway and the Northside Road in the ward of Tobago in the parish of St. Andrew and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated August 13, 1997 and filed in his office is required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising 0.2082 of a hectare more or less, situate at the intersection of the Claude Noel Highway and the Northside Road in the ward of Tobago in the parish of St. Andrew and said to belong now or formerly to Mr. Errol Scott.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in Book 1140 folio 214 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>5. The parcel of land containing 319.4 square metres more or less, situate on Auchenskeoch/Buccoo Road, Tobago in the ward of Tobago in the parish of St. Patrick and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated June 4, 1997 and filed in his office is required for a public purpose.</p>	<p>Development of the Auchenskeoch/Buccoo Road, Tobago</p>
<p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising approximately 319.4 square metres situate at the corner of Jan De Mar Trace and Auchenskeoch/Buccoo Road, Tobago in the ward of Tobago in the parish of St. Patrick, and said to belong now or formerly to Alston Thomas.</p> <p>The parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140, folio 211 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>6. The parcel of land containing 421.5 square metres more or less, situate along the Uriah Butler Highway, Warner Village, Charlieville, in the ward of Cunupia, in the county of Caroni and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated December 5, 1997 and filed in his office is required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising 421.5 square metres, more or less situate along the Uriah Butler Highway, Warner Village, Charlieville, in the ward of Cunupia, in the county of Caroni, and said to belong now or formerly to Sewnarine Maharaj.</p> <p>The parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140, folio 223 in the vault of the Lands and Surveys Division, Red House, Port of Spain.</p>	<p>Construction of a Feeder Road parallel to the Uriah Butler Highway</p>
<p>7. The two parcels of land together comprising 1,771.3 square metres more or less, situate at First Street, San Juan, in the ward of St. Ann's, in the county of St. George and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated May 26, 2000 and filed in his office is required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>The parcels of land together comprising 1,771.3 square metres, more or less situate at First Street, San Juan, in the ward of St. Ann's, in the county of St. George, and said to belong now or formerly to Aranguez Estates Limited and currently tenanted by Eulaline M. Keen and Aziz Ali.</p>	<p>Extension of the San Juan Market</p>

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>The parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1243, Folio 36 in the vault of the Lands and Surveys Division, Red House, Port of Spain.</p>	
<p>8. The parcel of land containing 116.9 square metres more or less, situate on the eastern side of Store Bay Local Road in the ward of Tobago in the parish of St. Patrick and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated October 26, 1999 and filed in his office is required for a public purpose:</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising 116.9 square metres more or less, situate on the eastern side of Store Bay Local Road in the ward of Tobago in the parish of St. Patrick and said to belong now or formerly to TATECO Credit Union Co-operative Society Limited.</p> <p>A parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1243, folio 25 in the vault of the Lands and Surveys Division, Red House, Port of Spain.</p>	<p>Road Improvement</p>
<p>9. A parcel of land comprising 0.8450 of a hectare more or less, situate along the Uriah Butler Highway in the vicinity of Mt. Hope in the ward of Tacarigua in the county of St. George and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated March 5, 1999 and filed in his office is required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising 0.8450 of a hectare more or less situate along the Uriah Butler Highway in the vicinity of Mt. Hope in the Ward of Tacarigua in the</p>	<p>Construction of an Electrical Sub-Station by the Trinidad and Tobago Electricity Commission</p>

DESCRIPTION	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>county of St. George and said to be leased to the University of the West Indies.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1243, folio 15 in the vault of the Lands and Surveys Division, Red House, Port of Spain.</p>	

3.45 p.m

AIR NAVIGATION BILL

Order for second reading read.

The Minister of Transport (Sen. The Hon. Jearlean John): Mr. President, I beg to move,

That a Bill to make provision for the regulation of the establishment of the operation of airports, for maintenance and operation of air navigation facilities, for carrying out the Convention on International Civil Aviation, for the promotion and regulation safety in air navigation and for purposes related thereto, be now read a second time.

Mr. President, this Bill together with Civil Aviation Act, 2000, is further evidence of the Government's ongoing commitment to modernize and strengthen the state aviation sector, and it also demonstrates the vision of this Government to ensure the highest levels of safety, security and efficiency in our local aviation industry. The Convention on International Civil Aviation signed in Chicago on December 7, 1944, established certain principles and arrangements in order that International Civil Aviation may be developed in a safe and orderly manner, and that International Air Transport Services may be established on the basis of equality of opportunity and operate soundly and economically. The Convention formed the International Civil Aviation Organization (ICAO), with the aims and objectives to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to ensure the safe and orderly growth of International Civil Aviation throughout the world, and to encourage the arts of aircraft design and operation for peaceful

purposes. To encourage the development of airways, airports and air navigation facilities for International Civil Aviation and to meet the needs of the peoples of the world for safe, regular, efficient and economical air transport.

The convention came into effect upon ratification by 26 states on April 4, 1947 and by the end of 2000 had been ratified by 186 states making it one of the world's most widely accepted international law instruments. Trinidad and Tobago became a signatory to the Chicago Convention in 1972. As a contracting state of ICAO, we are required to properly discharge our obligations under the Convention, including the adoption of the standards and recommended practices contained in the annexes to the Convention so as to provide for safety and efficiency in aviation operations within our territory. A critical element which must be considered by all ICAO contracting states in the discharge of their obligations under the Convention, is the provision of effective aviation laws consistent with the environment and complexity of the state's aviation community. This Bill allows our national aviation industry to be built on a solid legal foundation, on par with that of other developed countries. This Bill prescribes the requirement for the licensing of pilots and engineers, the licensing of airports and heliports; the certification of aircraft, air operators and maintenance organizations; the provision of air traffic services and the enforcement of security requirements for aircraft and airports.

Aviation in Trinidad and Tobago has come a long way since January 1913 when the intrepid American aviator, Frank Boland, flew the first flight into this country in his single engine biplane and landed at the Queen's Park Savannah. Today, there are four local air operators in Trinidad and Tobago utilizing 31 fixed winged and 11 rotary aircraft, some of which are the most sophisticated and technologically advanced aircraft in the world. To date, we licensed 474 pilots, 25 flight engineers and 201 aircraft maintenance engineers. There are two international airports and a total of 42 heliports and helidecks, the majority of which are offshore.

Mr. President, under the ICAO Convention, the Government of the Republic of Trinidad and Tobago has the responsibility for the provision of air traffic services within airspace above its territory. In addition, ICAO has delegated to Trinidad and Tobago the responsibility for the provision of air traffic services within an air space known as the Piarco Flight Information Region of some 750,000 square miles that includes the air space over the entire group of Eastern Caribbean islands, from north of Antigua to south of Trinidad and stretching eastward to half way across the Atlantic. Every day Trinidad and Tobago controls approximately 330 aircraft movements within the Piarco Flight Information Region.

I now propose to briefly explain the legislative background to civil aviation in Trinidad and Tobago so that hon. Senators can appreciate the need for us to have primary aviation legislation which would enable us to properly and efficiently supervise and regulate all civil aviation activity within Trinidad and Tobago.

The primary legislation presently governing our civil aviation system is British in origin, and dates back to the colonial times. It derives from the United Kingdom Civil Aviation Act, 1949, as adopted in Her Majesty's colonies by the Colonial Civil Aviation (Application of Act), Order, 1952. Subsidiary regulations, operational orders, rules and so forth, were made with regularity until the promulgation of the Colonial Air Navigation Order, 1961. After independence nothing was done to further update the primary legislation or the 1961 Order for well over 30 years.

You may well imagine the situation, while civil aviation internationally made vast strides; while the air transport market grew by leaps and bounds; and while ICAO's various Standards and Recommended Practices were being constantly changed to reflect the ever dynamic world view, Trinidad and Tobago and its Civil Aviation Division were hampered by a legislative framework that became more antiquated with each passing year.

In the last decade ICAO has placed great emphasis on the ability of the civil aviation authorities of member states to comply with its Standards and Recommended Practices, especially as they relate to safety. At the 29th Assembly on October 20, 1992 Resolution A29-13 for Improvement Safety Oversight, was adopted which recognized that many contracting states may not have the regulatory framework to carry out the minimum requirements of the Chicago Convention and its Annexes, and noted that many contracting states might experience difficulty in carrying out their responsibilities on the international law for safety oversight of air carrier operations. The resolution called upon all contracting states:

1. To reaffirm their safety oversight obligations, especially the important safety provisions contained in the annexes to the Chicago Convention;
2. To review their national legislation implementing those obligations and to review their safety oversight procedures to ensure effective implementations; and
3. With respect to those states able to do so, to provide requesting states with assistance in the form of financial and technical resources to enable requesting states to carry out their responsibilities for safety oversight of air carrier operations.

On the basis of this Assembly Resolution, ICAO established an ICAO safety oversight programme which incorporates as its core function, safety oversight assessment of member states by ICAO.

ICAO sent audit teams to the various member states in order to assess their compliance with the ICAO Standards and Recommended Practices as contained in the annexes. Trinidad and Tobago has been among those states audited by ICAO.

At around the same time, the American Federal Aviation Administration launched its own safety assessment of states. However, the FAA put a unique spin on their assessment process by categorizing states into two groupings based on the states' ability to adequately comply with ICAO standards. Trinidad and Tobago ultimately received favourable assessments by both the FAA and ICAO, and attained FA category 1 status, which is the most favourable grouping. The attainment of category 1 status meant that local airlines could now enter into code sharing agreement and strategic alliances with US carriers. It is as a result of attaining category 1 status that BWIA was able to enter into a code sharing agreement with United Airlines.

3.55 p.m.

The audits by both the American Federal Aviation Administration (FAA) and the International Civil Aviation Organization (ICAO) identified areas that needed strengthening, in particular evidence of two requisites of a properly functioning regulatory system:

- (1) Provision in the basic aviation law of the land for a code of air navigation regulations and their promulgation; and
- (2) Establishment of an appropriate state body, hereinafter referred to as the Civil Aviation Authority (CAA), with the necessary powers to ensure compliance with laws and regulations.

At this time, it is also appropriate to remind hon. Senators that the Government, in its Medium-Term Policy Framework document, stated that over the next triennium, Government will continue to propose strategies for the further development of air, sea and land transport. Government further stated that with respect to our transport, it is at present pursuing the development of an aviation policy to guide growth in the aviation sector. Government shall also undertake institutional restructuring of the Civil Aviation Division and revision of the air transport legislation to foster increased efficiency and safety in the aviation environment.

Therefore, in order for our civil aviation system to be counted as fully compliant with the highest levels of ICAO Standards and Recommended Practices and remain within FAA Category I status, the Government has to take action on the two issues aforementioned.

Mr. President, ever since the United Kingdom established its Civil Aviation Authority in 1982, more and more of the numerous ICAO member states have removed their civil aviation departments from the confines of their respective civil service structures and created autonomous statutory authorities or even private corporations. Australia created its Civil Aviation Safety Authority in 1988. New Zealand established its Civil Aviation Authority in 1992. South Africa enacted its Aviation Authority Bill as recently as 1998. Here in the Caribbean, Guyana has recently established its Civil Aviation Authority by legislation, as has Jamaica.

With this experience, it became obvious that as long the Civil Aviation Division remained as a public service department and was not given its own autonomy and a degree of independence by way of statute, it could not function in a manner that ensures the highest degrees of compliance to ICAO.

To this end, this Government took its first step towards the modernization of the civil aviation sector when the Trinidad and Tobago Civil Aviation Authority Act was passed in this honourable Chamber on May 2, 2000. This Act established the Civil Aviation Authority as an autonomous body to regulate all civil aviation activities in Trinidad and Tobago. A Board of Management was appointed in December 2000 and technical personnel are being recruited to fill the positions in the Authority.

The Safety Inspectorate of the Authority now comprises highly trained, qualified and experienced locals which is indeed a red-letter day for local aviation since these services were previously provided by foreign UK consultants at tremendous cost to the taxpayers.

The Bill before the Senate today seeks to consolidate this general effort by providing the regulatory framework that will facilitate the safe, secure and orderly growth of the local aviation industry.

Mr. President, the Air Navigation Bill seeks to carry out in national legislation the provisions of the Chicago Convention relating to aviation safety, while making additional provision for other related civil aviation activities, such as the maintenance and operation of air navigation facilities and the establishment and operation of airports.

The Bill, when effected, shall repeal and replace the Colonial Civil Aviation Order, 1952, in turn taking away our dependence on the UK. Civil Aviation Act, 1949. This Order, and the subsidiary Orders made thereunder, shall become merely a historical footnote in Trinidad and Tobago's quest for total modernization.

Part II of the Bill deals with the administration of the Bill, including the Minister's functions at clause 3. His powers to designate airports have been subject to the Bill's provisions, at clause 4, and the designation of the Minister's powers to the Civil Aviation Authority at clause 5.

Part III of the Bill makes provision for the Minister's and the Authority's powers with respect to the establishment of airports and other matters related thereto. This Part allows for the Minister to establish and operate airports at clause 7, and creates by-laws regulating their use and the conduct of persons using them.

Clauses 9—11 seek to regulate the use of land in the vicinity of airports to ensure the safety of aircraft in flight and civilians alike. Clauses 13—14 afford the Authority the opportunity to receive collection by way of fixing airport charges, and the detention and sale of aircraft for unpaid charges. The Authority may further enhance its revenue streams through charges for air navigation services. This is explained in clauses 17—18.

Part IV of the Bill makes specific provision for the Trinidad and Tobago Civil Aviation Authority to regulate air navigation. A national register for aircraft is established by clause 19, while clause 20 makes it an offence to fly aircraft in a manner that endangers persons or property.

Clauses 22 and 23 have been drafted bearing in mind recent instances of "air rage" and other unruly behaviour on international passenger aircraft that has become a recent yet major cause for concern. [*Interruption*] I am explaining clause by clause. You might accuse me of rushing the Bill. I will await your contribution, hon. Senator.

Clauses 24 and 25 enable the Authority, with the approval of the Minister, to make regulations in such areas that shall carry out and give effect to the Chicago Convention and its various annexes, protocols and additions thereto.

The Director General of the Authority is now empowered to access civil aircraft to ensure airworthiness and proper operation by way of clause 26. Clause 28 establishes as mandatory, within the corporate structure of the Authority, a flight standards inspectorate, with the duty of carrying out certification and

continuous inspection of aircraft operations, airmen and aircraft within our civil aviation system.

The Director General is responsible for the certification of airmen and aircraft by means of airworthiness certificates, without which airmen cannot function within the system, nor aircraft allowed to fly. The Director General has the further right to examine, inspect and re-examine aircraft, aircraft components, appliances and propellers of civil aircraft by means of clauses 39 and 40, thereby ensuring safety of aircraft within the system.

Part V of the Bill makes provision for air transport matters and operators and under clause 42 such operators are subject to liability respecting matters of trespass, nuisance and surface damage caused by aircraft. Clause 44 provides a legislative regime concerning the mortgaging of aircraft—clause 45 is related as it seeks to give effect to the Convention on the International Recognition of Rights in Aircraft.

Part VI of the Bill deals with miscellaneous—but no less important—matters regarding the regulation of civil aviation.

Clause 49 provides for the imposition of criminal penalties and the prosecution of offences under the Act. However, in keeping with the trends shown and adopted by agencies such as the FAA, clause 50 enables the Authority to impose civil penalties and fines upon recalcitrant air operators and airmen within the civil aviation system in breach of the law.

Clauses 51—53 establish a comprehensive appeals regime, within which the Director General may hear and investigate complaints from any person within the civil aviation system concerning matters under the Act.

Clause 58 repeals current, antiquated civil aviation legislation that, as previously stated, comprises colonial era orders. Clause 59 provides for the commencement of the Act, for which this is the Bill, by way of presidential proclamation.

Mr. President, this Bill signals the completion of the first phase of legislative modernization of our civil aviation regime. The passage of the Bill shall serve to facilitate our next phase of the regulatory process which is the drafting and promulgation of a comprehensive set of user-friendly, national civil aviation regulations. These regulations, to be known as The Trinidad and Tobago Civil Aviation Regulations—and they have already been drafted—will ensure that we achieve the highest levels of safety standards in accordance with requirements of the ICAO annexes.

These regulations have been drafted in a style similar to the Federal Aviation Regulations (FARs) used in the United States, our main commercial destination. The European Joint Aviation Authority (JAA) has also used the U.S. FARs as the basis for developing their Joint Aviation Regulations (JARs).

4.05 p.m.

Mr. President, this Bill, when read and operated jointly with the Civil Aviation Authority Act, shall provide a completely up-to-date legislative framework to regulate local civil aviation operations in full accordance with International Civil Aviation Organization (ICAO) standards, and shall serve to satisfy the further requirements of international aviation bodies such as the Federal Aviation Administration and the Joint Aviation Authority. It will serve as a launching pad for the establishment of a regional aviation safety oversight agency, and the harmonization of aviation regulations within Caricom. I must state, Mr. President, that Trinidad and Tobago with its core of highly trained and qualified aviation safety inspectors, will aggressively pursue hosting the proposed regional aviation safety oversight agency.

Mr. President, at this point allow me to quote Dr. Assad Kotaite, President of ICAO who stated in 1997:

“...Civil aviation has been swept up in the wave of commercialization, globalization and transnationalisation, with implications for safety and security that have to be addressed. Regulation of safety and security is, under the Chicago Convention, the responsibility of individual States; as ownership and operation of airlines devolve from governments and cross-border involvement becomes more common, the need for seamless co-ordination beyond national and regional borders becomes even more fundamental.”

The Government is fully cognizant of the role that aviation plays in the economic development of our country and our region. It is in this light that we are aggressively pursuing the development of our aviation sector in this aggressive manner, more so than past administrations have sought to do.

Sen. Montano: Mr. President, I thank the hon. Minister for giving way. I see she is about to wind up and before she does, I would like a question on this Bill. Could the Minister tell me if, in fact, this Bill was circulated to the national or any other airlines for their input or comments?

Sen. The Hon. J. John: I am not sure but I can find out. The Chairman of the Civil Aviation Authority is here. I do know that they sought some widespread consultation because we got some help from BWIA with the regulations. They

assigned one of their senior members of staff to assist with the drafting of the regulations so they would have been involved.

Mr. President, given our strategic geographical location as the gateway of the Americas, with a highly developed logistics network with the rest of the world, we will create an operating hub at Piarco, utilizing our ultra modern airport terminal. This will generate revenues through landing fees, fuelling and ground handling fees. Our tourism and industrial thrusts will realize an increase in the number of visitors to our country, creating the potential for additional operators and travel related hospitality services.

Utilizing our highly skilled and productive workforce, we can create a local hemispheric aviation sector in Trinidad and Tobago, offering services to external markets such as the repair and overhaul of aircraft and components, manufacturing, logistical support, ground handling, fuelling and a host of other ancillary activities.

At the same time, Mr. President, while the Government ensures that the local civil aviation sector mirrors the expansion and growth taking place globally, it must be emphasized that such development must be fostered in a manner that is uncompromising in its demand for the highest levels of safety. Whatever we do must be underpinned by this philosophy. It is the duty of the Government to ensure that Trinidad and Tobago possesses the capability to ensure that civil aviation activities comply with the highest levels of safety standards in accordance with the international standards, recommended practices and other requirements under our obligations as a member state of the International Civil Aviation Organization.

This is what this Bill seeks to achieve.

Mr. President, hon. Senators, in the hope of spirited, relevant and intelligent debate on this Bill before you, I beg to move that—

Mr. President: Minister John, Sen. Daly is on his feet, will you give way?

Sen. The Hon. J. John: I am sorry.

Sen. Daly: Thank you, Mr. President. I also thank the hon. Minister for giving way. I was anxious not to interrupt.

Hon. Minister, you made reference to two audits of Trinidad and Tobago, one by the Federal Aviation Administration and one by the International Civil Aviation Authority, are these available? Can they be made available to us in the Parliament's library before we complete this debate?

Sen. The Hon. J. John: As far as I am aware there was a debriefing session—you are talking about the audit. The findings are not yet available. As I said, there has been a debriefing session but I do not think it has been conclusive.

Sen. Daly: Can we have an executive summary of the findings? Mr. President, we have been told in this debate that these findings were favourable and I am particularly interested in the audit of the runway, for example, and the audit of the new airport building. The Minister need not respond now as to whether an executive summary of the findings can be made available.

Sen. The Hon. J. John: There was no audit of the new airport building. I am really not sure how it impacts on this Bill.

Mr. President, I beg to move.

Question proposed.

Sen. Danny Montano: Mr. President, when I got my copy of the Bill, I was anticipating—perhaps I was a bit too ambitious—that we might have actually heard something about the new airport in the sense that the first line in the title of this Bill is that it is: “An Act to make provision for the establishment and operation of airports. Of course, we are doing away with the existing orders on book, so I thought we would hear something about the airport. Regrettably, we did not hear anything at all.

One of the things that concerns me, Mr. President, is that while we are enabling legislation to establish the airport, I suppose that by virtue of this legislation when it is passed in both Houses, that the Minister would be able to establish that the new airport is a national airport or whatever it is.

Mr. President, what concerns me, of course, is the cost of the airport. At this point nobody seems to know what is the cost of the airport and I do recall—and the Minister was in the Senate last year when we debated the budget—that Government’s subvention to the Airports Authority was \$108 million and they were actually going to spend some \$112 million in interest alone in this financial year for an airport that is not yet operating. I recall also that the previous airport operated with a margin of losses and profits over the years—my recollection was about \$8 million—but all of a sudden this year the subsidy jumps to \$108 million and we have not finished work; the financing is not yet finished and, of course, operations have not begun. I was hoping that the Minister would have given us a statement as to the rationale for spending something close to \$2 billion of the people’s money on an airport. I would have liked to know, from a financial point of view, how viable is this airport.

4.15 p.m.

Is it just going to be a drain on the treasury forever and ever? What is the amount of the drain going to be? If it is \$108 million this year and not everything has been brought to book, then when everything has been finalized and the books are closed and the debts have been established, what is the drain likely to be? Are the landing fees and the charges, and so forth, going to be increased? We do not know. Nothing has been said.

I would have thought that this was an ideal opportunity for the Minister who is new in her position, but I thought it would have been a golden opportunity for her to let us know what the financial arrangements are, in fact. One thing I do know, and of course I have spoken about at some length in this Chamber, is the fact that this new airport has not been financed by the most favorable means. Let me put it to you this way, Mr. President. It has been financed very largely by local debt which we know is more expensive than foreign debt.

Of course, what I have said also is the fact that foreign debt carries with it certain controls on the part of the lenders who scrutinize and audit how the subcontracts are administered and how the funds are spent. Of course, when you borrow locally, those controls do not really exist and the moneys are spent almost freely at the free hand of the Airports Authority or the managers of the funds. Of course, that is how this thing has reached something close to \$2 billion, if you add the interest that had been spent, paid or accumulated to the total cost of the construction.

You know, I recall, Mr. President, the former Minister of Finance telling us how, in fact, the cost of the airport was not all that high. The square foot cost of the airport was similar to Puerto Rico and Jamaica, and he gave us a whole bunch of examples. But you know, a wise man once said there are lies, damn lies and statistics, and I can tell you about that, because when you look at a number like the cost per square foot, you have to know the square foot of what. What exactly was the Minister of finance dividing by? Was it the square footage of the building, the square footage of the runway, the square footage of the car park? We really do not know.

What I would like to know, though, is what would be the cost per capita, and to do it on that basis, and then I think we might get a more reasonable measuring stick as to what the real cost of the airport is. I would also like to know, really, in financial terms, whether this airport, having spent this amount of money, makes sense. But, Mr. President, to deal with the Bill itself, when I looked at it I have to

Air Navigation Bill
[SEN MONTANO]

Tuesday, May 08, 2001

confess that I was really quite lost on the first reading of it and I looked at the title of the Bill and then I looked at the Bill itself and the Bill has very little to do with air navigation, as such. [*Laughter*]

Sen. Daly: That is right.

Sen. D. Montano: It is loosely called the Air Navigation Bill, but we do not really seem to have much in here on air navigation. The one thing it does, I think it is in clause 4, is that the Minister is empowered to designate a place as an airport, and that seems to be somewhat new, because I read this thing and in this Bill, it deals with the Authority and then the Airports Authority and I had to clarify the two things in my mind.

The Authority that they are talking about here is the Civil Aviation Authority and Senators will recall that we passed the Civil Aviation Authority Bill in the last session of the Senate, and the Airports Authority has its own legislation, the Airports Authority Act of, I think it is 1980. So, I then looked at the Airports Authority Act and the Civil Aviation Authority Act and I looked at this one and I said, what exactly is this Bill trying to do on its own? Because all it does here, Mr. President, other than from a new point of view, empowering the Minister to designate a place as an airport, is that it seems to give specific authority to the Civil Aviation Authority on the one hand, and then to the Airports Authority on the other hand.

So, it struck me, but we are not really doing anything new here. All we are doing, in fact, is amending the Civil Aviation Authority Act and the Airports Authority Act, and I wondered why we did not do it that way, because we now have all of the legislation that gives powers to these two Authorities in three separate pieces of legislation, when it could have been in the two separate pieces of legislation and the two Authorities quite distinct and separate.

Then I began to look at it, Mr. President, and I thought, what is the rationale for setting up this legislation in this way? Clause 7 says:

- “(1) The Minister shall be vested with the responsibility for the establishment and operations of all airports;
- (2) The Minister may appoint for each airport vested in him, an officer who shall be responsible to the Minister for all services of that airport.”

I thought to myself that that is a peculiar paragraph. What exactly are we trying to do here? Is it a sort of situation where we are now allowing the Minister to control the Airports Authority, because that kind of control does not exist in the Airports Authority Act, not in that sense. Is that what we are doing here?

Then I looked at clause 8(b) and it says:

“Where an airport is either managed by the Minister, the airport operator may make bye-laws for regulating the use.”

So, all of a sudden now, in clause 8, it anticipates that the Minister is going to be managing the airport. Well, at that point I went to the Airports Authority Act and this is what I picked up.

Section 12 says that the principal function of the Authority—this is the Airports Authority—is to manage the airports, plus the airport bus service, plus to impose dues, charges and fees for the use of the airport facilities. So, the Airports Authority is to manage the airports. But all of a sudden, in clause 8, the Minister is also going to manage? Mr. President, what exactly is going on? Who is doing what to whom?

In clause 8(2), I would ask Senators to have a look at clause 8(2), it refers to the bye-laws that the airport operator can make. I would refer you to section 43(1) of the Airports Authority Act and it is almost identical to clause 8(2). So, Mr. President, if the Airports Authority has these powers to make bye-laws, then who exactly are we empowering to make these bye-laws? Is it, in fact, Mr. President, that the intention is to privatize the operation of the airports? Is that what we are doing here? Is that the intention of the Minister?

So, in other words, by this device, what we are saying is some other operator other than the Airports Authority can have these powers. Is that what we are doing? Mr. President, I did not hear the Minister say that, so, maybe I am out of turn here and I am speculating, but I cannot understand the rationale for repeating something that is in another piece of legislation. I just do not understand how this piece of legislation has been put together. I simply do not follow it.

If one looks at clause 9, and they are talking about where there is an object located on the surface which might be an obstruction and a hazard to aircraft, the Minister may cause a notice to be served, but, Mr. President, surely that is a function of the Airports Authority. Why is it that we are setting it up in a completely different Bill instead of amending the duties, functions, obligations, whatever, or the powers of the Airports Authority? I just do not understand how or why this thing has been put this way. Why is it that the Minister has to make the notice instead of either the Civil Aviation Authority or the Airports Authority? Why the Minister? Why are we bringing the Minister into the day-to-day running of the airport? I just do not understand it, Mr. President:

In clause 11(5) it gives the power to the Civil Aviation Authority. Mr. President, let me just tell you what the functions of the Civil Aviation Authority are. In section 5 of the Civil Aviation Authority Act, the functions of the Authority are: to regulate civil aviation operations, the operation of aircraft, the operation of maintenance organizations and to issue and renew and amend licences and so forth and to provide air traffic services.

That is the function of the Civil Aviation Authority, but clause 11 here empowers that Authority to acquire land. What for? What exactly for? Surely it is that it is a function of the Airports Authority to acquire and hold the land and the properties and everything else and for the Civil Aviation Authority to operate within the property of the Airports Authority. That is the only thing that makes any sense. I just do not understand why it is that we are giving the Civil Aviation Authority a new power to acquire land. What are we doing? Will they be setting up an airport of their own?

Mr. President: Hon. Senators, we will break for tea at this stage. The sitting is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.03 p.m.: *Sitting resumed.*

Sen. D. Montano: Mr. President, I bring the attention of the Senate to clause 12 which deals with trespass to an airport. It says:

“if any person trespasses on land forming part of an airport, he shall be liable on summary conviction to a fine of ten thousand dollars and to imprisonment...”

Given the structure of this Bill, where we are dealing with the Minister as being an operator, the Airports Authority as being an operator and the Civil Aviation Authority sort of hanging around acquiring land and so forth, whose land exactly are we talking about? Who exactly is going to be the person who makes the complaint to the police, the Airports Authority, the Minister or the Civil Aviation Authority? Looking at the structure of this Bill it is very unclear. I just do not know. I really cannot pass legislation not understanding exactly what it is I am doing, Sir. I really cannot do that.

Mr. President, clause 14(1) allows “the Airports Authority”—so this clause of the Bill anticipates that there is only one Airports Authority—to detain aircraft when airport charges have not been paid. Exactly what those charges might be is

not stated here, and I can assure you that that is of some concern not only to me but also to others.

Then clause 14(2) reads “An Airports Authority”; it says “shall not detain” if there is a dispute as to the charges. So the odd thing in this paragraph is that clause 14(1) speaks about “the Airports Authority”, clause 14(2) speaks about “An Airports Authority”. Obviously, there must be more than one. So the point I raised a little while earlier, as to whether or not it is the intention of the Government to privatize the operations of airports, is still valid. I do not have an answer and I am not going to speculate as to whether that is, in fact, so, but I would certainly like to have the assurance of the Minister that that is not so, or to tell me that it is so and that the conditions for that would be the following, whatever it might be.

When I saw clause 14(1), the first thing I did was to call the national airline. I do not know exactly what the term “national airline” means. I understand it, generally, to mean that they are entitled to have the flag painted on the outside of the aircraft. I do understand the capital structure to be of such that the Government or the State has a golden share, so that, in effect, they have a means of controlling the operations of the airline. Beyond that, I really do not know what a national airline means. We all understand that it is based here. We understand that most of the employees are from our State, yes we understand that, but beyond that I do not really understand it.

The fact that they are based here and they would have the most significant amount of operations at the airport, I called them to ask them what their comments were on clause 14. Mr. President, BWIA had not seen this Bill. They did not even know about it until I called. They tried to get a copy of it; they could not get it from the printery; nobody had it. They checked with the chief executive officer, he never had it; he never even heard about it. Nobody seemed to have it.

Yesterday they called me and asked me to photocopy it, which I did. I photocopied it and sent it to the national airline. So the national airline which could face acquisition, where their aircraft could be detained and sold for the non-payment of charges that are not defined, have not been asked boo. They have not even been sent a copy of the legislation.

Now, Mr. President, I wanted to be sure of my facts, hence the reason for the question to the Minister. The Minister was not exactly clear as to whether, in fact, it had been sent. She did indicate that BWIA had taken part in the formation of the

Air Navigation Bill
[SEN. MONTANO]

Tuesday, May 08, 2001

regulations. She could not say for certain as to whether or not, in fact, they had a copy of this Bill. So BWIA, our airline, that we have a vested interest in, the national carrier, is facing a situation where they could have their aircraft detained and sold off by the Airports Authority, an Airports Authority, and they have not been asked even to make a comment on the Bill.

I had indicated to the Leader of Government Business that there was a reason I wanted to have this Bill wound up next week, as opposed to this week. It is for that reason, to, at least, allow them the opportunity to make a comment to all of us on a non-partisan basis as to what they feel is right or wrong with this legislation.

This is not a partisan statement; it is non-partisan. It is a simple fact that it is *infra dig* to do this and to not send it to the national airline! How could you do that, Mr. President? That is the point. So, at least, at this point, with the good grace of the Leader of Government Business—I do not mean his grace, the Vice-Archbishop—[*Laughter*] we would have an opportunity—

Sen. Daly: That is the only job left.

Sen. Gillette: You are assured of a place in heaven. [*Laughter*]

Sen. D. Montano: —we would have an opportunity to get a word from our national airline, because this clause is of serious concern to me, as an individual. I would certainly like to know what happens outside there. I do not know what happens in London, although I understand that at Heathrow Airport, for instance, there are provisions that are similar, but that the circumstances under which an aircraft can be detained and sold are quite specific. It is not just a general thing for unspecified amounts. It is quite specific. I would like to know, from the persons who have experience, exactly what we are talking about. I think that we will have that opportunity.

Clause 16 makes it a duty of the Civil Aviation Authority—now we go back and talk about the Civil Aviation Authority. It puts a duty on the Civil Aviation Authority to provide air navigation services. Clauses 16 and 17 are the only parts in this Bill that really talk about air navigation. If you were to look at the Civil Aviation Act in section 5—I had read it out previously—I indicated that one of the functions of the Civil Aviation Authority is to provide air traffic services. The question is: what exactly is the difference between air navigation services and air traffic services? I really cannot imagine—I am not a pilot—what is the difference.

The Minister said nothing about it. I just do not know. I read this, I looked at the Bill that we passed last year and, quite frankly, I cannot say “yea” or “nay” on that paragraph, because I really do not know what it means.

If you look at clause 17 it allows, again—we are not dealing with the Airports Authority anymore. We are talking about the Civil Aviation Authority. Clause 17 allows the Civil Aviation Authority to charge for air navigation services whether or not they are actually used. So, in other words, if you are flying overhead or nearby—and I do not quite understand what happens, whether you appear as a blip on the radar or something of the sort, somehow the Civil Aviation Authority is entitled to charge you for navigation services. The Minister did not explain it, and I just do not understand how that works. If the Minister could explain that to us, I think we would all be much happier.

Mr. President, one of the things we have an obligation to do is to understand the laws that we are passing. We cannot just pass Bills and not know exactly what we are dealing with.

Clause 18 gives the Director General, again, of the Civil Aviation Authority, power to inspect installation that might be causing interference with the radio equipment and all that sort of thing. Obviously, that is a necessary clause that, quite frankly, should be in the Civil Aviation Authority Act, not inside some other piece of legislation, because that is the only thing that makes any sense. But, in any event, we find it in this Bill.

The point at issue is that while he must have the responsibility, while he must have the authority to stop that kind of interference, it does not say that he can enter the premises with a warrant. It merely says that he can, literally, just walk into a man's premises and say, “Hey, you have something there that is interfering with our radio transmissions, our navigation equipment,” or whatever it might be, without a warrant. Absolutely, he must have a duty to do something, but, quite frankly, with a warrant, and a warrant is not going to be hard to get; not under those circumstances. It would be the easiest thing to obtain, so why not put it in? I do not know who thought up this Bill, but really, I do not know where we are going with it.

5.15 p.m.

For the first time, clause 19 requires the Director General to establish a registry of aircraft. That probably is a good thing. I do not see any particular problem with it because that would make sure the Civil Aviation Authority has the wherewithal to make sure that all of the aircraft that are flying around here

Air Navigation Bill
[SEN. MONTANO]

Tuesday, May 08, 2001

and that are based in Trinidad would have an air worthiness certificate. I think that is very important.

One of the things that I thought was odd, and again, we had no explanation for it, clause 21 bans advertising in the sky. You cannot display any advertisement, whether it is audible or visible, from the ground. Some planes can trail a banner saying "vote PNM" or "vote Carlos" or whatever. That is now against the law. Why? Why? It just does not make any sense. Why are we banning that? It is free enterprise! Why are we doing that? I can quite agree, in terms of noise, you would not want that noise to bombard towns and villages and create a nuisance, but to trail banners. Why? We have had no arguments against that. I can see a commercial argument for it but I see no argument against it. We are just being told, no, it cannot be done.

Mr. President, we are reasonable men and women. If you come with a reasonable argument or explanation, we will agree with you, if we can understand it. We are not here merely to oppose you because we are sitting on this side of the Chair. We are here to counsel and advise you to help you to make better law, that is our job here; that is what we are doing here. That is the basis of what I am talking about.

Mr. President, there was just one other point I wanted to raise and that is clause 44 deals with a registration for mortgages of aircraft. I am not quite sure who is actually going to maintain this registry. But why is that important? I can see that it is important to maintain a registry, as I mentioned a little while ago, but why is it important to maintain a registry of mortgages on aircraft? Some of the aircraft that we have in this country are privately owned, of what business is it of anybody that it be noted that there is a mortgage on it? Exactly what information is to be included in this registry? Is it the amount of the debt, the interest rate, the instalments, what exactly is to be included?

Mr. President, the short point that I have been trying to make here is that this Bill does not seem to warrant being a bill on its own. It is not a navigation bill; nothing is being navigated inside here, other than the two paragraphs that I mentioned, clauses 16 and 17. What we really have is a hodge podge of amendments to the Civil Aviation Authority Act and the Airports Authority Act.

It should be taken apart and treated that way. The amendments to the Airports Authority Act should be brought as one bill; and the amendments to the Civil Aviation Authority Act should be brought as a separate bill. We have overlapping

sections, as I indicated, and there is absolutely no rhyme or reason for it that I can see and we have had no explanation for it.

Mr. President, with those few words, I thank you for your indulgence and ask the Minister to consider seriously what I have said. Is this Bill necessary in this form or would we not be better off to dismantle it and put it into two separate pieces of legislation. Other than that and the one or two issues that I mentioned, I have no great difficulty with it. With the right explanations, I might be persuaded to support it. Thank you very much.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette): Mr. President, we on this side would like to give Sen. Montano that extra week to prepare to debate this Bill so that we would have better laws being passed. He was very persuasive, so next week we would continue with this Bill.

We would also like, if we finish early, to debate the Equal Opportunity (Amdt.) Bill and the Trinidad and Tobago Cricket Board of Control (Amdt.) Bill. I am just preparing you as a good scout so that, as Sen. Daly said, you would be all prepared, so that we can pass better laws in the Senate.

Also prepare to debate the Bill relating to the Planning and Development of Land—I doubt very much we would be able to do that next week.

Mr. President, I beg to move that the Senate do now adjourn to Tuesday, May 15, 2001 at 10.30 a.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.22 p.m.