

*Leave of Absence**Tuesday, July 10, 2001***SENATE***Tuesday, July 10, 2001*

The Senate met at 1.32 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 07—17 July, 2001 and Sen. Dr. The Hon. Daphne Phillips during the period 09—16 July, 2001.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have received the following communication 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: DR. GEORGE DHANNY

WHEREAS Senator Dr. 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, GEORGE DHANNY, to be temporarily a member of the Senate, with effect from 10th July, 2001 and continuing during the absence from Trinidad and Tobago of the said Senator Dr. 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 9th day of July, 2001.”

Senators' Appointment
[MR. PRESIDENT]

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“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 Dr. Daphne Phillips is incapable of performing her duties as a Senator by reason of her 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 10th July, 2001 and continuing during the absence from Trinidad and Tobago of the said Senator Dr. Daphne Phillips.

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 5th day of July, 2001.”

“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. DEREK IRVIN OUTRIDGE

WHEREAS Senator Mary K. King is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, DEREK IRVIN OUTRIDGE, to be temporarily a member of the Senate, with

Senators' Appointment

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immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Mary K. King.

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 9th day of July, 2001."

OATH OF ALLEGIANCE

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

Dr. George Dhanny, Vincent Cabrera, Derek Irvin Outridge.

PAPER LAID

Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the San Juan/Laventille Regional Corporation for the nine-month period ended September 30, 1998. [*The Minister of Finance (Sen. The Hon. Gerald Yetming)*]

ERRONEOUS STATEMENTS

The Minister of Finance (Sen. The Hon. Gerald Yetming): Mr. President, I wish to make the following statement with respect to two matters which I think would be of interest to this honourable Senate.

Mr. President, in a newspaper article in the *Trinidad Guardian* yesterday, the Leader of the Opposition was reported to have said in a public meeting that the report which I laid in Parliament referring to the Auditor General's Report of the North West Regional Health Authority is not the report that the Auditor General gave. He went on to say that when I asked him, (Yetming), he said he had just removed the names from the report. He removed the names from the report, but he removed other things from it.

He went on to say, Mr. President, I could not understand how a Minister of Government could doctor a report from the Auditor General and lay it in Parliament, and I am sure that Members of Parliament would be extremely concerned to read a report that this Minister of Finance laid a doctored report.

I want to say in no uncertain terms that no report was doctored by this Minister of Finance and that the report which was laid in Parliament was the exact report submitted to Parliament by the Auditor General. I would read from the letter that the Auditor General wrote to the Minister of Finance on June 27, 2001 and she said in her letter to me:

Erroneous Statements
[SEN. THE HON. G. YETMING]

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“Reference is drawn to your letter dated 8th May, 2001 in which you shared concerns with respect to expenditure relating to financial transactions at the North-West Regional Health Authority (NWRHA).

2. An audit focussing on internal controls in certain areas at the Authority, was undertaken in a bid to ascertain the evidence of such irregularities highlighted in your letter of 8th May, 2001.
3. Enclosed is a copy of my report on this audit.
4. A copy of the Report is being forwarded to the Minister of Health in his role of ‘...Minister to whom responsibility for health is assigned;’ and to the Chairman of the North-West Regional Health Authority for their information and action.
5. My Report is being forwarded to Parliament in accordance with sections 116(4) of the Constitution of Trinidad and Tobago and section 25(4) of the Exchequer and Audit Act, Chapter 69:01.”

Mr. President, I have sought advice on the matter, and I am going to be exploring my options with respect to this lie that is being perpetrated, and it is more than just a lie being perpetrated on the population, but the statement is slanderous and libelous in my view, and my options are being considered.

The second point that I want to indicate to this Parliament in this statement has to do with another Auditor General’s Report that was tabled in this House in which it was reported by the Auditor General that there was a discrepancy between two numbers within the Ministry of Finance having to do with contingent liability of the Government, and arising out of which there were widespread reports about \$1.7 billion missing from the Treasury.

When that report started to circulate, Mr. President, in fact, prior to it being circulated, I had on receipt of the report from the Auditor General, requested the Permanent Secretary in the Ministry of Finance to provide to me a report of all the infractions and all the weaknesses contained in the report so that we could take appropriate action.

When the reports were being circulated about this \$1.7 billion that had been missing, I requested a special report on that matter and I recall that the report was in fact brought to me by my Permanent Secretary to this House during a sitting of the Senate, and during the tea break I circulated it to members of the print media who were here, an exact copy of the report that I received from the Permanent

Secretary. It was not a cleaned-up report; it was not a sanitized version of the report. I gave it to them exactly as I had received it and as far as I am aware, that report received widespread publicity in the newspapers which should have dispelled any suggestion that \$1.7 billion was missing from the Treasury.

In spite of that, Opposition politicians continued to make public statements about \$1.7 billion missing and furthermore in an ad promoting a public meeting by the People's National Movement, one of the major items on the ad was that the people should come out to hear about this \$1.7 billion missing in spite of the fact, as far as I was concerned, a proper explanation was given for that amount.

Mr. President, it continues to show that this Opposition is determined to perpetrate what I could only consider—and I hope it is not unparliamentary—a fraud on the population and with totally misleading and malicious statements.

In the circumstance, a letter was yesterday written to the Auditor General and I have instructed that copies be sent to Parliament, and for copies of the letter written to the Auditor General to be circulated to every Member of Parliament so that they would be aware of exactly what was the reason for the difference between two amounts within the Ministry of Finance, and for *Hansard* and the records, I would just like to read from a part of that letter.

It is a letter dated July 9, 2001 addressed to Mrs. Jocelyn Thompson, Auditor General and it was prepared and signed by Mr. Leroy Mayers, Permanent Secretary in the Ministry of Finance. It says:

“Dear Mrs. Thompson

I refer to your Report on the Public Accounts on the Republic of Trinidad and Tobago for the Financial Year 1999 October 01 to 2000 September 30 and on other Selected Audit Activities.

I specifically wish to refer to the Report on the contingent liability relating to loans and credits guaranteed by the State as at 2000 September 30.

According to the Report, the books of the Treasury show a contingent liability relating to loans and credits guaranteed by the State in the sum of \$5,628,498,345.41, whereas the records of the Public Sector Finance Management Unit show a liability of \$7,395,595,578.00, that is, a difference of \$1,767,097,232.59 between both sets of records. There have been highly publicized reports of the difference in the records of both Divisions which erroneously have suggested that funds in the sum of \$1,767,097,232.59 are missing from the Treasury. These reports are inaccurate and misleading as no

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funds are missing from the Treasury. The issue referred to in the Auditor General's Report is the State's contingent liability in relation to funds borrowed by State Agencies and guaranteed by the Government.

As you are aware, the variance in the records of the Treasury Division and the Public Sector Finance Management Unit is due to the manner in which the loans of State Agencies are classified by both entities. The enclosed reconciliation is instructive.

The Treasury Division essentially considers as contingent liabilities all loans which are guaranteed by the Government, except where Government has assumed the responsibility."

If I may stray from the quote, Mr. President, once a contingent liability is undertaken by the Government and is being repaid directly by the Government, Treasury Division does not consider that as contingent anymore.

"The Public Sector Finance Management Unit, however, records all loans guaranteed by the State as contingent liabilities.

It has been brought to my attention that neither the Treasury Division nor the Public Sector Finance Management Unit was requested to explain the variance in their records prior to the finalization of the Report for fiscal 2000. If this had been done, there would have been a proper explanation of the variance, and the speculation that now exists would have been avoided."

The point is, that apart from the fact that this letter is now being made public, sometime to the end of June, as I reported earlier, I disclosed to members of the media the reason for this happening. It had received widespread publicity and it just continues to amaze that the Opposition would continue to perpetrate this lie on the population.

Thank you, Mr. President.

SUPREME COURT OF JUDICATURE (AMDT.) BILL

Bill to amend the Supreme Court of Judicature Act, Chap. 4:01 [*The Minister of Energy and Energy Industries*]; 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.

1.50 p.m.

ARRANGEMENT OF BUSINESS

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

Agreed to.

**CINEMATOGRAPH AND VIDEO ENTERTAINMENT (AMDT.)
REGULATIONS**

The Minister of Communications and Information Technology (Hon. Ralph Maraj): Mr. President, hon. Senators, let me say how pleased I am to be here with you in this distinguished Chamber once again. I have very pleasant memories of my last experience here when together we collaborated to do something momentous for Trinidad and Tobago, when we passed the Telecommunications Bill.

On this occasion, however, in comparison, what I have brought before the Senate is a minor amendment to a piece of legislation. I beg to move, therefore, the following Motion standing in my name:

Whereas section 24(1) of the Cinematograph and Video Entertainment Act, Chap. 20:10 (hereinafter called “the Act”) provides that the Minister may make Regulations for prescribing anything under the Act which is to be prescribed, generally for carrying the Act into effect and in particular *inter alia* as to the form and duration of licences issued under the Act and the conditions or restrictions subject to which a licence may be issued:

And Whereas section 24(3) of the Act provides that the Regulations made under the Act shall have no force or effect until they have been approved by Parliament:

And Whereas the Cinematograph and Video Entertainment (Amdt) Regulations, 2001 were made under section 24 of the Act, whereby the Cinematograph and Video Entertainment Regulations were amended in the manner set out therein:

And Whereas it is expedient to approve the said Regulations:

Be It Resolved:

That the Cinematograph and Video Entertainment (Amdt) Regulations, 2001 be approved.

Cinematograph and Video (Amdt.)
[HON. R. MARAJ]

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Currently, cinema operators are granted licences to operate theatres subject to the condition that films are not exhibited before 3 00 p.m. on Sundays and certain religious holidays: Good Friday, Corpus Christi and Christmas Day.

This prohibition is to be found in the Cinematograph and Video Entertainment Regulations made under the Cinematograph and Video Entertainment Act, Chap. 20:10, which provides in the first schedule, in form B, that a building is licensed for use as a theatre, subject to the condition, inter alia, that the theatre shall not be used for exhibiting films before 3 00 p.m. on the days that I mentioned.

Clearly, in modern Trinidad and Tobago, this provision is quite archaic. In fact, it has its origin in the British Sunday Observance Act of 1769. That is how far it goes back. In modern times, of course, value standards in religious beliefs have undergone some change and there is the general view that the basis for this restriction is outdated.

So this matter has been brought to our attention by the West Indies Film Board of Trade, in the first place. They have indicated, which is quite true, that Trinidad and Tobago remains one of the very few countries that still operate cinemas under this restriction. Also highlighted to us were the hardships that the industry has to endure as a result of the prohibition. Indeed, it appears that the general public considers it a disadvantage, as cinema operators have received numerous requests from patrons to have films exhibited before 3 00 p.m. on the holidays mentioned. So the Cinematograph and Video Entertainment (Amdt.) Regulations, 2001, presented today, seeks to remove the restriction by deleting the offending provision in Form B of the first schedule to the Cinematograph and Video Entertainment Regulations.

Of course, it is recognized that the regulations can have no force or effect until they have been approved by Parliament. It was approved in the other place and we are here to deal with it today. This is the background against which I present the Cinematograph and Video Entertainment (Amdt) Regulations, 2001.

I feel certain that we will receive the unanimous support for this minor, but I think timely and somewhat progressive amendment.

Mr. President, I beg to move.

Question proposed.

Sen. Rev. Daniel Teelucksingh: Mr. President, a very special welcome back from your much deserved vacation.

I noticed that the hon. Minister began by referring to this as a minor amendment. Looking at the amendment which is deleting these words:

“...that the theatre not be used for exhibiting films before 3.00 p.m. on Sundays, Good Fridays, Corpus Christi and Christmas Days”

I remember recently there were some comments on the Corpus Christi holiday and the Most Rev. Archbishop Gilbert of Port of Spain was reported as saying, “no way, that will never happen,” about taking away Corpus Christi as a public holiday from the Christian community.

This is a very serious amendment. It is not minor, in my opinion. I have noticed, Mr. President, you too, that over the last few years there is a trend that has left so many of us disappointed.

You remember when Eid, Divali, Christmas, Easter, and Good Friday were all worship days? Now all these days have been opened to those unscrupulous business people who pressurized the Government to allow them to sell alcohol on those days. They had their own way with the sale of alcohol, any day at all, at any time. Those are not merely public holidays, they are sacred days for all the religious groups in Trinidad and Tobago.

Here we find another group—and I get from the short presentation of the hon. Minister—I am not blaming him—that a certain kind of pressure is being put upon the Government by the people from this particular business sector, the cinematograph fraternity. They are asking that Sunday mornings should be given to them. Good Friday, Corpus Christi, Christmas Day, every day, any day whatsoever. Another business group is pressurizing the Government. Why not? That is possible.

I really believe that the Supermarket Association and others had their way with this Government when we dealt with the alcohol regulations some years ago. I would not doubt that the same thing is happening now. Mr. President, I feel very disappointed about that because Sunday is not merely a worship day. Do you know for many years people saw Sunday as the worship day for Christians? Do you know it is the only day when children and young people are not in school? The Christians have spoken about something called “Sunday school”—and we know what is Sunday school. Do you know there are other religious organizations in Trinidad that have been using Sunday mornings to teach religion? And they call it Sunday school. It is for religious nurturing.

It is the same Government—and we support them for saying that in the public schools there should be some teaching of religion. They are asking the religious organizations in Trinidad and Tobago to cooperate and to help to see if we can do something by way of the inculcation of morals and values and so on.

When I am going to my church I see another group of young people, children and teenagers, going to their own temple to do what they call Sunday school work. Now the cinematograph community is competing for this day that has not only been set aside for religious nurturing and teaching, but it is also a rest day. We need a rest day in Trinidad and Tobago. Saturday is a very busy day. What other day do we have for the family to come together? Here it is they are competing with something that we are trying to strengthen, family cohesion, not religion now. The only half day we have for that kind of thing in this country is Sunday morning, and you are taking this away. I know what kind of competition the family could expect from the cinema fraternity and we know how powerful that can be.

This Motion must be of great interest to those who are seeking licences or renewal of licences relating to cinema and video entertainment, but it is very important that the Government bear in mind that it is not only a question of the granting of licences, fixing of fees and the issuing of warning to licensees It is not only that. It is the enforcement of these regulations; this bundle of regulations that we have been passing at this level from time to time.

Concerning the industry, I would like to raise a very important matter that we have been talking about in the society for a long time. It has to do with our freedom to choose our entertainment vis-a-vis the needs of children and young people with impressionable minds and to what extent we should choose for them. This is a very important question. The Ministry of Education is looking at it, as well as all of us at various levels. Opinions may vary but we have sufficient evidence that indicates that movies can and do influence people; not only the young people, but also all of us from any group.

2.00 p.m.

Then, we must ask the cable television network operators in Trinidad and Tobago—they are included in our consideration—as well as the cinema magnates: Why do you continue to make movies for adult viewing available to children and young people? Is the Minister aware that we need regulations for operators who have lost their sense of morality and care only for profits? Is there any sense of ethics at all among certain unscrupulous entrepreneurs? Let us remember that

young people do not switch off their television sets at 8 o'clock in the evening. They do not do that anymore.

I ask the hon. Minister who is responsible for this industry: Why do the cable television network operators continue to dish out a regular diet of pornographic movies, gay-type shows for those of the queer-folk category, and those explicitly violent pictures? Is this another instance of the power of big business and the weakness of Government in charge? Is it the apathy of a government towards those who are its friends and benefactors?

I am learning to respect the call of adults for freedom to select their kind of recreation. I respect their privacy. That is important and I make that clear, but with the gradual move towards the breakdown of law and order, violence and indiscipline, and the tragic loss of societal values and standards of behaviour befitting a civil society we need to take stock of ourselves.

We have been concentrating on young people and the influence on these impressionable minds. One great philosopher said that the minds of young people are like a slate—tabula rasa, I think is the term used—only waiting to be written upon, and the power of the cinema and these films cannot be underestimated in writing upon the minds of the young people. Too many movies idolize the life of violence and glorify adultery and fornication. There is no doubt about that. There is the rapid promotion of sexual permissiveness in the movies. Immoral living and vicious crimes are hurting this society, particularly the vulnerable—the young people upon whom such influences impact negatively—and we need to tell somebody. I will call on the Minister, as we have done in the past, and the Government, to request that cable and television operators introduce, and make mandatory, those devices in the industry, with technical names, for television sets whereby adults can control their types of movies to exclude children from shows that are made primarily for adult audiences. We need that.

In fact, I will go further to add that Government must not be afraid to say to all these people for whom comfortable regulations and legislation are made, such as the one before us, to let them know that failure to introduce and implement these devices would result in fines or suspension of licences. Maybe we do not have the courage to do that. While we do not, operators are having a field day. Recently, the cable rental fees were jacked up and consumers had no say and the Government remained helpless, as usual.

Mr. President, allow me now to take you to another type of show. I enjoy this one. It is more expedient that we understand what that cinema is showing. I refer

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to shows on the political silver screen because of one among the three famous show houses in Port of Spain: the Strand, the Globe and the Red House. The cinema near you is showing a rerun of the wheeling and dealing of the Godfather conducting the great Port of Spain robbery and the scenes are filmed at various favourite locations such as the North West Regional Authority. You will remember Alfred Hitchcock's, North by Northwest. [*Laughter*] Other scenes are shot at the National Carnival Commission and at Nipdec. I love Kung Fu movies, and the next episode of Kiss of the Dragon will be a boss show on the local silver screen.

Mr. President, the cinema near you is now showing a smash hit movie for the summer vacation which threatens to break all box office records, featuring Petrotrin and The Return of the Swiss Bank Lovers. [*Laughter*]

2.10 p.m:

A review of that movie in the Sunday cinema guide indicates that it was filmed at the South West Soldado block. The review adds accusations of bid rigging, collusion, personal greed, boardroom duelling, swordplay in the boardroom—friendly swordplay maybe—and US-dollar kickbacks paid into secret Swiss banks offshore accounts.

Mr. President, to our local agent 007, we will advise to go after them and “Never say Never”. The cinema guide in another preview tells of a blockbuster soon to be released and coming to a theatre near you, entitled “Airport Three”, filmed at a gold-mining location at Piarco.

If the Government wants to bring legislation and use precious parliamentary time—this is joke to the show that is in the theatre near you. The Cinematograph and Video Entertainment (Amdt.) Regulations are urgent, maybe indeed, in comparison with these shows I have mentioned; they are minor. It is a drop in the bucket, chicken feed.

Regulations are urgent in this country and we need as a Government and as a people to continue to look at these shows which are of national significance. Too many of them are X-rated, scary, even for mature audiences. I do not know if it happens to you but sad movies of this genre always make me cry, and I eagerly look forward to the credits that lead to the words, “The End”. Thank you.

Applause from the public Gallery.

Mr. President: Members of the public gallery, this is not a cinema show. You are not entitled to clap. Please ensure that you keep your applause to yourselves.

Sen. Joel London: Mr. President, when the hon. Minister started, I wished I could have shared his enthusiasm as far as the Telecommunications Bill was concerned when he said it was the best piece of legislation he has had the privilege to work on here in the Senate. Unfortunately, I share Sen. Rev. Teelucksingh's concerns. Just the way the Minister started by saying that this was a minor amendment is cause for concern for me. While it is not my intention to be confrontational today, at least, not just yet, I want to speak from the bottom of my heart because this amendment is of particular concern to me in terms of my own Christianity.

I am a born-again Christian. I am a deacon at my church with responsibility for youth and music. I come to this Chamber today with a serious concern. I am concerned about the direction that this Government insists on taking this country. I am concerned about what the future holds in terms of succession for our young people. I am concerned that as leaders today, myself included, we do not appear to be taking careful thought about the policies that we implement and the implications, the ramifications, for our nation's children tomorrow. We ought to take stock of the kind of society that we are trying to build.

The day will come when the policy makers and the lawmakers of today will no longer be around and it is the young people of the society who must then take up the mantle of leadership. I want to ensure through the Senate that when the time comes I can pass on to my children a Trinidad and Tobago that they can be proud of, a Trinidad and Tobago with standards, and a Trinidad and Tobago with morals. What message are we sending?

Today, we are here to debate a Bill which seeks to allow cinemas to open their doors before 3.00 p.m. on a Sunday and on the public holidays named. Why? The only explanation given by the Minister so far is because the law is archaic. What is the rationale behind such a move? There are, however, some underlying concerns that we on this side believe this Government should take into consideration before introducing this amendment. Has the Government duly considered the implications about advancing such a position? I wish to submit for consideration today the disruption in family life, as we know it, which can be caused by the introduction of this amendment.

It is an accepted fact in Trinidad and Tobago that Sunday represents a day of rest, and I want to agree with Sen. Rev. Teelucksingh on that matter. Sunday represents a day of Sabbath, notwithstanding the fact that a percentage of the population observe their Sabbath on different days, in particular, Saturdays. One must consider that for a large percentage of the population it is work Monday to

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Friday: working fathers, mothers, and for some it is work on a Saturday as well. And for those who do not work on a Saturday, Saturday represents an opportunity to get some of the things done that one could not get done during the course of the week. On Saturday one may want to spend some time at the supermarket; one may want to get the washing, the ironing done; one may want to clean the house and so forth. For children, it is school from Monday to Friday, lessons in the afternoon, extra-curricular activities in the afternoon and for some, lessons on a Saturday. In other words, we are faced with a situation where the only real quality time—the only real opportunity the family has to spend together is on Sundays.

The movie-going public takes the opportunity to patronize cinemas after work or on a Saturday and possibly on a Sunday afternoon. Our youth population, likewise, frequents the cinemas on Saturday and Sunday evenings. Granted that families may have breakfast together on mornings before they go to work, Sunday represents one of few, if not the only occasion where a family could sit and have breakfast and lunch together. This is a time when families bond; this is a time when families share, when they enjoy fellowship with one another; this is a time when the entire family goes to church or at least exists in the same house at that time. And rather than encourage family time, bonding and fellowship, we bring legislation to this Parliament designed to increase the time that families spend apart.

What thought has been spared for the cinema worker who must now leave his or her family at home to go to work on a Sunday morning as opposed to Sunday afternoon? What thought has been spared for the cinema worker who must forsake worship on a Sunday morning if by chance that worker worships on a Sunday morning—as opposed to a Saturday morning for the fact that he must forsake worship or mass, in order to keep his job to continue to provide his family, while the owner stays at home with his family? Will legislation be introduced to deal with possible discrimination resulting from a change in working hours that did not previously apply? A worker may not be able to work Sunday morning because of religious consideration. No mention has been made of an increase in remuneration to compensate workers for increased hours of work or, are they supposed to work more hours for the same pay?

Yes, some may argue that the entire family can go to the movies. But the reality of the situation is that this is not the case and this legislation does not seek to increase the number of family-friendly movies in our nation's cinemas and theatres. When this piece of legislation was laid in the Parliament any check with the cinema guide, which shows about 18 cinemas listed and of the movies they were showing, 12 of the 18 were for 18 years and over. The whole family could

not go to those movies. They were not for all ages. Maybe now that it is the August vacation, if one checks the newspapers today, one may see more family oriented movies but what happens when half of the movies being shown are for adults only? Some may argue that television may also serve to take away from family time, but I submit to you that, at least, the family is in the same place at the same time. The reality is that more young people between the ages of 14 and 30 frequent our cinemas than any other age group in our society. For most of them, it represents a period of unsupervised peer bonding and freedom. A time that too many of our nation's young people use to cultivate behaviours and attitudes which can never be in the best interest of society.

2.25 p.m.

Legislation of this nature can only serve to increase the breakdown of family, which the society can ill afford. Whether we choose to admit it or not, there is a direct correlation between the breakdown of families and the number of social ills in this country. The breakdown of family is the root cause of many of our social ills.

As responsible leaders we cannot encourage and cultivate measures which can serve to further erode the fabric of family as an institution in society. As an institution, the family has a responsibility to provide its members, in particular its children, with the basic norms and folkways to make them acceptable by society. When a family is dysfunctional, things that are supposed to be passed on to the children are not. If the right environment is not created, the communication is not completed.

If these situations exist in the early life of a child, for example, the time will soon come, when he is old enough, that he will seek solace and a sense of belonging from others, namely his peers. Too often we find that this embryonic gang is not the best place to develop a sense of belonging. We have seen that this is a forerunner to the development of all types of deviant behaviour. We have to jealously guard, protect and cherish our young people and allow families the opportunity to execute their functions.

Not only is deviant behaviour the result of dysfunctional families, but studies conducted suggest that there is a connection between aggression and the viewing patterns of children and young people. This we ought to view with some concern, Mr. President. While it is not my intention to point a finger, it is a known fact that types of programming and entertainment give rise to certain types of behaviour, which are often aggressive and violent in nature.

The last thing we should want, Mr. President, is to create an environment to breed such aggression and violence. Why fuel the fire? We already have to deal with the breakdown of family life, now we seek to increase the time of non-supervision. This legislation does not show a genuine concern for the well-being of our nation's young people. As a matter of fact, it does not even suggest that they were taken into consideration when this amendment was being drafted.

I view with serious concern the fact that every time I pick up my newspapers, the headlines are scattered with crimes committed by young people. Statistics suggest that 75 per cent of all serious crimes is committed by persons below the age of 30, with 45 per cent of these crimes committed by young people below the age of 19. The second half of 1999 actually showed an increase in serious crimes by individuals between the ages of 15 and 19—from 394,000 to 437,000. Somewhere, something has gone wrong and the first step in fixing the problem is to restore to families opportunities for family interaction.

There is an old saying: “When the cat’s away, the mice will play.” This is exactly the situation we are fostering if we continue to create situations where our young people can have recreation unsupervised. Should we not be concerned about the rise in teenage pregnancies in our country? The last available statistic suggests a rise from 2,513 in 1996 to 2,625 in 1997. Yet, we bring legislation to the Parliament to create more opportunity for our young women to be alone in circumstances which can lead to sex.

This amendment serves no useful purpose and is not in the best interest of society. Already we have seen legislation which allows for the opening of bars and the sale of alcohol on Sundays. When this took place, I asked myself, “Well, what next?” The Government has surely shown me what next. As a matter of fact, I stand now to ask the question again, but I am afraid to ask it. The next thing I might see happening are games of chance taking place on a Sunday. Games of chance are the current craze in Trinidad and Tobago, Mr. President. As responsible leaders, can we comfortably sit and introduce legislation which can possibly further polarize the family, increase its breakdown and give rise to another generation of deviants?

There is another old saying, Mr. President: “If it is not broken, do not fix it.” At the beginning of my contribution, I spoke about being concerned about what we, as young people, will inherit. We need to show, in this Parliament, foresight. We need to show that we have the population's interest at heart. I guard very jealously the well-being and the future of our young people and I will continue to speak unfettered on matters that may be perceived as not in their interest.

I pray Godspeed in all the endeavours of this honourable Senate and implore this leadership—the leadership that God has placed over this nation at this time, and those that he has placed in authority otherwise—to guard the young people's future just as jealously as I guard it.

Sen. Rennie Dumas: Mr. President, unlike the last two speakers I am not a priest, nor do I hold a spiritual responsibility of the same nature. However, I take a little pride in understanding exactly what we are trying to do in public policy and in the making of law.

When I looked at the Motion, like the Minister I thought it was a simple thing. I had some good teachers who suggested to me that exactly when you think the problem is simple, look again. Unfortunately, having looked again, I must ask some questions.

If we put it in the wider context of culture and its development and all the other good things, I want to bring an echo of last week's discussion into this debate—that whole debate about sustainability and its development. I think, Mr. President, that we cannot discuss—this is a long word for me; I am not accustomed to them—“cinematographic and video entertainment”, without taking a look at the culture, seeing what is happening in the national entertainment arena and exactly how the changes we are proposing will impact on that. It will be negligent of us.

I know the people in Tobago are now getting ready for the Heritage Festival. I know that a number of communities in Trinidad have developed their own programmes and their own sense of culture and sense of being. I wonder whether, dealing with the bases for change, the Minister simply said, “This thing is outdated. Let us bring it into today's world.” If that is the real reason—because no other reason is given here—then the work is inadequate. It is not explained in the statement of the Minister. There is no match between what was said to us and the task we are given.

I sent for the Act and the Regulations to check that what I remember is correct because this amendment has been before us since early in the year. The bases of this Act is December 17, 1936 and there were a few amendments down the road. I suggest that the set of activities that we are attempting to regulate bears no relationship to 1936. Placing the task today in the context of sustainable development, I have also to remember the last time the Minister was here, when he was dealing with the most modern industry—the telecommunications industry—and I cannot help but ask myself where is the fit and how are the

regulations relevant to what we know as the end result of modern telecommunications.

We have to match what we used to go to the cinema for with what we go to the cinema for now, if we still go. If we are still talking about films, what does that mean? What is a film today? The definitions in the Regulations, the definitions in the Act, are they still relevant? Are we still talking the thing?

If we went into the Act or the Regulations, and we say, “Fix something”, how can we come out with only suggesting that we have cinema on Sunday, Good Friday, Corpus Christi and Christmas Day—take that out? We cannot do that. Someone will want to ask why and if it does not make sense, then they are more confused. If they are going into the Act, there must be a reason for going into the Act. If the Act is outdated and they are going into the Act to fix its outdated nature, then I certainly feel we cannot end up with this one-pager. This cannot be it.

I would share—and I hope that Senators would excuse me—that in the confusion we must be in, we have to be concerned. We have to be confused. It cannot be only about the fact that these are Christian holidays. It cannot be only about religious concerns because, as we said, the country also knows who the Minister is and, therefore, there would be expectations of the Minister.

I read last week that one Nobel Prize winner was complaining that he was getting no support from the Government in terms of the development of theatre in the country. Of course, what theatre meant then and what theatre means in the Act and the theatre he was talking about now may be different. I watched the Minister as a child—pretty handsome then and so on; a little younger and a little more vibrant, but now with a little more national responsibility. He would have been an image that would have put some other people on stage.

What is the state of our present production capacity for the theatres we have and for the expanded hours we are seeking to give to this industry? Have we any relationship at all between the encouragement of production, the encouragement of quality, the encouragement of developing a sustainable entertainment industry and this amendment? I find it difficult to find a relationship. I suggest that maybe we need to have one. [*Interruption*] Well, then where is it? Where is the policy, Mr. Minister?

2.40 p.m.

I can only address what you bring to me. I cannot address press releases that we think we should bring to the Parliament; that we are giving letters that we

write to other people that are brought to us. We cannot address that! What we can address is, what you bring! If you bring a statement and then you seek to correct the statement somewhere else by doing something else, that is not our business, Mr. Minister. You have to bring the thing to us. I am suggesting to you, if the policy is not before us, the Act is before us. The amendment that is before us does not give us guidance and we are asking for guidance.

I just want to bring one last consideration to your attention. Let us go to some of the parts in the Regulations: safety, censorship—you cannot tell me there is no relationship with that because inside there you have films and quotas where the English people were guaranteeing and ensuring that they had the capacity in the law to ensure that the cinema in Trinidad and Tobago must carry a certain quota of English films. They were guaranteeing that their communication, their cinematographic industry, had a quota and an outlet and could pay its actors and pay the people who were engaged in the industry. The Regulations make room for that, so there is a relationship. Licences and fees, all of these are in the Regulations and the only thing you choose to change is this? I want to suggest to you that you have left us very confused and you have to take the responsibility for that.

Thank you, Mr. President.

Sen. Prof. Kenneth Ramchand: Thank you, Mr. President. Mr. President, I suppose if you have a law that says, you could buy, sell and drink rum 24 hours every day, it might be a good thing to have a law that says, you can go to the theatre every day, any hour of the day instead. That might offer some escape from the alcohol. Although, Mr. President, if I had young children and they were to tell me on Christmas day or Divali day or any blessed Sunday that they would not be home for lunch because they are going to 10.00 a.m., I do not care what the Minister of Education says, it would be licks, licks and more licks at Riverdale Terrace.

Mr. President, I would have saved my breath for today's greater battles if I had not misplaced my copy of the amendment, which had been circulated in January. When I realized that I had misplaced this amendment—and I suppose because I just did not want to admit that certain words existed, the “cinematograph”, “cinematograph”, I do not know, that word is archaic? It is archaic like the law itself, Mr. President—the "Sin-a-matograph" and Video Entertainment (Amdt.) Regulations 2001. Anyway, I set myself the exercise of looking at the 1936 Act and working out what amendments I myself would make if I were bringing a bill to this honourable Senate. I saw certain things that were quite out of place and

were there because we lived in a colonial regime that passed a sort of Navigation Act of the cinema.

Section 18(1), (2) and (3) in the Regulations, stipulate that a certain quota of British films has to be shown. There is a section in the Regulations, Part III that deals with the whole question of quotas. If it is a feature film, 15 per cent have to be British. If it is non-feature films, 8,000 feet per month have to be British. If I were going to amend this Act and the Regulations, I would certainly want to kick this section out, although, Mr. President, I would not mind seeing a few British films myself.

There is no reference in the Act to cable, Internet or video games in casinos dressed up as clubs. I went to one of those clubs and I used a fictitious name. I called myself Ramesh Panday, I signed Ramesh Panday. [*Laughter*]

Hon. Senator: You have a split personality?

Sen. Prof. K. Ramchand: Yes. [*Laughter*] I spent the entire evening in the casino. I saw the kinds of video games that are available and the kinds of gaming and betting that these clubs are encouraging. I felt we needed some kind of legislation or some amendment to the Cinematograph and Video Entertainment Act to deal with this situation. Mr. President, after a swift examination of the 1936 Act, one had to conclude that if amendments were to be proposed, you do not come here with a minor amendment.

I would have thought, Mr. President, that the opportunity would have been taken—looking at clause 138(2) of the Act—to open up, in this honourable Senate, the question of censorship. Should there be censorship at all? Should there be restrictions on people's choices of what they should see or read? On what basis are we going to pass regulations or make restrictions on what you see or read? Section 13(2) of the 1936 Act gives the Board of Film Censors the right to stop anything that they want to stop. There is nothing about artistic merit. There is nothing about dramatic merit. It says:

“The Board's approval shall not be given in the case of any film or any poster which in the opinion of the Board depicts any matter that is against public order and decency, or the exhibition of which for any other reason is in the opinion of the Board undesirable in the public interest.”

In the opinion of the Board any matter that is against public order and decency; in the opinion of the Board, undesirable in the public interest. How do you handle that? How do you interpret that? What kind of freedom is this offering to the

Board of Film Censors? What kind of leeway does this give to artistes? It gives the police the opportunity to sit in a theatre and jump up on the stage when a certain scene takes place and to arrest actors and actresses, to arrest reggae singers.

Mr. President, I really think that there was an opportunity and there is a need to look at the question of censorship; to look at what the Internet is doing to young people, to wonder if it is doing anything to them. All I know is you can go on the Internet and click on the google and ask for “bosomy blondes” and you would get millions of “bosomy blondes.” [*Interruption*] How do I know? I am a curious man. I have to know about these things. [*Laughter*] I am saying it is very easy for a young person to get any of the search machines and ask for any vicious picture or film and they would get it. They do not even have to have a Visa or a Master card. The samples that are given to you before you sign up are bad enough.

Mr. President, sometimes when I am finished studying at about 1.00 a.m., or I want to take a break, I would go up to eat a sandwich in front of the TV. The TV was on channel 5 because I was looking at News and in flicking the cable upwards, when I reached channel 46 my eyes wanted to fall out of my head because it was soft porn. When I reached channel 49 the same thing happened to me. When I reached channel 60 I saw some football, cricket, golf and I paused there, but on the way, out of fastness and curiosity, I am looking to see what there is between channels 6 and 60. I know if a child has cable television in his bedroom he could be there in bed looking at this stuff all night. The question is—and it is not only sex, it is violence, the drug culture, it is all kinds of reprehensible behaviour, behaviour that we admit we would not like our children to have. Very often many of us—I certainly am in a bind as a legislator: Should I legislate about what the individual should see and read? Should I not respect the freedom of choice of the individual? There is one side of me which is liberal enough to say: You cannot censor people, you cannot restrict their freedom to choose. There is another side of me which says that if I have a young child, I do not want him or her to have access to the kind of stuff that you could get now easily on the Internet, the cable television or even in the cinema. Where do we draw the line? What kind of legislation can we propose?

The subject, Mr. President, calls for a national debate. It calls for debate in the Senate. It calls for debate in the House of Representatives. It calls for the search for a solution. We have to look at the whole question of censorship and what is available to read and to see. We have to look at that in the light of the new technologies that have

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developed, in the darkness of crumbling values, family life dissolving and all kinds of things that we know are harmful to our society. If you are bringing an amendment to the 1936 Act, this has to be a well-considered and comprehensive piece of legislation which allows the nation to get together to talk and try to find a balance between freedom and choice on the one hand, and the need to protect the young, the vulnerable and the older people who are susceptible on the other.

I am not pleading like my honourable colleague, Sen. Rev. Teelucksingh. I am not coming from the point of view of the church. I am not coming from the point of view of a Sunday school teacher. I am coming from the point of view of a human being who wishes to have a decent and orderly life. I do not want anybody to say that Ramchand is getting fanatical about religion. This is not religion. This is about how we live as individuals in a society, how we live as families in a society, and what kind of community we belong to.

2.55 p.m.

Mr. President, I know that the hon. Minister was very receptive the last time he was in this Senate. I am sure that, as a former actor himself, he would recognize that you do not just censor “black is white”, that censorship must be modified by a consideration of artistic merit. Therefore, I wish to drift—and it is not irrelevant—from the question of censorship, as it is raised in the Act of 1936, to the question of censorship as it appears in the Theatres and Dance Halls Regulations. In the Theatres and Dance Halls Act, there is a Regulation 5, which ought to have come to this Senate before any amendment to the Cinematograph Act, because it is important to artistic expression and to understanding and cultural development.

Mr. President, I know that another attempt will be made to suggest that I am departing from the Bill. Let me make it clear that the matter under discussion is censorship, the Cinematograph Act, and there is a big clause in that Act that has to do with censorship and, therefore, it is possible to speak about other pieces of legislation that have censorship. So the regulation which says that:

- “(a) no profane, indecent or obscene songs or ballads shall be sung or spoken;
- (b) no stage play or song shall be presented or sung which is insulting to any individual...
- (c) no acting or representation calculated to hold up to public ridicule or contempt any individual or section of the community...”

What is going to happen if we cannot have satirical shows about politicians? So, Mr. President—[*Interruption*]

Mr. President: I believe, Senator, you attempted to defend what you were going to say by inferring that it may not be irrelevant. I am sorry to say that you are irrelevant and that what you are saying bears no relationship at all to the Regulations before us that need to be approved.

Sen. Prof. K. Ramchand: I stand corrected, Mr. President, so perhaps I should just close by saying, I wish that the amendment to the Regulations had taken a more comprehensive look at the Act and the other Regulations and that new legislation had been drafted incorporating amendments to other Bills that touch upon similar subjects. The other Bills I would have referred to would have been the Theatres and Dance Halls Regulations and the Summary Offences Act on the question of what kinds of performances may appear on the stage and what kinds of songs may be sung.

So, Mr. President, in summary, I conclude that a minor amendment is not appropriate at this time and I would like to suggest that the hon. Minister look again at the whole Act and the Regulations and come back with something more comprehensive and open up a national debate. Thank you. [*Desk thumping*]

Sen. Martin Daly: [*Desk thumping*] Mr. President, I had no idea that this apparently simple proposal would lead us into some of the deeper questions that are being debated this afternoon, so I feel compelled to join the debate briefly because I do not for one moment accept that we can make our children more disciplined or Trinidad and Tobago a better place by keeping the cinemas closed on any day. [*Desk thumping*] It matters not to me whether it is Christmas Day, Divali day or Carnival day. I do not, for one moment, accept that and I certainly think that we need to ensure that some of these more stuffy points of view are not the only ones that, with respect, are expressed in the Senate.

Before I go a little further, however briefly, into this matter, may I—since it is the first time I am speaking since the expanded appointment of my colleague, Sen. Jearlean John, and the appointment of my colleague, Sen. Dr. Jennifer Jones-Kernahan—extend to them my congratulations, one on the larger ministry, one on the new ministry. [*Desk thumping*] I am bound to say that finally the Prime Minister has taken my advice and seen that tourism and Tobago affairs cannot possibly be separated from transport.

So I take it the appearance this week in Tobago of high BWIA officials and the new recognition by BWIA that Tobago exists is as a result of these new synergies

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which the Government has finally seen, because there can be no tourism in Tobago without air transport. So I am very happy to see that you are being given the historic opportunity to get us back on course. Perhaps I could be bold enough to remind you that it is part of the agreement for the privatization of Tobago that BWIA *must* have a strategic plan that involves transport to and from Tobago. That is written in clause 1.6 of the agreement that privatized BWIA.

Now, I was a little surprised, Mr. President, at the passion with which Sunday observance was still being defended. I think it is well known that I take a somewhat secular point of view of life, so perhaps I am a little surprised because of my own inclination. I would say, only in relation to Sen. London, that I would advise him strongly that if he is embracing the philosophy of “if it ain't broke don't fix it”, do not apply that to the party which he represents. [*Laughter*] May I say, however, Mr. President, that I would like to associate myself with those speakers who have said that, really, we should be taking a wider look at the whole legislation and that is relevant to me for two reasons that have not been expressed.

First of all, why has this particular regulation been selected for amendment? No doubt it is the result of a lobby by cinema owners. Now, there is nothing wrong with people lobbying to get legislation changed, but I would really want to know why this particular regulation was singled out and, if it is as a result of the lobby of cinema owners, then we should be told that there is such a lobby and what are the arguments that have been advanced, because there are many other things that we should be looking into.

Of course, what is of equal concern also, is, why have we suddenly found time for this task when we were faced recently in a debate with the fact that we had to pass a piece of legislation in order to finish it, or else? I anticipate that at some stage the Government is going to have to confront the Planning Bill again, as it keeps promising to do. I certainly will be looking—when we are told that we must pass the Planning Bill by some ungodly hour of the night, I certainly am going to be asking our administrative leader to subtract from any time that we devote to the Planning Bill in the future, the hour and a half that we have spent so far on these Regulations, onto which, of course, I shall add, because it presents an irresistible opportunity to debate some of the matters that have been raised.

So I support the amendment, Mr. President, for four reasons. First of all, I think we must get rid in our laws of all preferences for religious holidays of any kind. Secondly, we must certainly get rid of all preferences in our laws for religious holidays of one particular group in the society. So if we are going to debate whether the cinemas should be closed on important religious days, then we

have to debate it in relation to all days and not simply in relation to days of one group. I am also concerned, Mr. President, about the idea that the cinema being open on Christmas Day would somehow devalue Christmas or devalue family life.

For many years I have spent Christmas outside of Trinidad and Tobago and going to the movies on Christmas evening or Christmas afternoon, after all of the usual celebrations, is a very traditional family activity. You will find that at Christmastime and in the summer, that is, when in the United States—and I am talking about summer there. I do not recognize we have summer here, even though in another sleight of mind we talk about Trinidad having a summer and we have summer flights to Tobago and summer flights to Grenada. I am talking about real summer. You will find that that is the occasion on which the exhibitors find that the market responds to material that is for general family viewing, because it is part of the United States' tradition for the family to go to the cinema on festive days and it does not detract from Christmas Day in any way.

I am certainly concerned about the sanctity of Christmas Day and, long before I seek to try and preserve the sanctity of Christmas Day by keeping the cinemas closed, I would try to encourage people to sing fewer songs about how much they are going to eat and drink and how much pork they are going to shovel in their mouth. [*Laughter*] So there is something—and I say this with the greatest respect to previous speakers—essentially hypocritical—and I include myself in it—in belonging to a society that glorifies gluttony as part of the Christmas celebration, and then, with the other side of its mouth, tries to strain to say that Christmas would somehow be devalued if cinemas are opened on Christmas Day. That is really quite unreal. I would like to suggest to those who espouse some of these, what I would suggest are, dated views, that we really take a much closer look at Trinidad and Tobago and see what is really devaluing life here. I do not think it is cinemas being open on any day. I think it is a lot more fundamental than that and I think we are actively promoting, as part of our culture, things that are harmful to young people and harmful to life in the society. I am not big myself on prohibition, but I would certainly ask this question.

I have certainly enjoyed, at many periods in my life—and if only they would get away from another contradiction that Carnival means a commission, that a joyous, spontaneous explosion actually needs a commission to regulate it and push you through a particular street, I might actually get back into enjoying it. However, we really have to be very careful when we make these ritual expressions of anxiety about the state of life in Trinidad and Tobago when a large

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part of our culture is now devoted to celebrating gluttony. I refer again to how many pieces of pork you can shovel in your mouth, and the fact that a large part of our culture is devoted to “jok waist”. Now, I quite like pork and I really do not have a problem with “jok waist”, but the fact is, “jok waist” and gluttony are part of our culture and, in excess, just as excessive cinema, is equally destructive to the quality of life in Trinidad and Tobago.

So it is my secular concern, Mr. President, that causes me to join the debate and express a perspective which I do not expect everyone to agree with, but, certainly, I think it is a perspective that we need to have if we are going to be seriously suggesting to the Minister that, by bringing this amendment, however misguided it is in terms of management of parliamentary time and however selective it is in relation to the cinema owners, we really are going to accuse him of destroying the quality of life in Trinidad and Tobago by opening the cinemas on four more days. That is completely unreal and it really would make people wonder, what are we really saying in Parliament. So I would just like, Mr. President, to make those observations on the nuts and bolts of the amendment.

I tease my colleague next to me privately because I know he can take it. He is one of the few public speakers who can give as well as he takes. What is so precious about Sunday anyway? As far as I know, Israel does not close on a Sunday and India does not close on Christmas Day. So why are we so passionately defending Sunday? We could just as logically defend Monday, Tuesday or Wednesday as a day of rest. Why are we so passionately—so I think we need to be careful when we take these traditional approaches, particularly in a society like ours.

I was very pleased, Mr. President, to see that Sen. Rev. Teelucksingh had his list of movies because I had mine as well. I certainly think that his list is one-dimensional because it only includes thrillers. I think we could have at least two docudramas showing in the Red House near you, one of which might be entitled “High Noon in the Balisier” [*Laughter*] and could also be passed, I suppose, as a cowboy movie. Then, of course, while we are on the subject of the internal relations of political parties, we might have another one on another party called “Split Peas”, [*Laughter*] and I dare say the candidate who was so handsomely defeated by Sen. Dr. Moonilal might subtitle it “Split Dhal”. [*Laughter*]

Last, but by no means least, Mr. President, I think it would be very important to have a musical. The whole entertainment industry is built on musicals and I imagine that a very big box-office hit would be “Crossover Speaker”. [*Laughter*] However, I, Mr. President, do not want you to do anything other than enjoy sitting

in the Chair, so I think perhaps it is as well that I come off from my own list of movies. But if you would bear with me we could expand the cops and robbers to “Running Cash”, “Missing Tenders”, “Sleeping Chairmen” and I think “Solid as Soldado” might also be an epic in more than one part.

All of this demonstrates, Mr. President, of course, that within the boundaries which you permit us, there is always a disconnect between what Parliament is doing and what is happening in the real world outside because people really want to know if we—they really want to get us to confront whether we are going to be extending compulsory acquisition procedures for planners to take people's land. That is what they really want us to be discussing. If, of course, we cannot discuss that, well then, they would like us to be discussing the subject matter of some of these movies to which we have all referred. So I think that the Minister must give us some explanation of why this particular amendment has been chosen in preference to many others that could be made to the same ordinance.

I think we also have to be given some explanation of why—I know it has been on the Order Paper since January—it suddenly popped up today. If the Government genuinely needs more time to present its amendments to the Planning Bill, it would be so much simpler to say so and sort of not mislead the viewing public by insisting that we are going ahead with the Planning Bill. [*Desk thumping*] We do not have any problem with a request for an adjournment for time and, particularly if they are rethinking the compulsory acquisition procedure, sure we could spend the whole afternoon in the cinema but, you know, we must be told why this matter has suddenly gained this prominence on the parliamentary agenda and why this matter has been singled out in preference to other things that require our urgent attention. We really have to stay relevant and on the ball, Mr. President, particularly in the Senate where—well, I would not go back to the musical. Perhaps I should stop there.

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

The Minister of Communications and Information Technology (Hon. Ralph Maraj): [*Desk thumping*] Mr. President, let me thank all the Senators who contributed to this debate. I had really hoped to have been out of here by 1.45 p.m. I really had hoped that I would not have had to go through the experience that I underwent in the other place where, in presenting what I considered to be a simple amendment, I was accused of doing all kinds of things, even to the point of being Antichrist and that God will damn me to hell and so on for bringing a very, very simple piece of legislation. Whilst I thank all Senators for contributing to this

debate, may I especially thank Sen. Daly who has really echoed my own sentiments so completely and thoroughly—not the last part of what he was talking about, the movies and so on, [*Laughter*] but when he spoke about the Bill.

I feel exactly the way he does, and really after he spoke—now that he has spoken—there really is no need for me to say anything at all, because he was so lucid and so incisive.

3.15 p.m.

The fact is, Mr. President, this is a simple piece of legislation. It is not earth shattering. It is not momentous. It is not intended to promote family life, to destroy family life. I, like Sen. Daly, maintain the view that if you are to have family life you have to look at the fundamental problems in the society. Opening up the cinemas on Sundays and these public holidays will not promote family life; it will not destroy family life. So many other things happen on a Sunday. If you are going to limit by legislation, what people do on a Sunday then prevent them from going to the beach; prevent them from having a cook-out; prevent the men from going to the rum shop to drink on a Sunday morning, which is a favourite pastime of people.

I think it is indeed a limited perspective with a limited view of life. I think Sen. Daly expressed it so very well when he talked about dated views and stuffy points of view. We really cannot impose these points of view on a modern Trinidad and Tobago. The fact of the matter is, and I said it earlier on, the West Indies Film Board of Trade brought this matter to our attention. I made it clear in my presentation that they would like to see this amendment take place. We did a survey and a lot of cinema goers also felt it would be something that they would want to see happen, and so, we have brought this simple piece of legislation to modernize cinema going in Trinidad and Tobago.

On the question of the wider comprehensive view of the legislation, I agree that that is needed, and I want to give you the assurance that I am looking at this whole question of the Film Censors Board and the way it operates. In fact, the legal advisor in my Ministry at the moment is looking at a very comprehensive package to deal with this whole question of film censorship. How is it possible, in this day and age, with all the modern technology? Is it possible at all? Is it realistic? How do we take into account the question of artistic freedom?

This point about the family came up all the time in this debate. The role of the family is critical. People are asking questions about what the children are seeing;

whether they are seeing the pornography on the Internet; whether they are going to see violence in the movies, and so forth; whether we are encouraging children to be exposed to gratuitous sex and violence in the movies with this regulation. The role of the family is critical, and if a family needs only a Sunday to spend quality time, then something is wrong with that family. [*Desk thumping*]

Every day should be set aside for quality time. The way the family is structured, the values one has, the thoughts that occupy one's home, the views, the literature that is being read. All of these things form the cultural bulwark against insidious and corruptive influences, so that I want to say that the family has a very important role to play in the kind of life that we have in Trinidad and Tobago.

I think that what I have just said answers, essentially, all the issues that have been raised. I do not want to go back into issues about whether we are taking away Corpus Christi, unscrupulous business people and the whole question of alcohol. The point is, one does not legislate morality. One creates a cultural milieu, a cultural environment for the values one inculcates in one's own family to ensure that there is the right kind of behaviour, and so forth.

This simple amendment to this piece of legislation is a move to modernize the activity of cinema going. It has nothing to do, as Sen. Dumas was suggesting, with the film industry as a whole. It was never intended to look at the whole question of the film industry. It was never intended to answer questions of culture and religion, and things like that. Not all pieces of legislation are earth shattering. Let me say that. There are sometimes very simple pieces of legislation which could be dispensed with very quickly, and I want to recommend that approach to this honourable Senate.

Mr. President, I beg to move.

Question put and agreed to.

Resolved:

That the Cinematograph and Video Entertainment (Amdt.) Regulations be approved.

PLANNING AND DEVELOPMENT OF LAND BILL

[Fourth Day]

Order read for resuming adjourned debate on question [May 22, 2001]:

That the Bill be now read a second time.

Question again proposed.

Sen. Joan Yuille-Williams: Mr. President, may I join with my colleagues in welcoming you back to this Senate. It is a pleasure to have you. We have been with the Bill for some time now, and although today I met someone who said, "I heard you all are debating this in the Senate," for some reason or the other, apparently people were not aware that this Bill was being debated here. This afternoon I asked myself, which way should I go. Should I go through the legislation, should I talk to the legislation, or should I try to bring the concerns of persons who might be affected by this bit of legislation?

As I walked on the corridors, I looked across to the square and I saw a banner which said, "Justice and Peace". I noticed those two words and I caught on to the word "peace", because you see, it seems to me that since this Bill has found its way back into the Parliament for the fourth time, as we would say, there seems to be some disquiet, to put it mildly, and some people seem to have no peace. So, I am quite sure that there are some people who find it difficult to sleep or live comfortably, and we need to ask ourselves why.

Mr. President, one of the things that happens in this Parliament is that sometimes we hear but we do not listen. If you are to bring a Bill like this to the Parliament, and there is so much controversy about it, so many people are uncomfortable at all levels in the society, then at some point we need to stop and ask ourselves why. [*Desk thumping*]

This is what is bothering me. Why are they trying, I would say, to force, for want of a better word, this legislation down our throats when some people—and it is a lot of us—are not comfortable with it? Some of you will say that some people do not understand it; but if even people do not understand it, then you have a responsibility to get out there and let the people know what is happening, but I am not getting that. All I am getting is that we have to pass this bit of legislation, do what you want, it is going to be passed; and that is what makes me very uncomfortable.

If one looks at it, one will see every time we talk about land, we get a number of people showing us that they are not happy; that there is some kind of disquiet. When it was in Toco, thank goodness the villagers said no. For whatever reason, they felt that their lands would have been taken away and they got together quite rightly and said no. Now those same villagers are saying, "Oh, you did not take it then. Well perhaps this legislation is going to make it legal for you to take it now." We cannot blame them. [*Desk thumping*]

I went to La Joya, I went to south, and I saw the people from Sea Lots on both occasions. Wherever they could find a platform, they are going to go on it. Why?

They got up one morning just to hear that you have a plan for the development of Sea Lots. What are you going to expect? And you just do not care about the people, because you are making no attempt to clarify what it is you are doing. You are still pushing the legislation.

I am looking at everything. Charlotteville, I read it yesterday. If I were a resident of Charlotteville, I would cry out, because you say something about developing a port. They do not know what you are going to do. You did not consult them. You are just moving in on people; the legislation is here. People in Charlotteville are saying, "Our beautiful lands they are coming to take them away again? We have lost so much to foreigners. What we have here that remains is peaceful. They are taking it." The Charlotteville people have started to complain, and so it is all over the country.

Those people who just have a piece of land which they inherited from their fathers or forefathers; those whose parents told them that one of the things they must do is buy land and they saved and bought land, now they are worried. Would they lose this land if somebody wants to develop it or pass through it—I will come back to that. They do not want to give their land to developers. Then the new brokers who we have in the country will be coming forward and they could take away the land from them.

My problem at this point is that the Government is not listening. [*Desk thumping*] I saw the editorial of the *Newsday* of June 27, calling it a fascist land bill. I read it, and this is an editor talking about this Bill. I got clippings from the Chamber that talked about it. We are getting things at all levels. It is not just the grassroots people crying out. It is on all levels.

This report came out yesterday, Monday 09: "Port of Mystery. Question mark over Tobago Development." There is another nice one here that came out, "Toco First, Now Tobago's Turn." Everybody is worried and the Government is insisting that it is continuing with this Bill. We had asked in this House, "Could we send it to a select committee?" But I think it is more than that. Could they go out and meet the people and consult them and talk about this Bill?

Let me tell you something. This Bill is no easy bill for anybody to understand. It is a big, complicated piece of legislation, and I want to believe it was designed to be big and complicated so we cannot understand it; so they could get through with what they want and they cannot blame me. [*Desk thumping*]

Applause from the Public Gallery.

Mr. President: Any further applause from the Public Gallery will see all members from the Public Gallery being escorted out of the Chamber.

Sen. J. Yuille-Williams: The Bill is cumbersome. The Bill is conflicting. It says one thing at the front and it says something else inside. [*Desk thumping*] The Bill is difficult, and you know, one of the things that we always hear this Government say is, “There is a court you could take people to.” There is a court, but they know that the people who will be affected cannot afford to go to the courts when they could afford to pay foreign attorneys to come down to work on their behalf. They cannot pay! [*Desk thumping*] Therefore, they are going to suffer.

I am saying, therefore, when I saw “peace” out there, there is no peace for people. Why is it that you think everybody is talking about the land Bill? Everybody! If even you think you have done the right thing, as a government, recognizing that people are not happy, recognizing that they do not understand, stop the process. Stop it! Go to the people! There are a lot of people here. Talk to them, consult with them, change some of the language, make things clearer, but good God, give us peace! [*Desk thumping*] They ask for justice and peace. I am only asking for the same thing.

Sometimes I wonder if on the other side, just some people read the Bill and others do not. Because if everybody there read the Bill, somebody would talk to somebody and say they cannot continue with that Bill. [*Desk thumping*] It has come here several times. They are going to make us sit here in committee stage and change 90—or whatever it is, 100—amendments and pass the Bill. Do you think that those people outside walking up and down will feel happy? You think they will know what you have done here? All that they will know is that you passed the Planning and Development of Land Bill, 2001 and they were against it and there would be no peace. That is what I am talking about at this time.

Somebody tells somebody over there, listen. There is a difference between hearing and listening. Hearing is when we say things that just go to one level. Listening is when we are trying to understand and we respond to what is said. They need to listen so that they can respond. I am today pleading to the Government. At this time it does not want to have a select committee. I think it has to go beyond that. It has to go back to the people with this and do something that people will be really comfortable with, so that people will feel good about themselves. None of you sitting there could tell me you are happy about what is happening, but nobody is brave enough to tell the next one enough is enough. Time to stop. [*Laughter*]

You know what is worrying me about this too? This Bill is calling for a planning commission; a national physical development commission. And the arrogance, I would say, of the Government, we have not even approved this thing, we have not even said yes, we are going to have a commission. The Bill is still here, but you know they have already installed an interim commission? That is arrogance. [*Desk thumping*]

They installed an interim commission. They have appointed a chairman, a secretary and legal advisors. Somebody coming from before, who has been part of it, is still a part of it, and I want to tell the Minister of Finance, you need to look at that too. This is an entity set up here. I am going to put a question: Tell us what salaries these people are going to be paid. What are they doing? We have not approved the Bill. What are they doing?

They are there for months. An interim physical planning commission. For months they are renting a space. They have furniture; they have everything. They are like lords, and there was someone who came through the ranks, for a long time dabbling in this, who feels we have to accept this, and there is the chairman coming through. They could do nothing unless we approve it here, so do not show me what they are doing! That is illegal! [*Desk thumping*]

I am going to ask that question and the Minister of Finance will have to tell us all about the terms and conditions of this commission. They are very brave. They send out documents to us, "Actors and Their Roles". They send this document to tell us who are the actors and their roles in this. They are creating this. They set themselves up, helping to create this. What about the people from the Ministry? They are no longer good to help them? How come we have reached an interim commission?

Tell me something. If this is passed, as they want to pass it by a simple majority, then the interim becomes the commission? I am sure you will select yourself. You are not going to remove the chairman and go to get any more chairmen through the President. You already have them selected. That is arrogance and that tells you that you do not care about anybody in this Parliament and even outside. [*Desk thumping*]

So you have your commission, and the commission is putting a Bill that we do not understand. You know why I do not trust this Government with bills? Those of us who were here, remember when they wanted to open that maximum security prison. They had to come to the Parliament for legislation to open it. That seemed

to be a straightforward thing. We spent a long time here debating. Do you know what we debated? A few words in that legislation which said that the Government could call any place a prison. I do not know how that got into the legislation, but they forgot they had to come here, and we prepared.

So we saw this “or a prison” and we asked what it was, and that whole evening we were debating the words “or a prison”. My house could now be called a prison! I am a prisoner. I remember that debate, until the Minister of National Security had to remove it from the legislation. Therefore, I want to tell them, use it as an example. We have to be very careful and we have to examine every word in this document and all that it implies. This is dangerous and, therefore, we need time to do it. The country needs time to look at this.

3.35 p.m.

I am therefore making another plea, I am pleading with you again that we do not continue to rush this piece of legislation. People have grown accustomed to land, people feel a part of it. Almost as we talk about religion, this is part of it. People feel good, and when you interfere with it, you interfere with the soul of people and some of you are not understanding that. That is why it is here with us this afternoon.

In fact, you are so sure that this would be passed because it goes without a special majority, that is why you are going to hold on to it for a simple majority. We cannot take you to court because we do not have money. We say a special majority, we say the Land Acquisition Act had a special majority, Environmental Management Authority, we said all those had a special majority and we asked: why not a special majority for this? But you do not want one. You do not want a special majority because you are intent on passing this Bill.

Let me tell you, you cannot help me when I say part of the things that this Bill will give legitimacy to, has already been done and you have to go with it headlong whether we want to approve it or not, you are taking it that way. You could not get the special majority and you are going to tell me that the Land Acquisition Act has a special majority, and you are also going to say that that Act is referred to here, and that you are using that here, but I want to tell you that in your Explanatory Note you said:

“Clause 23 would provide for designation and compulsory acquisition of land under the Land Acquisition Act for the purpose of implementing proposals of a development plan.”

You said that here. You said you were using the Land Acquisition Act in this. That Act, as we see, we got Presidential guidance for that. It went to the Cabinet, comes to the Parliament; the Parliament approves; the President assents, and that Act has a process through which all acquisitions should go, but when I read clause 23, it was entirely different from what the Land Acquisition Act was saying and that is why I am saying you cannot be trusted. What is inside there is a whole new process and, in fact, in front of the President, in here is the Minister. That is a big difference, I do not care what you say, I am telling you the process here is not according to the Land Acquisition Act. You could say all you want to say, it is not true. It states so in the Explanatory Note, but inside here, everything is the Minister, the Minister, the Minister.

In that Land Acquisition Act, we see all the pieces that come to the Parliament and, therefore, there is a big difference and I am saying you better read those lines yourself, because you or someone who is leading people and, therefore, if that slips you, go through it very carefully. It is different and that is why people are afraid, because this has nothing to do with the process of the Land Acquisition Act at all, this does not have that process and I am certain what it is saying here. First of all, public purpose, even though the Land Acquisition Act had public purpose and public use, the people are quite correct. In this Act, you can have the land for your designated purposes for example, say you want to build high-priced houses for whoever you want, and you want to pass through my land to get access. For example, I say I am not willing to sell my land, you do not even want to talk to me, but you could go to the Minister and say that you have plans to put up 200 high-priced houses there. You see that piece of land, I want to pass my road through there, you do not even have to come to me again, you do not have to ask me if I am selling. The Minister has that power now to get that piece of land and hand it over. Do you understand?

I want to tell you that the Land Acquisition Act and what is said in clause 23 is quite different. The process is different, and if you say you are going under the Land Acquisition Act as we had it before, it is not expressed in this new Bill and that is where the problem is and that is why all these people are here and they will always be marching and they will continue to march and all of you know that, and you ask yourself why are you still doing it. That is why I am standing here today, to tell you that we cannot be fooled. We have found that out and if anything is giving people problems it is that. Many things are giving people problems, but that is the major source of problem in this Bill and you cannot blame people when they tell you: "I feel they are going to take away—"

Do you think all this fascist land bill—you did not even read them. You did not try to study why all these people are complaining about that. Why are you not letting people sleep comfortably at night? I thought that was the purpose of Government, to make the citizens comfortable, but that is not your purpose and I am very serious about it—do not worry about the Toco people and, therefore, I really wanted to point that out very seriously. I am coming back to it.

I also wanted to look at another area in this whole thing, and you see this Bill, it is big. You are on the land and you are in the sea with this Bill, you are taking all, land and sea. Town and Country Planning was on the land, you see this Bill, you are going land and sea. We have 5,000 square kilometres of land and because of the EEZ we got 75,000 square kilometres out there and this Bill is to cover all of that. You have to be crazy. We have reached a stage—and I will just separate it before I go back to the land—because we are signatories to the law of the sea. We have been to that conference in Montego Bay and we have reached the stage where we need a sea authority. We have reached that stage. I do not know why you try to burden us with the sea. Town and Country do not have it. I do not know why you try to burden this Bill with the sea. We need a seabed authority now, we have reached that stage, we need that.

Last week, we had the Caribbean Community leaders in Nassau, Bahamas. The Prime Minister went and our good friend who rushed through that Bill to run up there to say we are good Caricom Members, heard at that meeting, the Mexican President Vicente Fox tell the Caribbean to define sea borders and it says:

“Mexican President Vicente Fox on Friday urged Caribbean states to resolve their maritime border disputes as Venezuela moved to tighten its claim on an expanse of the eastern Caribbean Sea.

‘If we are seeing at this time a tangled knot of confrontations over territorial limits, we should act without delay. We still have time,’ said Fox, who spoke as a guest at a meeting of 15 Caribbean Community or Caricom leaders in Nassau, Bahamas.

Fox said more than half the maritime borders in the region, involving 24 pairs of countries, have not been agreed on.”

It went on to talk about all the long-standing border disputes between Venezuela and he was advising us about this. We are signatories to the law of the sea. We were in that 1982 Convention, Guyana has gone that way, Jamaica has

looked at it, why is it that today we have a Planning and Development of Land Bill and have decided that we want to have jurisdiction over the sea, some 5,000 square miles in this? The EEZ has gone 200 miles and we want to deal with it in this Bill.

If you look at this Bill and the commission that is being set up to oversee land and all that area in sea, not one of them have any marine experience, none. I looked at it, none of them, but they have gone “to the sea”. They cannot deal with what they have on the land. You look at it. I am serious about it, none of them with that maritime experience but they have carried all of this into the sea and that is a serious matter. We do not even want the Coastal Management Committees again; we have passed that, we need to have a seabed authority and I think sometime in 1992, we might have had something started here, but we were never able to complete it, but I am saying at this time that a seabed authority is necessary because we are talking about mining on sea and on land. Even in the commission, nobody with that kind of energy background is listed there. People are talking about having relevant legislation. If you are doing things, then you need to do it in the way it should be done. Keep up with the times. Do not worry to start now and pack everything in here and then at the end of the day we find ourselves in a lot of difficulties. Somebody has to go from Mexico and all up the way to Nassau to tell a Prime Minister, it is time you look at your border. I am saying a seabed authority will take care of that and remove all those areas within this bit of legislation that have to deal with matters of the sea and, therefore, the expertise which you do not have on this commission here, you will be able to have it for an authority that also deals with the sea.

I also wanted to look in this—the area of devolution of authority to the local authority because I remember when this Bill came the first time and we tried to move on in terms of the local authorities, I remembered that that first Bill went to a select committee and we were happy to bring in CEOs and others from local authorities and they were also disappointed in what had happened. Therefore, I would want to very quickly look at what I am seeing in some of these areas because what is happening here is that we are going to have a commission and I am only saying this because I know it is a concern to the local authorities that is why I also want to show you why you need to get back out there with the legislation.

You have the local authorities and you have this commission and you have this chief building officer responsible for enforcement of all building and construction related codes, direction of buildings, et cetera, and one asks: How

does this relate to a local authority and its responsibilities? Would the people you have on your commission determine that that body could replace the elected representative and those local authorities? It is not clear and it is deliberately not clear because what I am seeing is that after this Bill is done, you say in one year you are going to consult with the local authorities and we know what consultation means with this Government. It begs the question: What does “consult” mean and how is consultation done? Because every time I read something about local authority in here, I could always see where the commission could supersede whatever decision has been made by the local authority. I have always seen that and at some point in time, and I am looking at clause 15(3) which says:

“Any Local Authority...”

It appears strange to me. Even the words “any local authority” bug my mind. There is something wrong with that word “any”, and that is not by chance. *[Interruption]* Yes, I do not want to say. There is fear in the local authorities because you are going to have two or three to form a planning commission. You are just crazy about things you know, you just do things that you think sound good that could form a planning commission that could work for a particular area.

I live in San Fernando, suppose you put those three: Princes Town, Penal/Debe, San Fernando for a planning commission and each of us put three members to make decisions, that is nine. Are you telling me that the Princes Town, and Debe/Penal, the six could get together and tell me how the development in San Fernando should go on? Who is planning for who there? Do not look at me with your eyes glaring, it is there. I do not care what kind of planning. If one local authority is responsible for a geographic area, under what condition could two or more local authorities be a joint planning authority? You tell me how they could be a joint planning authority. I live in San Fernando. Who could tell me that those other local authorities could be a joint planning authority for my local authority. That is chaos and I am pointing that out to tell you that you did not think these things through at all. You just thought that we want a national planning committee and you are grouping things otherwise. Nobody thought these things through. *[Interruption]* It is more than a coup, and I call it total chaos. Unless you are putting things in here which will never come to pass because somehow or the other every time I read something here I get something that says as long as the authority permits, or as long as the authority delegates some function. Which means that the authority could delegate some function to the local authority and if they did not like that, they could take unto themselves the same functions and exercise them on their own.

I want you to understand that Act 21 of 1990 is not being amended by this Bill, so the powers that the local government authorities have, they still have them and it is confusing and conflicting. More confusion in this Bill. You are not amending any Bills you know, you do not recognize that right now the local authorities have some power and you are putting another Bill on top of it that has not been amended, they have their power already now you are taking other powers, you are doing other things and this is what I am saying. It is chaotic. What are the functions you are going to delegate to them? Most times the functions you are delegating are functions which they themselves have already, but you are also saying that some of those same functions your commission could exercise. Somebody did not understand what they are doing with this thing.

If I am confused this afternoon it is because this is total confusion. [*Desk thumping*] That is why I looked at those areas. If I sound confused, if you cannot follow my trend of thought, it is because this is confusing and I could not even walk anybody through this entire bit of legislation. I could not, and nobody out there could walk people through, in fact, not even the Minister when he came was able to walk us through this legislation. What he tried to do was send something for us, actors and their roles, to help us walk through this legislation. He could not do it and, therefore, I want to say this afternoon, this is total confusion. I am not saying that there is not need for planning, do not get me wrong, yes there is. I am saying that this Bill does not satisfy that need. This Bill, big, confusing, conflicting, very ambiguous and as I said before, it was meant to be so. You want it so.

3.55 p.m.

This Bill is covering up certain things. This Bill is not allowing for due process. This Bill is terrorizing the citizens of Trinidad and Tobago. I have seen so many people of all ages, all levels, all status—and they are not people of grassroots so we can say that the grassroots people do not understand—it is everybody, including the hon. Minister. I say including the hon. Minister because I know. I have spoken to people here and some of them cannot even defend it because they did not even read it. Why should they read it? It is not readable. It is not something anybody can read and follow. It was meant to confuse us and the schedules at the back are another confusion.

I am pleading with the Government this evening—I may sound passionate but I need to be. This Bill could affect not only this generation but generations after. This Bill has people uncomfortable. I do not need to go through all these clauses.

I would not. I have tried to pull out two or three areas to show the amount of confusion that goes on in there. For days I have been trying to write—I do not even need to look at the notes I have written, simply because the Bill does not lend itself to order that one can follow. I do not want anybody to fool me.

I know some people are going to get up to try to justify that we need the Bill and that what we are saying is not what is written in the Bill. I am saying if that is so, then what is written in the Bill should be written in a way that I could read and understand it. Even if you come to tell me about what is written here and try to explain it, I say rewrite this Bill. Rewrite it in acceptable language that I would understand.

We do not know where we are going to get some of the functionaries. When I look at the levels that they are asking for the regions, the kind of skills that the Authority is supposed to have for urban planning and so forth, I do not think we have those people around this place. You did not think it out. To you this is the millennium Bill and you do not care anything. All your millennium things are falling apart and this will fall too. I am telling you that we on this side are not comfortable with the Bill. I am suggesting still that the Bill needs to be redrafted.

We have sent bills back several times because as a Parliament and as the Opposition we want to have the best for the country. It is nothing for the Government to pull back a bill; they have pulled back bills before. I have seen the Aviation Bill pulled back and something else came out in quick time—I have never seen a bill go and come back so fast. If the Government can pull back that bill and return with one in quick time, why can they not do it with this one? Take it back and come back with the necessary amendments.

Too many people in the country are complaining and if the people are complaining the Government should listen. It is not just the six of us on this side who are complaining, everywhere you walk people are complaining. Today I passed in a little school camp, they asked me if we are going to debate the Land Bill today. Everybody is showing interest in the Land Bill.

The Government wants to make us all uncomfortable. We are looking for peace but this Bill does not give us peace. Do not come and try to debate today and the next day come with a hundred amendments and we have to sit here all day working through amendments, changing words. It is not a matter of changing the words. It is the whole spirit of the Bill that needs to be changed.

I know what they were planning. They were planning that the debate would finish today and next week all the amendments that came from everywhere would

be put together and we would spend one long day trying to patch up the unpatchable. Do not do it. We have 85 amendments so far but I am sure there would be 100 plus.

We had asked that the Bill be sent to a select committee so that some of the experts could be brought in. I am still of the opinion that we need to talk outside as well. I feel the groups need to do it. I have seen groups holding meetings on their own. I have been to group meetings and I have heard people talk and I feel for the people, it is just that you do not see the tears. The people were very concerned and hurt about it. People were crying out and the Government just does not care.

When this Bill was not debated for the last three weeks, I said “thank God” the message went home. Lo and behold, it was brought back today and it is to be debated. I do not know what they are going to say. The Minister did not even bother to come because he is bent on passing this Bill with a simple majority, so he did not even come to hear us pleading with him. I am hoping that his colleagues who are here would take the message to him. I see some people are trying to jump me. I still have time to plead. There are many people with whom we have to talk, so I am going back to my notes.

4.05 p.m.

In trying to do this Bill, I have learnt so much. I will tell you some of the things I learned about. I read so much about the Oregon Land Programme and land programmes all over this world. In fact, I told somebody the other night that when I was a child I used to hear about the “high seas”. I now know what are the high seas. It is the open area which belongs to everybody outside your Exclusive Economic Zone (EEZ). I learnt all about the high seas.

Mr. President, I asked myself: If we have all that information, how come we are not trying to address what we have? I asked myself that as there is so much information out there. Earlier, when people were talking about the Bill we did previously—it was not necessarily just about having the amendment—they were asking if at this stage you are seeking to change legislation why not make it relevant and bring it up to date? That is the main thesis that came through this evening. It had nothing to do with the line you want to choose, in particular, it had more to do with you touching a piece of legislation. Did you put all the clauses in a hat and pull one out saying, “This is the one I am going to run there with this evening”?

When I looked at the Town and Country Act, the Environmental Management Authority and the local government, they are all being infringed upon. You did not make sure that you got things right. You did not even amend some in order to come to this so at times there are two authorities acting on the same thing. Since the first was not amended and now this is here, therefore, you have regulation going with it. It is the same thing with the Land Acquisition Act. This is what I was trying to say from the very beginning that in terms of how you bring the legislation you have to now sort things out in your mind.

I remember—and you must not let people lead you astray—[*Desk thumping*] There is somebody behind this, who was there from before, who feels they know all about planning. [*Interruption*] There is someone there now in the commission who is bent on taking us in this direction. Therefore, what you need to do is to ask questions. How is it you are allowing one man to lead an illegitimate, unauthorized group in a direction and, therefore, lead the whole country and then bring it to the Parliament as if it was your own? Every Member on that side has to support this. As long as it is to say “Those in favour” you have no choice but to say “yes”. If you have no choice but to say “yes” you should try to see how best you could lobby to have things in it changed. Try your best.

Mr. President, I was in Cumana over the weekend; a nice place. I drove all the way up to Cumana and when I looked around I understood why people in those areas really cry out very quickly. In those unspoilt areas you now want to come and say you are doing things to spoil the area. Come on, think about it. One of the things happening now—and this is helping to do it—is that people are getting together. People are getting together and that is what is important. Those who are leaders are moving forward and saying, “Yes, let us help them as they go through.”

I have listened to the people from Chaguaramas—I am not interested in whether there is a case or not—and asked myself: For all these years, how did they make it to reach the Privy Council? You must be passionate and have a burning desire that would make you spend that kind of money to try to help people to help you go there. They just did not turn back because they felt they had a case. It was land, they knew they had a case and they went. They went forward.

Mr. President, this is the same thing. You need to see that burning desire that burns within people. Nobody listens. On the waterfront people talk about it; they talk about the land and what is happening. You do not have a coastal management committee at all. The Minister comes here to talk about what he is going to do, what he sees happening. I looked at all the lands out there on the waterfront, I saw

people in the rains under tents and so forth, asking people to come forward to sign petitions. They are not paid for it. They are not doing it for any glory. Some of those people who sat there none of us know them and some of us will never know them, but they were people with a burning desire to keep what they had; to keep the environment in a very special way and they reached out for it.

We inside here are forgetting that. We are so blind that we are seeing one-track. We do know what our people need. We know what our friends want to do and, therefore, we are pushing ahead with it. I am just asking that at this time we pull up. I do not know how much more we can beg you to do it, but we have to do it for the sake of the people out there. We have to do it. We have to stop. I ask: What is the big haste? You told me, when we started this Bill, of how many years it took and we did not get it right. Sen. Lucky said we took years and we did not get it right. You could wait a little longer and get it right. We will never forget her words. She stood up there and we will always remember her. We did not get it right all the time and therefore, we have to get it right. I ask all those people out there, plodding along, coming here, walking in the rain with their banners, keep the pressure on because we need that kind of support. [*Desk thumping*] Do not give up. It has to be right. We cannot do it without your support.

I spoke to the Minister myself and he told me that people did not understand the Bill. The gentleman that he is, he said that they just do not understand it. I do not know if he understands it. [*Desk thumping*] I do not know if he understands this. I know who led him into it, and I do not know who is going to take him out of it. Somebody led him into this and he has to be taken out of it. We have had this several times—

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

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

Question put and agreed to.

Sen. J. Yuille-Williams: Mr. President, I need that 15 minutes to plead for the people. [*Desk thumping*] I cannot give up a minute. If I have to take 15 minutes to plead on their behalf, so be it. I would plead because they are not going to listen. They hear my voice. It is a very powerful voice and I could do without the microphones, but they are not listening to what I am saying because I could still see people smiling. [*Interruption*] I have not seen the blue book as yet, but it will come just now. Many people say that I am irrelevant, yes, they know and I am still hearing it. I am not even getting the vibes that, "Yes, I think we need to

take a second look at the Bill.” I still feel that next week Tuesday they are going to tell me to come at 10.30 in the morning to go through amendments. Do you know what I am trying to do? I do not want to come here to go through the amendments. I do not want to go through any amendments because amendments cannot do the job for this.

I want the spirit of this Bill to be changed. [*Desk thumping*] I want us to rewrite this. I need a planning Bill, so I am with you on that, but I do not need this one as is. Let us get that clear. Do not say that the Opposition does not want a planning bill. I do not want to come back next week to do this again. I want a planning bill but I do not want this one. I want a bill that will give the people peace. They say justice and peace, I want a bill they would be comfortable with; that they understand the procedure and the process by which things are being done. Right now nobody knows how it is being done.

If it is you say we are going through the Land Acquisition Act, I want a bill that would show the whole process and not something that the Minister is going to do and this should come to the Parliament. I want a Bill with which the local authorities feel comfortable. They do not feel comfortable with this Bill. I know. I have talked to the local authorities. They do not feel comfortable. They say they do not understand what is happening. They do not even have the expertise and the skills there. I know it is very far-fetched for some of us, but some of us do not know that this Bill, as I said before, was covering 75,000 square kilometres out there in the sea. I want an authority to do that because if you check the Venezuelan borders right now there are other things to deal with. That has been there for a long time and we still have to go into those things. I want a bill that would deal with it.

Mr. President, I travel North/South every day and this Bill incorporates part of the EMA’s functions. In fact, I want a bill with a special majority too. [*Desk thumping*] That is important to me. If it is a special majority and it is well done, we will support the Bill. [*Desk thumping*] We know that there are certain pieces of legislation for which you must have a special majority. If you are taking people’s land you have to get a special majority. Do not hide behind anything and tell me that it is in the Land Acquisition Act already and you do not need it here. Do not hide behind anything. Come up front and brave. Come honest. Once you do that, we see that everything is good and those people are satisfied, you will get everybody to support it. This Bill as it is, without that special majority, we would not support.

In fact, I do not even want to talk about that as yet. As I said before, you are only asking for that simple majority because you want to go with this. However,

my friend from out of this place wants to tell us something. I do not know what he wants to tell me this evening. There is a lot that I want to tell him still. Like I said, I have to talk for people on this very ambiguous Bill. Every time I turn the pages of my notebook I see question marks for me to raise issues such as, body, paid salaries, are they working? What are their main objectives? Those are the questions I had for the hon. Minister of Finance who is drawn into this Bill and I would also want to put it in as a question. It is important for us at this time.

Mr. President, I have already given my views on the commission, that it is a commission in name and one that is not properly constituted even in terms of the skills necessary for the work that is to be done. I am serious about this. This is specialized work here. This is land and sea. I do not see anybody with developmental planning in this. I do not see that. I do not see those people to be on the commission. This is a very serious Bill in terms of that. I did not see anybody with marine specialization and nobody from the Ministry of Agriculture, Land and Marine Resources. They need to be a part of this. I did not see anybody like that on this commission. How come? The Ministry of Agriculture, Land and Marine Resources needs to be a part of this. Where is the Chief Technical Officer and so forth from the Ministry of Agriculture, Land and Marine Resources? Left out. Where is the Chief Technical Officer from the Ministry of Energy and Energy Industries? Left out. Who is doing this? You cannot have this. You are going in the sea and there is mining in the sea? How can you have that? Do you understand what I mean to say? You need to have the expertise if you want to do it right. We are talking about urban planning.

4.15 p.m.

Even the structure of the commission is bad. I do not know if the Interim Planning Commission has that. I think the Interim Planning Commission only has bodies but in this commission, I noted that I did not even like the skills that are there. We have a problem with some of the skills. The Bill needs to be looked at to see what skills are necessary if the commission is to do a good job. As far as I am concerned, it does not have the kinds of skills necessary. Do not make it too big and bulky. Pull out everything from the sea. Let us get a good seabed authority and do something different. Get that out, leave this for the land, look at the coastal management and put the expertise there.

The Land Acquisition Act is important to us, get the procedure there. Do not let any Minister do anything. That is why I think people are getting scared and they have all rights to be scared at this time. As far as I am concerned, if I look at the Schedules, I will be supporting this Bill.

I am a bit mixed up this evening but I am supposed to be. It is a confusing and conflicting Bill. [*Desk thumping*] I had a plea for the local authorities because I remember when it first came I was part of those who said there was conflict with the local authorities and to bring them in. They felt that one should be consulted on what was hindering development controlling Act No. 21 of 1990. The Act is not amended but there are certain things which were put in, that overlap with the Act. Consult them on what is hindering development control. Consult them on what is needed now to make Act 21 of 1990 more effective because that Act is not amended. In order to discharge the functions here, consult with them on what is the required staff and other professionals for discharging the responsibilities. That is the level of consultation. They want consultation on the development of a universal building code as far as possible for different categories of development to be used by all authorities.

When one talks about consultation, these are the areas in which one is looking for consultation, and on the same categories one is talking about, they want to know what are the skills necessary. Therefore, I hope that I have been able within my time to plead with this Government. I do not want to say “uncaring”. I am not carrying any labels this afternoon. My friend is not here today so I am staying within my crease. I am hoping at the end of the day that we do some introspection; those of us who have the legal bias, those of us who have the skills necessary and those of us who are just citizens of Trinidad and Tobago with an interest in the people—it should be all of us—take a second look at this Bill.

I remind the Senate that all Trinidad and Tobago is uncomfortable. When you read the daily newspapers, when you look at the television, when you look at the by-lines and at viewers’ comments and hear people; when you see the banners, we are uncomfortable. If there is to be peace, justice; if one is really interested in Trinidad and Tobago moving forward at this time, one needs to take this Bill back. Put the Bill aside; go outside and consult with the people. They are asking the Government to come and talk with them. Ask them what they need. Appreciate what they do. Although they appreciate one week and then the next—but I would not go there this evening. Give them that kind of support. See where their needs are and remember that it is not only your clientele you are dealing with here, it is not only your people who have a lot of brainwaves with lots of money to spend and probably not know how to spend it and, therefore, find that this is an opportunity for them to spend some of the money that they have, wherever they got it from. This is important. We do not want anybody to spend that kind of money to tell us they are doing things for public use, when it is

clearly private and at the expense of the people down there who cannot afford. As is said, if one wants to buy land, go and ask the people to buy and they would tell you: give me an offer that I cannot refuse. Why does the Government want to get into that?

I am only saying that with the hope that, at the end of the day, and when we leave here this evening we would not be told to come back next Tuesday at 10.00 a.m. If I have to come here to do committee stage, I am not coming. That is my way! If I come here to patch this up, I will not be true to myself. I am not coming to patch this up. If I have to stay out there in the public gallery with the people, I will. You cannot patch it up. All I could say is listen to the people, and the people are saying "We are not comfortable with this piece of legislation and we ask you to withdraw it."

Thank you, Mr. President.

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

4.25 p.m.: *Sitting suspended.*

5.02 p.m.: *Sitting resumed.*

Sen. Derek Outridge: Mr. President, I will be fairly brief in my delivery in respect of the debate on the Planning and Development of Lands Bill, 2001. It is a pity I was not privy to the contributions on the earlier debates on this Bill. So I do hope I am not presenting anything that has already been said.

I am hoping to have a look at this Bill in respect of five important areas of planning: one, planning failure; two, planning applications; three, ministerial powers; four, body corporate; and five, the one-stop shop.

I believe I have quite a lot to lose, particularly if this Bill were to be passed, as I have spent the last three years doing a lot of research in planning and developing and I was preparing to achieve something at the end of the day via a successful thesis on planning and development.

This country needs a planning and development of land bill. It is very important that we have this. I will seek to establish why the people of Trinidad and Tobago need to have this Bill. I will not be selfish and say that I will not support the Bill. In fact, I want to support the Bill. I want to support the Bill with all the necessary amendments, with all the necessary checks and balances that are being requested by my colleagues here in this Senate.

First, let us look at planning failure. Prof. J.P.W. McAuslan, of the United Nations Committee for Human Settlements, the planning legislation advisor to the Government of Trinidad and Tobago in 1988, stated that the existing Town and Country Planning Act, Chap. 35:01 had problems from its inception in that its structure, its powers and the operations of the Act stemmed from the failure of the housing policy of the committee in 1956 to follow their own advice, which clearly stated that planning legislation must be founded on the basis of a publicly argued case to be effected by a planning commission to be established.

We all know that means public consultation. No commission was appointed. Instead, a leading planning lawyer from England was invited to assist the government in drawing up the Town and Country Planning legislation, which we know today as the Town and Country Planning Act. The legislation is now ineffective and out of step with modern developmental procedures.

Another major contributing factor to the failure of planning in Trinidad and Tobago is that of political expediency. Under section 5 of the existing legislation the minister must submit to Parliament for its approval, a development plan for the whole of Trinidad and Tobago. In that section 5(8) of the Act, the minister had to prepare and submit to Parliament development plans for any part of Trinidad and Tobago in relation to a plan for the whole of Trinidad and Tobago.

This suggested that a process of planning had to be undertaken and be completed, whereby regional and local plans were to have been prepared and submitted to Parliament for its approval for every part of Trinidad and Tobago before presenting to the country with a national physical development plan for the whole of Trinidad and Tobago. Only three regional plans were presented to Parliament before political expediency, and the then government, in 1982, brought the national physical development plan to Parliament, which was eventually approved in 1984.

The former director of the Town and Country Planning Division had advised the minister that the process would be flawed but they never heeded that advice. That was a travesty of the trust that the nation had placed in its representatives. We were betrayed, thus causing great pains to be bestowed upon people over the last four decades. The Government did not allocate the necessary resources, both physical and financial, in order to undertake one of the most important tasks charged to it by the people of Trinidad and Tobago. We should all be ashamed that planning was treated so shabbily and that a government minister today in almost every speech he makes on planning and development censures the people

of Trinidad and Tobago for putting up structures, some 80 per cent of which are without Town and Country Planning approval.

I urge the Government today and every regional corporation to grant a national amnesty on all existing structures that are currently built and to begin with a clean slate once this Bill has been passed. We cannot let the people of the country be doubly punished for the betrayal of their government and that betrayal has inflicted upon them great pains. Forgive and forget today. The Government must grant this national amnesty and not cause the people any further suffering.

Another key failure of the government was to hold public enquiry in the planning process at its inception. I want to read from a document entitled, "Government of Trinidad and Tobago, Institutional Improvements to Facilitate Urban Development; A Consultancy Report Sponsored by Inter-American Development Bank" This was prepared by Francis J. C. Amos, Consultant, in 1992.

This document, on page 36, says:

- “4.4.8 This perception of remoteness stems not only from the emphasis on the technical content of plans, but also from the very limited consultation which takes place during the preparation of plans. Consultation has been so limited principally because of the lack of adequate staff resources, but also because there is no requirement for it in the statute and no rules of procedure have been laid down for the conduct of consultation.
- 4.4.9 In any event consultation as such is unlikely to be sufficient to overcome the current sense of public dissatisfaction. This is largely because consultation normally only confers a passive role on the consultees in that they are invited to comment on what the consultants have already done.”

This clearly indicates to us we need to consult the public with respect to the development plans for their benefit. We must ensure that we do that. This particular Bill provides for consultation.

I have submitted amendments, which I hope would strengthen that process, so that people can enjoy a level of comfort and confidence in the system of planning. Our planning system concentrates quite heavily on plan making, but there is little or no implementation of our development plans, as a result of little or no or ineffective public consultation. Government must consult with us on our

development and our sustainable living. The people must be consulted as they are the major stakeholders.

I want to look at planning applications. The Act and general development orders issued under the Act neither allowed for nor provided the requirement for the minister to consult with other persons or agencies before determining a planning application. We must stop this practice. We must ensure proper procedures and practices are published in order to have consultation and these consultations to have purpose. These practices and procedures must be followed by both the consultee and the consultor. We do not want other Toco scenarios to arise in other areas such as Charlotteville, Las Cuevas, Katanga, Mayaro, Chaguaramas, just to name a few.

Much has been said about ministerial powers. I have listened to the media and I have read in the newspapers of the position in respect of the Minister's powers being too great under this Bill. The Minister has far less powers under this Bill than he has had under the existing Act where the Minister's powers were all encompassing. I am pleased that we have taken steps under clause 48 of this Bill to limit the Minister's duties which, in effect, will make planning more efficient and effective.

I see no reason for having clause 48(1)(d). It was not too long ago, when planning policy was government-to-government arrangements. We all remember the man with the no-plan plan, a Mr. Ken Julien.

Mr. President: Senator, Senator! Do not call the people's names in this Senate, who are not here to defend themselves!

5.15 p.m.

Sen. D. Outridge: I thank you, Mr. President, I withdraw the comment.

Mr. President, under the government-to-government arrangement corruption became rampant. We remember huge physical structures being hastily negotiated on the basis of government-to-government contracts. Remember, Mr. President, the Mount Hope Medical Sciences Complex starting at \$466 million, finishing at over \$800 million. Remember the Financial Complex starting at \$185 million, finishing at over \$880 million. Remember the Hall of Justice starting at \$300 million, finishing at \$600 million. Mr. President, that cost the people of this country to suffer through a recession in repaying these substantial debts. I recommend that clause 48(1)(d) be deleted or amended to state:

“That the interest of a foreign government must be in accordance with our national policy.”

Mr. President, the powers vested in the Minister for land acquisition in Chap. 35:01 is ultimate. There are no greater powers entrusted to the Minister in this Bill to ensure this. I have looked at clause 23(1) and (2) of this Bill and I believe that clause should be replaced with a similar clause that exists within the Town and Country Planning Act, Chap. 35:01.

Mr. President, I am suggesting that under Part V of the existing Act, 31(1) be amended, and where section 5(2) is indicated, we put clause 6(1)(b) and where Part II is indicated we put Part IV of this Bill and that would suffice to replace clause 23(1) and (2) of this Bill. This particular section in the existing Act states that the provisions of land would be in accordance with the Land Acquisition Act and that it would be needed for public purposes.

Mr. President, I would also like to support the contribution of my fellow Senator, Prof. Julian Kenny, which he circulated to me last week. I would like to see that we set a period of compensation for payment to the owners where lands are being designated for public acquisition.

Mr. President, I am very happy that the Opposition Senators have indicated that they are prepared to support this Bill in respect of a special majority. I, too, am very happy for that, however, I do not believe that the fundamental rights of the citizen and the State are being affected adversely in any way than it was under the previous Act.

Mr. President, this Bill is far too important to the people and we must ensure that we get planning back on track. We must ensure that planning and development of this country gets back on track. In the interest of correcting the previous injustices imposed upon the people, we should all support this Bill. This support should be conditioned with the debate and acceptance of the proposed amendments so as to ensure that the checks and balances are in place, to ensure that there is no abuse of powers to be placed in the hands of those who will have the responsibility for the planning and development of our country.

I cannot help myself and I have said this before. I would like to see clause 5(2) of the Bill deleted. I am not a supporter of creating corporate bodies where they are not essentially required to effect the operations of the commission established under this Bill. We are seeking to implement here a bill so as to redress the mistakes made by past governments. Let us not create more tin gods such as more UDeCOTTs, Nipdecs, NWRHAs, MTS, NPs, Petrotrins, I could go on and on, Mr. President, and it is costing the Government and the people of this country too much. We have to ensure that when we create corporate bodies that

we set out proper rules and procedures. This Bill has rules and procedures for the setting up of this corporate body. In fact, Mr. President, the Government's own advisor—in the same document I just read by Mr. Francis Amos—suggested that what you can create is an executive body corporate, an advisory body to assist the Minister, a decision authority on applications not delegated to local authorities and an appellate body. He said:

“Although executive commissions can have a useful role to play in the management of large service operations, such a body would hardly be appropriate for the planning system in which there is a political component in virtually every decision. It would also be incompatible with the declared Government policy to decentralise control as much as is practicable to local authorities.”

Mr. President, if we are serious about implementing our development plans, we must have an effectively and efficiently run implementation body. The Central Tenders Board in this aspect of this country is that project implementation unit. If the Minister of Finance were to count up the cost that he has for procurement personnel in all of these corporate bodies and the financial resources he allocates for them—if he was to transfer all those resources to the Central Tenders Board—we would not have any more negative comments about the Central Tenders Board. These would disappear, as all the necessary resources would be in the right place.

Mr. President, this reminds me of when I played marbles; you draw a ring, you put the marbles in and then you pitch. Marbles get scattered all over the place once you take them out of that ring. Once they are all over the place then you have lost them all. This is exactly what is happening to our resources and our tendering and so forth—the implementation of the projects within our development plans—they are happening but they are happening haphazardly.

The Minister will not only benefit from transparency but he will eliminate a great deal of corruption and political patronage, thus ensuring greater equity and efficiency in the implementation of development projects. The Government would be well advised to heed this independent advice. I ask our goodly Senator, Michael Als, to note that it is only independent advice that comes from this side. [Laughter] Mr. President, the Government would be doing it for its own good and for the good of its people.

I want to touch on a very important aspect that has been created in this Bill. We know it in the building environment as the One Stop Shop. I have been privy

to being on a large national project recently in which they tried to operate this One Stop Shop. I will give some of the logistical problems with it. Clause 75 of this Bill seeks to establish what we in the building environment call the One Stop Shop. In order to facilitate and fast track the development process, Mr. President, the procedure will not produce any results if we do not ensure that procedures and regulations are put in place.

It is important that committee members be able to bind their agencies. Their members must retain the approval powers when reviewing approved submissions. Another important point is that the committee members, sitting on a particular approval submission, must be able to delegate to alternates who will be bound by the decisions taken before by any delegate from his agency. The reason I say that is that we combine this committee from WASA, Drainage Division, Town and Country Planning Division, from all over so that we create the One Stop Shop. The first, second and third time you meet, they change the man and send somebody else. When he comes he says he does not have the approving powers, he cannot endorse what his predecessor had approved because he has his own mind and interpretations and so forth. Not only that, Mr. President, they sometimes do not come, so they ensure the whole One Stop Shop philosophy for fast-tracking development approvals is killed off and we are back where we started. Agencies must be made to ensure attendance at these committees and for this we have to ensure that rules are put in place and that these procedures and practices are put in place under clause 101.

Mr. President, I said my contribution would be brief. I am pleased to be able to address this Senate once more. I am very happy that I have been given the opportunity, particularly, in respect of a document, a Bill, a process that I am familiar with.

I thank you all, Mr. President.

Sen. Michael Als: Mr. President, I am again pleased to speak in this honourable Senate, and again pleased to speak on a very critical Bill before the country as well as before this place. It is a Bill that has generated an enormous amount of interest. It is a Bill that concerns a lot of people in diverse ways. It is a Government Bill that is before us here now for the purposes of observation and in due course, passage. My responsibility, of course, was to prepare myself to be able to speak on this Bill.

5.30 p.m.

In doing that preparation, I had to go through the various amendments that were proposed by various speakers before, and it is in examining those proposed

amendments that I recognize we do have some additional homework to do on the Bill. That is accepted [*Desk thumping*] and we are not afraid to say so—I do not think we should be afraid to say so—and that that necessary homework will find its formula perhaps in some of the proposals suggested by the Senator on the other side. I think it is useful sometimes to have criticism that is focussed and direct and sometimes when you examine those criticisms you need to pay attention to them. I am glad that we have had a number of contributions and a number of proposed amendments on which this side will certainly reflect, [*Desk thumping*] but I will come a little later to that, Mr. President.

In doing the necessary research on this Bill, it forced me to go to some previous legislation passed many years ago—one of them being the Town and Country Planning Act—particularly because so many people, in expressing opinions on this Bill, seem to think that the ministerial authority or interests or investiture—some people have said it is fascist, some people said it is dictatorial and so on, but it is instructive, perhaps, to walk back on it to look at certain sections of existing legislation, particularly in reference to ministerial power.

Before I go into the substantive and core matter of this thing, in section 33, Part V of the Town and Country Planning Act, it says:

“The Minister may, by way of sale or lease, dispose of land acquired by him (whether compulsorily or by agreement) under this Part to any local authority, statutory undertakers or other body or person for development in accordance with permission granted under Part III.”

It says further under the Slum Clearance and Housing Act, Part V:

“Where by this Act the Authority is authorised to acquire land or buildings, or any estate or interest therein, such acquisition may, subject to the provisions of this Act, be by way of gift or may be effected by private treaty or compulsorily under the Land Acquisition Act, and the provisions of section 51 of the said Act shall, subject to the provisions of this Act, apply in relation to any such contemplated acquisition or to any such compulsory acquisition.”

It says in section 21:

“(1) Any land or buildings, or any estate or interest therein...or any part thereof which are intended to be acquired by the Authority for the purposes of this Act may be acquired compulsorily after the expiration of twenty-eight days from the first publication of the notice as required by section 14(1).”

It goes further:

“(2) In the case of land or buildings, or any estate or interest therein, intended to be acquired by the Authority for the purposes of a housing scheme or a re-development scheme, it shall be the duty of the Authority, within the appropriate period specified in this subsection, either to enter into agreements for the purchase of the same or to acquire the same compulsorily.

Any municipal authority...”

This is referring now to the Land Acquisition Act, Chap. 58:01. It says here:

“51(1) Any Municipal or other statutory corporation authorised by any Act to acquire land compulsorily in exercise of its statutory powers or the performance of its statutory duties may, without prejudice to any powers conferred by such Act but subject to any restrictions contained therein, exercise the powers of entry into, acquisition and taking possession of, land conferred by this Act.”

It says further—and this is 1977 we are talking about. This is not a UNC administration. This is the existing capacity of the Minister presently. It says in Acquisition of Land by Promoters:

“The President may, by Notice, authorise a promoter to exercise in relation to any land the powers conferred by section 3.”

Who is a promoter? A promoter is a person, a corporation, or a company and:

“A promoter may, subject to the provisions hereinafter contained, acquire land compulsorily under this Act.”

That is through the process that is established in the legislation for such purposes.

It goes on of course, further, to state that with respect to the question of the ministerial authority here, what you have, in fact, is absolute fiat power. What the Minister and ministers have enjoyed in this country is fiat power and that fiat power exists up to now. Therefore, what we are attempting to do, if you examine further in section 11 of the Town and Country Planning Act it says:

“Subject to this section and section 12, where application is made to the Minister for permission to develop land, the Minister may grant permission either unconditionally or subject to such conditions as he thinks fit, or may refuse permission.”

It goes further in section 12(3) to state:

“The decision of the Minister on any application...under this section shall be final.”

It goes further in section 12(1):

“The Minister may give directions to any local authority to whom functions have been delegated under section 10 requiring that any application made to that authority for permission to develop land, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the local authority, and any such application shall be so referred accordingly.”

Again, in section 13(3):

“Where an appeal is brought under this section from a decision of the local authority the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the local authority, whether or not the appeal relates to that part, and deal with the application as if it had been made to him in the first instance; and section 12 shall apply, subject to any necessary modifications, in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under section 12.”

Under section 15(1):

“Subject to this section, if it appears to the Minister that it is expedient, having regard to the development plan and to any other material considerations, that any permission to develop land granted on an application made in that behalf under this Part should be revoked or modified, he may by Order revoke or modify the permission to such extent as appears to him to be expedient...”

This is the existing legislation and it is important for people to be able to reflect on it, because when we are speaking about ministerial power, this Bill attempts in a very clear and categorical way to modify the powers of the Minister and they are in here and we need to look at them, [*Desk thumping*] because it is clear that under the existing legislation we have to move away from more government and introduce more governance. This is one of the methodologies you can indeed begin dealing with because the Minister himself cannot assume and subsume all those authorities and powers and not get in trouble.

That is why, Mr. President, in dealing with this Bill, it is necessary to read some of the intentions of the Bill because many people are very concerned, and they are right to be concerned, but I think many people need to go into this Bill to observe what is the central characterization of the Bill. We take the fact that there are several amendments which suggest that there are certain things that we need

to do with this Bill, and I am nearly certain that we will open that door. That is the tradition in this place that, when serious criticisms come and they are valid and legitimate, we have to pay attention to them.

In respect to clause 3(c), what does the Bill say? It says:

“to assist in the orderly, efficient and equitable planning, allocation and development of the resources of Trinidad and Tobago taking account of all relevant social, economic, ecological and cultural factors so as to ensure that the most efficient, equitable and environmentally sustainable use is made of land in the interests of all people of Trinidad and Tobago;”

Mr. President, when I was growing up some years ago, when you were going to school you used to see all over the country development plans—five-year plans. I remember them very, very well—and sometimes the teachers used to want to put the whip on you if you could not remember the sign and what it was all about, whether it was school, roads or what. In 1970 I had the opportunity to be in another place for about seven months [*Laughter*] and, while we were there, Mr. President, for nearly three months we got no reading material. Our rights were severely violated. The only material we got was the Gideon Bible and they gave that to all prisoners and, whether you liked it or not, you had to read that Bible from cover to cover—if you were a reader—like I did and I hope it has benefited me somewhere along the road. [*Laughter*]

However, in 1970 when we were there, some of us used to read the government development plans for the purpose of criticizing the State because we had intentions of coming out in any case. However, when we came out, what did the government do? The most important period for the People’s National Movement was between 1956 and 1966. After that it was a whirlwind of either obsolescence, downhill, wandering, “doh know where dey going”. In 1970 they did away with the planning. For nearly 15 years some of the best minds in this country had nothing to do in the process of the State—nothing to do.

The PNM came with a very critical and important document following the 1970 upheaval, which was the “People’s Charter”, and some of the younger elements should read it—very important statement—but in that statement there was nothing about land, as critical as land is in this country. In the same way in 1972 when the Chaguaramas Development Act came in this country, you could search that Act from front to bottom, top, side, whatever you want, you could not find in that piece of legislation, or the amended legislation in 1977, anything identifying an interest with those persons who previously were tenants in Chaguaramas—cannot.

Today some people want to say it is “de UNC create it”. That happened during the Second World War when the imperial powers had the capacity to do what they wanted in Trinidad and Tobago and they did. They removed the people from Chaguaramas and they gave the Americans the “Base”, and after independence we did nothing about those tenants. During independence we did nothing about those tenants and today it is a rights issue. What I know for a fact is that this Government is sympathetic to deal with that issue but the tenants rightfully decided to litigate to reacquire their property and it is, I think, before the Privy Council at this time.

So that the Government’s hands, in one sense, are tied in dealing with that Chaguaramas issue until that litigation is resolved. If it is resolved in favour of the people, as we say, that is a good thing. I say so. It is a good thing. [*Desk thumping*] If they do not have it, then they will again have to come back to the State to re-enter into negotiations because that is a fundamental rights issue in this country and the Chaguaramas tenants, the people who had acquisition over that land—I am saying it is the responsibility of the State to address that and address it properly. [*Desk thumping*]

Another clause of the Bill, Mr. President, is:

“to maintain and improve the quality of the physical environment, to improve the aesthetic quality of the built environment and to protect, conserve and promote the diverse cultural heritage of Trinidad and Tobago as it finds expression in both the natural and built environments;”

Now, it is important for us to understand—I believe we need to understand—the intent of the Bill, because the intent of the Bill is also related to public education. Again I want to go back to when I was small, Mr. President. For part of my life I grew up in St. Joseph, Barataria and San Juan, and bathing in all those rivers, when you dived in—whether you ran away from school or you ran away from home—even if it had “cosorob” and “mamatater” or sardines in the water, we used to liberally drink that water because “when yuh thirsty yuh drink it”, and those rivers were clean and powerful rivers. Today, “yuh not washing yuh foot; yuh woulden’ even wash yuh shoe” in those rivers, and similarly in San Fernando.

In San Fernando, the Guaracara River was a sea of tar. “Yuh couldn’ even go an’ ketch a crab down dey. Yuh couldn’ go to the Cipero River and ketch anything” when Usine Ste. Madeleine was sending their effluent down during the season. In one sense, when you also look at how people treat things, “yuh”

driving and people “t’row out ah t’ing outside ah car—ah bottle, ah dis or dat.” We have very serious problems in this country in terms of understanding what environmental protection is, even from the personal, from the citizen, from the family or from the community.

In this regard this Bill says something here—clause 6(3)(e):

“establishing and managing programmes of public education and information about the objects and purposes of physical planning and the provisions of this Act and, to that end, publishing information in such manner as appears to the Commission to be most conducive to meet the purposes of public education and the dissemination of information concerning physical planning and land use and development issues; and the Commission may do any of the things...”

As it has indicated here. It is important for us to understand that the intent of the Bill is to be able to provide public education in a country where, sometimes, people take little or no heed of some of the things we do. Sometimes when we have serious flooding, Mr. President, people say “the government” and, in some respects, “the government” is responsible, but when hundreds of thousands of people throw their plastic bottles in the drains and the drains are clogged, how can you blame the State for that?

It is a very serious environmental issue because, since I was growing up, Mr. President—we still have it here and in some respects the Government may need to change that. You would see men come, clean out culverts or clean out a drain, put all the stuff on the side of the road, and then it took the rain to carry it right back there. I do not know how we have not been able to manage that in the last 50 years, but we need to be able to address not only the intervention of the State but indeed also the intervention of individuals.

Of particular reference in this Bill is the concern some people have expressed about giving authority to local authorities. You want the Minister not to have the power. The Minister decides that, “Listen, one of the things that we will do under this Act is to provide some authority to the local authority”, and some people say “No”, full stop. “These authorities not ready.” “They ent professional, dey dis, dey dat and de other”, and sometimes it reminds me of the arguments people raise against—“long time when dey used to say”, “Girls should not be educated”, or when “dey say de slaves should not be free because dey ent ready fuh de freedom”, or, indentureship should be extended because the indentured servants “doh know” much, they are not educated and so on.

I think such backward ideas cannot govern any longer our social policy or our

thinking. Even if the local authorities are not ready, then they have to become ready, because the devolution of power suggests that the local authorities in this country need to be able to express themselves more directly and they know the communities better than a minister. The Bill suggests that the local authorities should be able to be provided with the power to be able to do things that they consider critical in the exercise.

Now, Mr. President, when we listen to and examine some of the contributions made by the second-to-last contributor, the Senator here, I am of the view, quite frankly, that some of her criticisms were not without some validation. I think, clearly, the Government side would need to pay some attention to what she has said because they are not only her concerns and, clearly, the Bill itself would be able to be improved, just as with the Telecommunications Bill, by reasoned arguments and reasoned amendments. I think we need also to look at the question of the democratic process and what this Bill says.

A lot of publicity—editorials and so on—said that the Bill is fascist and it is interesting the basis upon which this was determined because nobody looked at the existing legislation to see what the powers of the Minister are. I do not know what they would say. In subclauses (8), (9), (10) and (11) of clause 24, what does it say the Minister has to do? Some people want to make a minister in Trinidad and Tobago a “market crab”. “Yuh tie him up and yuh hang him out, and when yuh hang him out like a market crab, yuh still telling him dat he responsible when t’ings take place.” How can you do that? A minister clearly must have some authority and must be given that authority, but that authority also needs to be conditioned by not only legislative but also other administrative factors. That is very clear.

5.50 p.m.

Listen to what he says here, and it is important to listen to this. Subclause (9) says:

“Where the Minister does not accept any recommendation of the Commission...”

Because another factor is that the Minister is saying, instead of me in this old Town and Country Planning Act, we now will set up a commission. Now, people may not be satisfied with the nature and character of the commission, but again, it is a process in devolution, because that commission replaces that fiat power the Minister had and has—not had; has—and it is critical for us to recognize that.

This is this Bill now. Not the old one. It says:

“Where the Minister does not accept any recommendation of the Commission, he shall send a written report...”

It is not stated anywhere.

“...of his reasons to the Commission and shall not proceed to reject such recommendation until he has received and considered any reply from the Commission which shall be submitted to the Minister not more than one month after receipt of the Minister's written report.”

This is process. You are moving away from the old and you are coming to a process which gives legitimacy to a commission.

Subclause (10) says:

“An Order of the Minister approving the National Physical Development Plan shall be subject to affirmative resolution of Parliament, and an Order approving any other development plan shall be subject to negative resolution of Parliament.”

Some people, perhaps, may differ on the question of whether it should be affirmative or whether it should be negative; or whether, in fact, you should have a two-thirds majority like the Land Acquisition Bill. But it is not something that we will not consider.

The Government said, as you have noticed, any time you have brought any serious position which is suggesting that we consider a two-thirds majority, it is not adverse to looking at that. Why should we be adverse to looking at it? In fact, a number of Senators have approved and suggested that that is what we should do. And, I think on reflection, perhaps we need to also note that any other approved development in clause 12, which is subject to a negative resolution of Parliament, shall cease to be a provisional development plan if it is to be subject to a negative resolution, and shall not be taken into account as a consideration in any decision taken under this Bill, in respect to which it is provided that the material considerations are required to be taken into account.

I think it is important for us to be able to look at it, in the context of those decisions of the Minister. In the context of the decisions of the state, citizens have a right to be looking after their rights. There is no debate about that, because social policy always lags behind actuality, all over the world. Social policy lags behind. What I am saying is, it is the right of people to look clearly at what should be done and could be done in the context of this particular Bill.

I go further. Recently, many people have been speaking about the issue of the Government's activity and the developers' activity in Toco. In fact, I think my hon. Member friend there never ceases to remind me. I say it is true. It was inadequate, how the State, as well as the developers, approached that question of Toco. I cannot run away from that. It was inadequate, and as a consequence, the population took a measure that they considered to be important in their own interest. I think everybody recognizes today that it was not a sufficiently adequate process. Everybody recognizes it, and the State is forced to recognize it, because the people took particular kinds of action in respect to protecting their rights.

Mr. President, we wrote—that is the Toco Foundation—the hon. Prime Minister expressing our concerns about that plan. And we also wrote him another letter concerning the—and it is important in a sense to understand the democratic process, and why sometimes it has to be fueled by social action in order to get some of the results that one wants. That is part of that democratic process that is continuing to go on in Trinidad and Tobago.

We wrote indicating to the Prime Minister that there was a notice in Toco for the acquisition of 17 hectares of land. Compulsory acquisition. That would have removed approximately 42 people from their homes in the immediate vicinity of the district of Toco, and we wrote the Prime Minister suggesting firstly, that they revoke that notice for compulsory acquisition, and that secondly, they look in another way to another piece of land in Silybia for acquisition. Whether by agreement or compulsory acquisition.

The Prime Minister replied and fortunately, I must say, that in respect to that particular piece of public land acquisition that they wanted in Toco, the Cabinet took a decision to revoke it, and they did. Now, people, therefore, can learn lessons from that, because it is tied in directly, in one sense, to the fact that everybody has their rights, and those rights cannot be infringed by the state, and this Bill itself is not about infringing people's rights. This Bill, in fact, is about providing to people more rights than they had before. That is what this Bill is about. To provide to people more rights than they had before. [*Desk thumping*]

Part of the consequences of the criticism of the Bill is that the Bill itself seems to have, in terms of the one contribution, too many things in one place. And, Mr. President, as we all know here, this particular piece of legislation that is before this Senate has been coming here for 15 years. It has been coming to this place for 15 years!

When I read the contributions made by Sen. Prof. Kenny, and he always puts

me in school in terms of the English insistence that he has for these Bills, it is true that after coming here after all these years, that so many amendments had to be made in respect to the linguistic capabilities of the Bill, or is it the linguistic capabilities of the Senator? I do not know, but in terms of the proposals that he subjected—

Sen. Prof. Kenny: I will just clarify it. One of the big problems of the Bill is the quality of the drafting. That is one of the big problems that we had. Not the substance, but the quality.

Sen. M. Als: Oh. I thought perhaps you were questioning the substance, but it is the quality of the drafting. We have to depend sometimes on a number of persons who have capacities to do certain things. With the amount of enabling legislation that has been coming to our Parliament in the last three or four years, there is a tremendous amount of pressure—at least I noticed that—on those persons who have to draft the legislation. Those public servants who have to sit and be able to draft it.

It is clear that I think there are some difficulties, and in the Telecommunications Bill, which I want to refer to again, many of those amendments were accepted. When we came with the Aviation Bill, that also was accepted. I do not see why some of the criticisms that are levelled at this particular Bill should not give us some concern to pay attention to very critical and important issues that have been outlined here.

I think that some of those contributions would assist us. Some of them would assist us. I think, too, that we have to look at the issue of how some of these things are to be resolved. As an example, Mr. President, the Prime Minister gave me a particular assignment, and it has to do with attempting to resolve. This particular Bill here is an important lesson, in one respect, to attempt to resolve a longstanding issue of land in Las Cuevas.

Some people have described that place, in the context of the various stakeholders, as a maribunta nest in terms of the diverse interest areas and the various conflicting interests that exist, but the process is to find a solution. That is why all those stakeholders, whoever is involved, are invited to participate. They are invited to participate because this Government is very sensitive—and I made reference to Chaguaramas, although some people in a “jab jab” band are going around in the place suggesting that it is the UNC that created that problem, but the fact is that only by consultation and only by participation can any government depend on its legislation to function.

There are a lot of false "ju ju" warriors too. A lot of fake "ju ju" warriors who have no interest in people, but are pretending to have that interest, going around and talking about things to which they have paid very little attention. Only talking and, of course, not supporting in any clear way what they should support. Because in Chaguaramas, as an example, Mr. President, as I said, it is years these people are waiting on some solution. It is unfair. It is unreasonable. But they have been given a lot of bad advice along the way and, as a consequence, I think now the time will come for all of us in this country to face the fact that people need to be participating in that process in Chaguaramas, in Toco, in Las Cuevas, wherever it may be. The participation by the people is critical.

Sen. Dr. McKenzie: Yes. [*Desk thumping*]

Sen. M. Als: I am glad you understand that. That is why I am saying that this Bill itself elucidates precisely that. It says without any equivocation that the participation—and I am glad you gave me that opening, Senators. [*Laughter*] It says very clearly that in respect to all the work of the commission, in the provisions here, it indicates that the commission cannot operate its work without consulting the public. It says so in nine points in respect to the question of that.

Again, I say that what we have to do is move away from the amount of government we have and to have more qualitative governance. It is a hard process, it is a complex process, and it is a difficult process, because there are all sorts of status quo bound individuals and elements who want to see things remain the same way as is, and yet complain.

In this respect, the same thing can be applied to this Bill, because one provision of the Bill has terrified people. They say, "Hello. This Bill has a part of it where the State can say they are going for public purposes and take your land for private purposes. Says who? I am a landowner. I own land, and I would say that that will create some discomfort in my heart if I say the State could come and seize my estate and my place, and so forth, and say it is for public purposes and then you give it to a private individual. That seems to be the whole core of all the opposition to the Bill.

Sen. Prof. Kenny: Mr. President, I wonder whether Sen. Als can cite any case of an acquisition of land in this country in the past 30 years where the Town and Country Planning Act has actually been used and where, after the acquisition, the land has been passed on to private citizens?

Sen. M. Als: I am not too sure, Senator, if I can provide you with that information right now, but if I do the research, I might be able to come back with

it, but it is a concern people have. If it is a concern, they need to know that that concern has no foundation. Does it have a foundation?

Sen. Montano: Take it out.

Sen. M. Als: Remove what? Because the existing legislation gives the Minister that authority, and what we are saying is that if we are looking at it and it needs to be withdrawn, I am saying that the recommendations brought here may be able to pacify people's concerns, because it does—

Sen. Daly: Could the Senator, through you, Mr. President, tell us where in previous legislation there is a provision similar to 23(5)? As if.

Sen. M. Als: I may not be able to identify that. [*Laughter*] Wait, wait. I may not be able to identify that now, but the interpretation, because that is the core of the concern, and I am saying that the Government is aware that that is the core of the concern. Aware!

There is nothing for us to look and examine and reflect on that issue. If it is the feeling that it should not form part of the Bill, then we have a history of looking reflectively at points which are brought to us that affect people and what have we done in the past. That is the point. I am saying, therefore, if it is there—and you cannot run and hide and say something is not there. If it is in the Bill, then we need to look at how we will address it. That is what we need to do, and that is what we are going to do. That is the important point. That is what we are going to do. We have to do that.

Sen. Prof. Ramchand: Mr. President, does the hon. Senator know that the Draconian law he is referring to does not have the phrase “as if” and that it was passed by the special majority?

Sen. M. Als: I am very aware of that. That is why we are even suggesting that we would look. You see, I made the point in a previous contribution here when the Minister of Finance was speaking. Some people found that he was maybe too open. Some people found that he was making statements.

Sen. Daly: Who?

Sen. M. Als: The Minister of Finance who is sitting before us. Sen. Gerald Yetming made several contributions in this place identifying clearly the position of the Government and the position of his Ministry in respect to how we are going to handle the problems before us, and he was very open, and I think that was an important signal. Why I am saying it is an important signal is because the same

thing applied when the Minister of Communications was here. And the same thing applied when we brought the Aviation Bill right here in this Senate and we found that there were certain limitations and we requested that the Bill be looked at again.

What did the hon. Minister of Transport, Tourism and Tobago Affairs do? She went back. What did she do at that time as the Minister of Transport? Now she has a number of other important portfolios. We came back here and what we did successfully was to get the support of the Independent Senators, as well as the representative on the other side. That is process. That is what that is. If there are limitations in this Bill, we are not hiding those limitations. We are exposing them. We are saying, “Yes, those limitations you have brought to our attention, we will make an effort to redress.” That is not only good news. That is what the UNC is about. [*Desk thumping*] It is about good news. I cannot hide that.

6.10 p.m.

Mr. President, I know that when we speak frankly in Trinidad and Tobago sometimes, we get in trouble. When the Government speaks frankly about issues here, sometimes people get troubled by frankness. They get uncomfortable when frankness is placed before them, and this Bill frankly puts an effort to bring to an end 15 years of legislative and other activities so that we could begin addressing—as Sen. Derek Outridge indicated—some serious issues about planning and development.

When we have to face as an example, and I cannot go into that area because Sen. Dr. Lasse is one of the speakers—not this afternoon, we are not going to carry you so late—on this Bill, particularly in the area of the environment. But since he would very adequately deal with that, I want to deal with something else, and it has to do with how some people look at the professionals in our Republic.

While proceeding to—and you see sometimes I am annoyed. I will say frankly, when I hear public servants being called flunkies, I am annoyed. I must say so, I do not think we should refer to public servants as flunkies, but some people have authority in this Senate to say those things. I would not declare any public servant as a flunky. In fact, on the previous occasion when I rose, I complimented the parliamentary staff for their dedication and commitment and I indicated also, that if everywhere in the public service people were working like they work in this place then we have a very well-oiled public service machine.

In doing the research for the task and responsibility that I have in Las Cuevas, and I will place it on record here that there was, and is, a major issue of a very

heavy development company wanting to lay in Las Cuevas certain activities which some people consider not to be about development. Some people are concerned about the environment, some are concerned about social issues, but in a letter dated September 20, 1999 from the Ministry of Housing and Settlements, sent to Mr. Stephen Mendes, Design Collaborative Ltd., Level 1, West Mall, Westmoorings and this document is signed “for Ag. Director Town and Country Planning Division” and this, to me, tells me we are in very safe hands with those dedicated—

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

Motion made, That the hon. Senator’s speaking time be extended by 15 minutes. [*Sen. L. Gillette*]

Question put and agreed to.

Sen. M. Als: I was very pleased when I saw this letter and I felt very secure in my heart that there are public servants in this country who are out to protect the interests of people, as well as the State and to comply with several pieces of legislation that are enforced to date. I will read sections of what was said to this developer by the Ministry of Housing and Settlements in respect of the Las Cuevas Development Outline Planning Application No. TIP:1062/99.

“You will be aware that these development proposals are different from those previously discussed in relation to application 1397/93 for which an Environmental Impact Statement was requested but not submitted.

We have now had a chance to study the baseline document submitted with the current application which although informative we regard it short of detail in some key areas which are listed below. Further to these deficiencies being rectified, the Division has had a chance to examine the further submissions and assess the full impact of the development proposals we will be in a position to grant outline planning approval.”

It goes further. Under Areas of Deficiencies it says:

“(1) Detailed Description of the Proposed Project:

- projected peak and off peak occupancy and visitor utilization levels;
- pre construction activities including the removal of any vegetation, the location of those areas from which vegetation is to be cleared (with an estimate of the area of cover to be removed), and where and how vegetation is to be disposed of;”

It says further:

- “construction activities, providing information on all engineering operations, the extent of out and full measures, the disposal or use of such material, the construction of access roads into the site including dimensions, the construction of other infrastructure, construction of buildings, and the identification of what activity, is to be carried out during the rainy season and the dry season;”

It goes further:

- “proposals for maintenance/enhancement of conservation areas indicating areas for re-afforestation and/or re-habilitation of vegetation, specifying the species and number of trees to be planted, the species and wildlife in the conservation area; prior consultation with the Horticultural and Wildlife Units of the Forestry Division would be informative;”

It says further:

- “proposals for the re-alignment/alteration of the drainage systems; this should include sufficient topographic and engineering data to permit a preliminary analysis by the Director of Drainage, Ministry of Works and Transport;”

The letter goes further:

- “quantified proposals for the collection, treatment and disposal of sewage, solid waste and wastewater (including kitchen and laundry wastes) from the proposed development; the source of any quarry materials is to be identified and verified by the Quarries Division of the Ministry of Energy and Energy Industries.”

Under Description of the Environment it says:

- “geological characteristics of the project site, the slope and relief of the site to include a geotechnical appraisal of the hillside slopes and their ability to support development including the proposed funicular railway, four (4) copies of this document are to be submitted as an appendix for the relevant technical agencies;”

It goes further under the same area of the Description of the Environment— and these are public servants who are directing a developer about what it is they want before he can move an inch:

- “coastal characteristics including land formations, and oceanographic parameters in particular currents and dispersion potential of Las Cuevas Bay to assist in the determination of impacts in the case of accidental releases into the marine environment;
- characteristics of the marine ecology;

All that are required by our public servants before this investor is able to move to do—

Sen. Morean: Point taken.

Sen. M. Als: I am not finished. Not point taken, this is elucidation, this is erudite education. This is education. [*Desk thumping*]

Under Determination of the Potential Impacts of the Proposed Project, it says:

- “the impact of built development on the marine ecology of the coastal and nearshore areas including the use of fertilizers, pesticides and weedicides used on the golfcourse and the continued use of the area for fishing. Copies of this report are to be submitted as an appendix to the document and will need to be referred to different agencies including the Institute of Marine Affairs.”

It goes on further, Senators:

“Taking into account the above findings the baseline study should recommend feasible measures to prevent or reduce all significant negative impacts to acceptable levels. Your proposals should satisfy generally acceptable international standards and practice relevant to environmental health and safety, effluent discharge, solid waste, water quality, landuse, siting and setbacks, based on technology that is up-to-date and already proven.”

Sen. Dumas: I was wondering if that public servant was acting under the existing legislation and whether those questions were appropriate, and if they are, why the new law?

Sen. M. Als: Why what, Senator? I am sorry.

Sen. Daly: As the Senator has so kindly given way, could he produce a similar letter addressed to the persons acting on behalf of PriceSmart or KMart?

Sen. M. Als: I am not the Minister here, so I think that is properly addressed to the Minister. I am not the Minister. [*Desk thumping*]

Sen. Prof. Ramchand: Mr. President, I have a question to the hon. Senator too. Is he trying to prove that civil servants can handle it and it is not necessary to get a certificate of environmental clearance from the Environmental Management Authority (EMA)? Is that what he is trying to prove?

Sen. M. Als: I am respectfully giving way here you know. You are taking my time. I have 15 minutes left and I can only refer you to the Minister, Senator. I am sorry not to respond to you, but I will, if you want to, but at this point in time, I am afraid I cannot do that. *[Laughter]*

“It is also recommended that the inputs of affected groups and persons knowledgeable about the environmental characteristics and sensitivities of the area be sought and obtained in the planning and assessments of the impact of the project. This may well provide very useful inputs into the design for the development. Their comments and recommendations should be included in the Baseline Study.”

Whatever criticisms you want to make about it, I am saying simply that this Government is supported by public servants who know their business very well and it is a compliment to public servants like these who are able to prepare this in defense of putting up proper developmental processes in the Republic of Trinidad and Tobago. That is why this Bill—I come back to the Bill you know and I am sorry—

Mr. President, is it six more minutes I have?

Mr. President: You have five minutes.

Sen. M. Als: It brings in therefore, my contribution and in fact, I wish I had another hour because the research that I have done here suggests of course that—

In closing, quite seriously, I think that some of the criticisms made as I said earlier, are not without—and I am nearly certain that although the Minister is absent, I can extend an apology for his absence because he did have—*[Interruption]* I can extend it I say, allow me on my time to extend an apology for his absence for the simple reason that he truly had a very heavy commitment and in fact, also, I took the opportunity to discuss this Bill with him before speaking.

He also had some important concerns and some of them—and I could not come here without speaking with the online Minister, I would have been out of place. I had to go and solicit his advice, his directions, his concerns. That is how it is done on this side. *[Desk thumping]* I am happy, Mr. President, to be able to make this contribution and to say that it is clear that some things will be done.

Some of the advice given on the other side, the well-meaning advice will be accepted.

I say too, that much of the public acclaim is really out of not understanding many aspects of the Bill. Although there are some very serious concerns and I am certain that the State will have to pay attention to those concerns because you cannot ignore people because in the process of development, people come first. [*Desk thumping*] In the process of engaging in the resolution of this Bill, it is clear that we will not, as was indicated this afternoon, rush it. The Bill cannot be rushed and the Bill itself will provide a great opportunity, I believe, for the people of Trinidad and Tobago to have their say, as well as the Independent Senators as well as those in the Opposition.

I think that just as the Telecommunications Bill came here as a Government Bill and it became a people's bill and so many of those recommendations were accepted, some people have complained about sitting in committee late at nights: 7.00 p.m., 8.00 p.m., 9.00 p.m., 11.00 p.m., and 3.00 a.m., and they seem unhappy about wanting to do that. We would look at those concerns and take the necessary action. I am certain on our side we understand the sensitivities concerned and the feelings of people.

I say in closing also, Mr. President, that when you look, unfortunately, at the record of the PNM—it was Sen. Prof. Ramchand who waxed warm on some literary dissertations that he delivered here in the Senate with respect to the Bill and last weekend, he forced me to go into my library because I thought I would respond to him in a way.

Mr. President: You have one minute, Senator.

Sen. M. Als: I found T. S. Eliot, that is the poet who gave us *The Waste Land*. He said that this world will not end with a bang, but with a whimper and in *Four Quartets*, T. S. Eliot in that poem said—and it is related directly to the omission and sins of commission of the PNM.

“...the conscious impotence of rage
 At human folly, and the laceration
 Of laughter at what ceases to amuse.
 And last, the rending pain and re-enactment
 Of all that you have done, and been; the shame
 Of motives late revealed, and the awareness

Of things ill done and done to others' harm
Which once you took for exercise of virtue.
Then fools' approval stings, and honour stains.
From wrong to wrong the exasperated spirit
Proceeds, unless restored by that refining fire
Where you must move in measure, like a dancer."

I do not know if some people have the capacity to move with grace and skill, but that is what is needed at this time.

Thank you.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette): Mr. President, it is always nice to end with Sen. Als.

Before I close, I thought it was a little unfair for Sen. Yuille-Williams to say that the hon. Minister of Integrated Planning and Development is not present and that if he cared for the Bill, he would have been here. I want to say for the record that it is really my fault. There was a mix-up between the hon. Minister of Communications and Information Technology and him. You saw when he came at 1.45 p.m. It was really my fault. It was not Minister Humphrey's fault at all.

Secondly, we have so many amendments and we have to take account of what has happened, look at the amendments, regurgitate them and see what we can come back with. I do not think this can be completed by next week. Furthermore, I would like to see Sen. Yuille-Williams come back here next week. You remember she said she would not come back next week. I want her to come back next week and because of that, next week we would like to do the Mutual Assistance in Criminal Matters (Amdt.) Bill, which is No. 9 on the Order Paper; as well as the Motor Vehicles and Road Traffic (Amdt.) Regulations, 1999, Validation Bill.

Mr. President, I beg to move that the Senate do now adjourn to Tuesday, July 24, 2001 at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.31 p.m.