

*Leave of Absence**Tuesday, December 10, 2002***SENATE***Tuesday, December 10, 2002*

The Senate met at 1.30 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Madam President: Hon. Senators, I have granted leave of absence to Sen. Prof. Ramesh Deosaran from sittings of the Senate for the period December 04 to 12, 2002.

SENATOR'S APPOINTMENT

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

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ Arthur N.R. Robinson

President.

TO: MRS. INDRA SEETERRAM

WHEREAS Senator Professor Ramesh Deosaran is incapable of performing his duties as a Senator by reason of his 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, INDRA SEETERRAM, to be temporarily a member of the Senate, with effect from 10th December, 2002 and continuing during the absence from Trinidad and Tobago of the said Senator Professor Ramesh Deosaran.

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 2nd day of December, 2002."

Oath of Allegiance

Tuesday, December 10, 2002

OATH OF ALLEGIANCE

Sen. Indra Seeterram took and subscribed the Oath of Allegiance as required by law.

PAPER LAID

Audited Financial Statements of Trinidad and Tobago Electricity Commission (T&TEC) for the year ended December 31, 2000. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]

ORAL ANSWERS TO QUESTIONS

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

**Water and Sewerage Authority
(Status of Consultants)**

4. Could the hon. Minister of Public Utilities and the Environment provide this Senate with the following:
 - (i) A detailed list of consultants employed by the Water and Sewerage Authority (WASA) during the period January 2002 and the present time and continuing; and
 - (ii) The consultants' responsibilities and duties for the same period?

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Madam President, I beg to move that the answer to question No. 4 be deferred for a period of two weeks.

Question, by leave, deferred.

**Water and Sewerage Authority
(Details of Expenditure)**

5. A. Could the hon. Minister of Public Utilities and the Environment provide to this Senate details of expenditure incurred by the Water and Sewerage Authority (WASA) to host a function to formally welcome the new Chief Executive Officer of WASA, Mr. Errol Grimes?
- B. Could the hon. Minister state whether any other agencies were involved in underwriting the cost and if so, could he state the names of the agencies?

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Madam President, I beg to move that the answer to question No. 5 be deferred for a period of two weeks.

Question put.

The Senate divided: Ayes 22 Noes 6

AYES

Saith, Hon. Dr. L.

Morean-Phillip, Hon. G.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Gift, Hon. K.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Titus, R.

Abdul-Hamid, M.

Kangaloo, Hon. C.

Ramroop, S.

Persad, Pundit M.

Mc Kenzie, Dr. E.

Ramchand, Prof. K.

King, Mrs. M.

Quamina, Dr. D.

Thomas, Amb. C.

Seetahal, Miss D.

Anmolsingh-Mahabir, Mrs. P.

Seeterram, Mrs. I.

NOES

Mark, W.

Baksh, S.

Kerhanan, Dr. J.

Montano, R.

Seepersad-Bachan, Mrs. C.

Smith, A.

Question agreed to.

Question, by leave, deferred.

**Water and Sewerage Authority
(Details of Salary Structure)**

6. Could the hon. Minister of Public Utilities and the Environment provide:
- (i) Details of the new salary structure and other allowances for the new Chief Executive Officer, General Managers and Deputy Senior Managers of WASA?
 - (ii) The salary and other financial arrangements for previous managers of WASA?

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Madam President, I beg to move that the answer to question No. 6 be deferred for a period of two weeks.

Question put.

The Senate divided: Ayes 21 Noes 7

AYES

Saith, Hon. Dr. L.

Morean-Phillip, Hon. G.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Gift, Hon. K.
Manning, Hon. H.
Chin Lee, Hon. H.
Dumas, Hon. R.
Titus, R.
Abdul-Hamid, M.
Kangaloo, Hon. C.
Ramroop, S.
Persad, Pundit M.
Ramchand, Prof. K.
King, Mrs. M.
Quamina, Dr. D.
Thomas, Amb. C.
Seetahal, Miss D.
Anmolsingh-Mahabir, Mrs. P.
Seeterram, Mrs. I.
NOES
Mark, W.
Baksh, S.
Kerhanan, Dr. J.
Montano, R.
Seepersad-Bachan, Mrs. C.
Smith, A.
Mc Kenzie, Dr. E.
Question agreed to.
Question, by leave, deferred.

RENT RESTRICTION (RE-ENACTMENT AND VALIDATION) BILL

Order for second reading read.

The Attorney General (Sen. The Hon. Glenda Morean-Phillip): Madam President, I beg to move,

That a Bill to re-enact the Rent Restriction Act, Chap. 59:50 and to validate things done thereunder, be now read a second time.

The long title of the Rent Restriction Act, Chap. 59:50 states:

“An Act to restrict the rents of certain premises and the right to recover possession of such premises.”

This Act was first enacted in 1941 by Ordinance No.13 of 1941 and by section 2 whereof, made it to continue in force until February 23, 1951. That is section 2 of Act No. 13 of 1941.

The same section 2 provided that this Act may be continued in force for a further period of 12 months at a time, by resolution of the legislative council. Subsequent legislation changed “legislative council” to “House of Representatives and Senate”.

By successive enactments, the life of this Act was extended by three-year periods over the years. Act No. 7 of 1981 re-enacted this Act and validated all acts and things purported to be done under this Act notwithstanding that this Act had ceased to have effect on February 23, 1981. The Act had ceased to have effect on February 23, 1981 when the then current period of extension expired without the Act being re-enacted.

The Act again expired on February 23, 1984 and on April 23, 1985 the Rent Restriction (Re-enactment and Validation) Act, 1985 was passed. The same situation recurred in 1988, 1991, 1996 and 2000. We will pay special attention to 1996 and 2000. I say that because of what we have been hearing lately with respect to the re-enactment and revalidation of this bit of legislation.

The intention of the original Ordinance was for the life of the Act to be prolonged by resolution of Parliament, and it says so clearly in section 1(2) of the original Ordinance, No. 13 of 1941. It says:

“This Ordinance shall continue in force until the 23rd of February 1951 and may be continued in force for a further period of twelve months at a time by resolution of...”

I will substitute “Parliament”.

But in order to extend the life of the Act by resolution, that resolution would have had to have been passed before the life of the Act expired. However, it has seldom been done in a timely fashion, so that the whole procedure of re-enactment has had to be gone through from time to time. In addition, anything which may have been done in the purported exercise of the powers given under the Act, has also had to be validated.

The 2000 Act extended the life of the Act to February 23, 2002—that is, February 23 of this year—since the previous extension expired on February 23, 1999, and the extension being sought today would take us to February 23, 2005—that is three years—which could be extended for further periods of three years by affirmative resolution of Parliament if this Bill is passed today.

In the past, the life of the Act has been extended by resolution where this has been done before its expiration. This is not something new that we are seeking to impose on the population. That is contained in the original legislation and it was intended that whenever the need arose for the Act to be continued, it would have been done so by resolution, provided that it had been done so in a timely fashion. If it is extended by resolution, then there would be no need for an Act to be passed, which would require a three-fifths majority, as is required today.

Because of the fact that there was no sitting Parliament in 2002, a resolution could not have been brought to the Parliament before. It has been brought to the Parliament now, at the earliest reasonable time. No resolution could have been passed, as I said earlier, and there was no lapse on the part of this administration.

Every clause in this Bill before us today is identical with those contained in the 1996 Act and the 2000 Act, save for the expiration of the Act contained in clause 3. That is the only difference. Nothing else is different. I would refer to the 1996 Act and the 2000 Act for the sake of completeness and I would ask that they be compared with the Bill that is before us today.

There is the usual Preamble. I am looking at Act No. 13 of 1996 which was passed by the last administration. I will go through the trouble of reading the whole thing:

“An Act to re-enact the Rent Restriction Act, Chap. 59:50 and to validate things done thereunder.”

It is the same as what we have here in this Bill. It says:

Rent Restriction Bill
[SEN. THE HON. G. MOREAN-PHILLIP]

Tuesday, December 10, 2002

“WHEREAS it is enacted *inter alia* by subsection (1) of section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly.”

Word for word in the Bill. It is not different from what was passed by the previous administration in 1996. The second part of the Preamble says:

“And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House.”

Similarly, that paragraph of the Preamble is contained in the Bill—no different from what was passed in 1996. It goes on with the enactment:

“ENACTED by the Parliament of Trinidad and Tobago as follows:”

And you have your Short title:

“This Act may be cited as the Rent Restriction (Re-enactment and Validation) Act, 1996.”

And we go on to clause 2.

“This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.”

It is the same thing, similar to what is contained in the Bill. Then there is clause 3:

“The Rent Restriction Act, hereinafter referred to as ‘the Act’, is re-enacted save and except for subsection (2) of section 1 which is repealed and replaced as follows:

“(2) This Act shall continue in force until 23rd February, 1999 and may be continued in force for further periods of three years by affirmative resolution of Parliament.”

That is the clause that is contained in the Bill at clause 3. The only difference there is the year, where we add the three years by which it is extended. So the year is now 2005. Nothing slipped in; no tricks. It is just the same Act being re-enacted.

Now we have the validation clause, which is clause 4:

“All acts and things done or purported to be done in exercise of powers conferred under the Act are deemed to have been lawfully and validly done, notwithstanding that the Act ceased to have effect on 24th February, 1996.”

In this case it would be February 24, 1999.

Those are the clauses in total, of this Bill which we are seeking to have passed today. It is the same as 1996 that was passed by the previous administration.

Let me get to 2000. It is the same. Nothing is different. It is the same clauses being re-enacted and the same revalidation clause as is contained in clause 4 of the 2000 Act, which is No. 40 of 2000. As I said before, No. 40 of 2000 expired on the 23rd of February, 2002.

Further, let us go to the *Hansard*, the debate in this honourable Senate when this Act No. 40 of 2000 was passed. We see that, after all the talk and so on, then came the voting, and the vote in this case was 27 Ayes, and all those responsible PNM Senators voted “Aye”. The first person on the other side who voted “Aye” for this Bill is none other than our colleague, responsible Sen. Mark—responsible UNC Senator Mark.

So what we are seeing here is that this Bill that became No. 40 of 2000 was indeed voted for by the then Members who may be in different forms but who were in government at that point, including Sen. Mark. So when I read in the *Express* of Saturday, December 07, 2002 certain words which were attributed to Sen. Mark, I felt that he must have been misquoted and I will tell you why. When I looked at an article at page 14 written by Marisa Camejo which states:

“Government has begun to tamper with the rights of the citizens in Trinidad and Tobago, according to Opposition Senator Wade Mark, Chairman of the United National Congress.”

I know he was misquoted. It continues:

“Mark’s condemnation came at a news conference held at the party’s office in Port of Spain, in which a number of issues were discussed. Senators Arnim Smith and Carolyn Seepersad-Bachan were also in attendance.

The main item discussed was the Rent Restriction Re-enactment and Validation Bill 2002 which comes up for debate in the Senate on Tuesday.”

That is today. It continues:

Rent Restriction Bill
[SEN. THE HON. G. MOREAN-PHILLIP]

Tuesday, December 10, 2002

“No public consultation was sought on the Bill, said Mark.”

Misquoted again, I am sure.

“According to Mark, the Bill has been brought to Parliament every few years, but this time it contains a ‘catch’ located in Clause Three, which reads: ‘This Act shall continue in force until 23rd February, 2005, and may be continued in force for further periods of three years by affirmative resolution of Parliament.’

Taking the PNM to task, he said the Bill ‘removes constitutional protections afforded to landlords and tenants’. He condemned what he called, Prime Minister Patrick Manning’s need to ‘control’ and the government’s ‘cloak and dagger, and secrecy’.”

So this is what I meant when I said that I am sure that Sen. Mark must have been misquoted, because this clause is identical with the one he voted for in 2000. I do not know if he voted for it in 1996; I am not sure about that, so I would not accuse him. But if he was there, he voted for it, I am sure.

Sen. Mark: Yes, twice.

Sen. The Hon. G. Morean-Phillip: They did not leave it there, you know. There is a further report. This is the *Newsday* of Friday, December 06. Of course it would be saying the same thing. This time he is unmasking the beast of the PNM. He said at page 5:

“...this is just one example of PNM deceit and an infringement of the rights and freedoms of the people of Trinidad and Tobago.”

Now, nothing could be further from the truth and I know that the goodly Senator is an honourable man so he would not have said these things.

Let us get back to the Bill. The question here is: Why do we need the Rent Restriction Act? The Rent Restriction Act was enacted for a purpose, and that purpose was to protect those people who were in need of housing. That protection is there because of the fact that the country has not yet reached the stage where the demand for housing by the ordinary citizens of the country is yet met by the supply—the same little people that I am sure Sen. Mark wants to protect. Those very people have to be protected by the State, hence the need for this legislation. Because it was always the intention of the framers of this bit of legislation that at some point it would have expired, and this is why there has been the clause for its expiration. In other words, we will do away with it when we do not have the need

for it. But so far, we still have the need for it, so even though it was not re-enacted and revalidated in a timely fashion, we still have the need for it.

You do not want people getting up suddenly one morning and finding their personal belongings put at the side of the road by some landlord who feels he can get more rent from somebody else and he just decides to put that person out. That is what this is intended to protect. In fact the 1981 Act, that is the Dwelling Houses Act, 1981, went even further and made a blanket provision for those premises, the rental of which was \$1,000 and under per month, so that people have some protection.

We know what the housing situation is like and I am sure the Minister of Housing would be able to tell us more. But I am sure that we would all recall that earlier this year when this Government issued invitations to citizens to submit applications for low-cost housing, the response was overwhelming. An estimated 31,000 applications were received, and this represents a fraction of the number of persons who are in need of protection, of ensuring that there is a roof over their heads. So until the housing needs can be adequately satisfied, protection is needed for the more vulnerable members of our society, especially our women and children.

The Act goes on to define “tenant” to include:

- (b) the widow of a tenant who was residing with him at the time of his death, or, where a tenant leaves no widow or is a woman, such member of the tenant’s family as was residing with the tenant for not less than six months immediately before the death of the tenant...”

This is why I say protection for women and children.

So we are simply seeking to re-enact and revalidate what was there before. Nothing new has been put in, no sinister objective, as was misstated. So I would urge Senators on the other side to think only of their duty to act responsibly in this situation towards the small man and to support the passage of this Bill.

Government would be taking measures to obviate the need for the undertaking of this triennial ritual, but this can only be done after today’s exercise is completed.

Madam President, I beg to move.

Question proposed.

Sen. Sadiq Baksh: Madam President, listening to the distinguished Attorney

Rent Restriction Bill
[SEN. BAKSH]

Tuesday, December 10, 2002

General present a Bill to re-enact the Rent Restriction Act Chap. 59:50 and to validate things done thereunder, you would believe that it is an extremely simple matter. I really sat here and wondered whether the present administration did not recognize that this Bill, having cited that it had its root as far back as 1941, would have been, in fact, based on demand and supply and the situation that existed between World Wars I and II in terms of the shortage of housing in Trinidad and Tobago. So to cite the instances when it came to the Parliament as a very simple matter, is one that I do not understand, because we had substantial changes in 1981, and I would go on in my contribution to show how that took place.

We are here today to validate and re-enact a Bill that is unconstitutional and inconsistent with sections 4 and 5 of the Constitution. There are other concerns that must be addressed—in fact, I thought that we would have heard that this evening—before we can seriously debate this issue. Like every piece of legislation that the PNM brings, there is a lot of missing information, and like on previous occasions, we, too, on this side, would like to provide the critical support necessary for ensuring that the poorest of the poor really benefit from what the Rent Restriction Act was intended for, what the framers way back in 1941 intended it to be.

Who are those people we are trying to help? Where do they live? How many of them are there? Surely, if this matter really reconsidered the situation in 1981 when rents were frozen for all buildings that were let for less than \$1,000 that fell under the Act, we want to know how many, after over two decades, still remain? What about the number of landlords and investors in housing who have been punished for their attempts to alleviate the housing shortage in the country? What about that situation? What about the amount of lands being locked up under rent restriction? How many of them suffered, and will continue to suffer, at the hands of this present administration? How many people have been discouraged from getting into the housing business? Landlords, in fact, made up a fair amount of our population in the past. How many remained? They are a dying breed. How many people would we encourage in the private sector to provide low rental accommodation?

What about the tenants who, because the landlords did not find it feasible to improve those buildings since 1981 and before that, continue to live in substandard conditions? We have heard a number of horror stories of problems caused by tenants to landlords, and in some cases for tenants caused by landlords. Those are real situations in Trinidad and Tobago after all these years.

But the data is important. Who benefits where? How many and what are the benefits they enjoy under the Act? We cannot and should not debate this issue without the real numbers and the hard evidence. It cannot be a situation where business continues as usual. It was the duty of the Government, in bringing this Bill for ratification to this honourable Senate, to have brought the supporting data. Tell us why it is important. Give us the numbers, the figures, that will justify it.

Rent restriction came about because the PNM found that in 1981—It was an election year when those changes took place, and instead of trying to provide jobs and a supportive learning environment, that would help people to move up in the world, they decided to penalize those entrepreneurs who were renting property for less than \$1,000. They knew that their financiers and the big “shots” that supported their party, were not investing in low-cost housing; they were investing in Scarborough, Ontario, in Panama and in other places. They were, in fact, erecting buildings on industrial estates. Instead of uplifting their supporters, they pulled down the landlords that were trying to make some money out of low-cost housing in terms of investment.

There are also far-reaching consequences. The current administration would like us to believe that they are moving towards a 2020 vision, one that will, in fact, make Trinidad and Tobago a first world country. As I said before, we are supportive of that. But could you really support a move into that direction when you continue to restrict people and not allow citizens who need housing to be assisted?

I am very surprised to hear the Attorney General admitting that the demand for housing has still not been met. Those who do not know their history are condemned to repeat it. Let me give you an example of the events that my colleagues over there have forgotten. They have forgotten their own history.

In 1957, Dr. Williams announced a plan for 107,000 new houses by 1965, eight years away. That came from *Budget Speeches 1957—1981, Volume I*, page 67. He said, and I quote:

“Priority will be given to urban re-development schemes of the type associated with Caracas, involving large blocks of workers’ flats of colourful and distinctive architecture.”

That was delivered. The colour used to come from the garments hanging out to dry on the clothes lines.

In 1962, Arthur N.R. Robinson came along as the Minister of Finance and revealed in his first budget speech as Minister of Finance in 1962 that only 5,900

Rent Restriction Bill
[SEN. BAKSH]

Tuesday, December 10, 2002

houses were built between the period 1957 and 1962. That can be found at page 194 of *Budget speeches, Volume 1, 1957—1971*. Remember that Dr. Williams had promised 107,000 houses in eight years. If that dream was, in fact, realized then the demand for housing would not be there and rent restriction would not have been a necessity.

We continue to hear from the current administration: 10,000 houses annually. If that is the case, then I would have expected that in presenting this Bill, we would have heard that all the people who, in fact, fell under rent restriction, the Government would have taken 1,000 out of the 10,000 houses they plan to build between this year and next year and allocate it first to those people who now fall under rent restriction and thus free up the market and allow landlords to now improve their buildings and allow the tenants who rented all their lives—we know that the easiest way to remain poor is to continue renting. It is important that you do not keep people in rental accommodation all their lives. It is important, as part of the housing policy, to be able to ensure that citizens of Trinidad and Tobago get an opportunity to own a building, not just for owning a building sake, but to be used as collateral, to encourage savings.

That is not the method of the PNM. In fact, in 1981, as an election gimmick—part of its “freeco” for the 1981 election—the Rent Restriction Act came into being in a refined way. What it did was freeze rents for some people from then until now. What it seeks to do is to continue to provide those people with “freeco”. Do you know why? We saw why on television last night. That is why. Before the election the PNM gave “freeco” to all its supporters; those that promised to vote and those they expected to vote for them.

They used the National Housing Authority to provide free and easy money in return for votes. They were forced to admit that they paid everyone: ghost, douen and all those who were able to get their names on the list. They did not complain before the election about Jennifer Lopez and Janet Reno getting paid, but they ceased the payment after the election. Before the election it was all right. Before the election they were able to cash those cheques, but after the election: finish, “nada”, nothing, no more employment. Now the ghosts have become vampires. They are demanding their pound of flesh and pints of blood. That is the situation. [*Desk thumping*]

We saw women on television last night demanding Christmas money. They are entitled to that money. If they work, they must be paid. Whether some other people got on the list as ghosts, douens or otherwise, those that worked must be paid.

It is a simple situation of getting paid before the election in 1981, and I would show you later on in 1985, then again in 2001 and 2002. After that, “Crapaud smoke your pipe” until the next election. Nothing is “running” again. The “freeco” has stopped again. It is “freeco” for a while.

If this Bill before us was only about “freeco”, it would have been an easy matter to deal with. However, there are ramifications that go beyond merely providing a chosen few supporters of the PNM with low rents and depriving landlords of profits on their investments.

One of the concerns is that the boards are supposed to be established to deal with issues arising from the enforcement of the Act. We have evidence that some of these boards have acted irrationally. What we know for a fact is that they have acted illegally since February of this year. What we are being asked to do is to condone and validate this illegality without considering the irrationality of it. We do not know the events; we do not know of the matters. We have individual landlords and tenants coming to us and alleging certain things. I am not sure whether it is so. That is what we need to do.

Therefore, we are requesting, before we continue debate on this Bill, to see the records and the reports of these boards. We want to know who benefited and who did not; who were discriminated for and who were discriminated against. We want to know that the boards made decisions that were equitable and fair. Bring the reports for us to see what we are validating. I do not believe that we could just validate all these things.

I will say no more about the reports until we see them, but given the way that the PNM has been moving on this matter, I fear the worst. I am afraid of the ghosts, but I am even more afraid of the vampires and I feel that what we would find out is worse than entering the castle of Count Dracula. That is the position in which we have found ourselves.

We already saw some blood-chilling scenes last night on television and I know there is more to come. The PNM chickens are coming home to roost and there is still the big, bad fowl cock waiting for his payoff. That would be a different matter.

When we look at the housing situation in Trinidad and Tobago, we see that the shortfall continued, although recognized as far back as 1957. Throughout the entire period, from 1956 to 2002, no administration successfully dealt with the housing situation for the low and lower income brackets in Trinidad and Tobago.

Rent Restriction Bill
[SEN. BAKSH]

Tuesday, December 10, 2002

But that cannot be reason for not dealing with it now. It is a situation that we must come to terms with. In fact, you will recall that in the year 2001 we supported the then selected government's thrust in terms of \$1.00 down and 4,000 houses before September 2002, because we thought that it would happen. It just did not happen and I think that they are now realizing the gap between promising and delivering, as they will find out as they continue to promise 100,000. In fact, they are 7,000 less than the 107,000 promised before, but not delivered.

We do not expect the present administration to be able to deliver those houses. We do not expect them to be able to cater for the people now benefiting from rent restriction. We do not expect them to be able to free up the lands now occupied by tenants paying a small rental and not allowing landlords to improve those buildings so as to create employment opportunities and to be able to ensure that as we develop Trinidad and Tobago, we allow free enterprise to continue to be part of the landscape of Trinidad and Tobago.

In fact, there are 10 points about the relationship between Government and citizens of a country that were attributed to Abraham Lincoln, but which are the works of William Boetcker, and I quote for the benefit of this honourable Senate and for all those in the Government, to recognize that the only way you can bring about true development is to ensure that you take cognizance of these 10 points:

- “1. You cannot bring about prosperity by discouraging thrift.
2. You cannot strengthen the weak by weakening the strong.
3. You cannot help small men by tearing down big men.
4. You cannot help the poor by destroying the rich.
5. You cannot lift the wage-earner by pulling down the wage-payer.
6. You cannot keep out of trouble by spending more than your income.”

as they did last year and during the oil boom and they plan to do this year:

- “7. You cannot further the brotherhood of man by inciting class hatred and race hatred.”

as you are doing now.

- “8. You cannot establish sound security on borrowed money.”

as you are trying to do with the Royal Bank loan.

- “9. You cannot build character and courage by taking away people's initiative and independence.

10. You cannot help men permanently by doing for them what they could and should do for themselves.”

In other words, you cannot build a strong nation on “freeco.” You cannot get a 2020 vision on “freeco.” In fact, that is something that we must discourage. We must encourage our people to take note, to be able to look after themselves, to provide a learning environment, to assist them. In fact, instead of putting their hands out, they must put their hands up and pull themselves up in the society and assist us in developing Trinidad and Tobago.

I hope that the data is provided quickly so that if we have to ratify something that is unconstitutional and approve actions retroactively, we can justify it to the people of this country. While the PNM has no problem with defying, defeating and destroying the Constitution, as they demonstrated during the last election, we have real difficulties. It is only the plight of the people involved which led me to ask for the data to continue the debate. Were it not for them, we would have unhesitatingly voted against this Bill today.

2.30 p.m.

However, I am hopeful. One of the platforms for building new houses in the Ministry of Housing was, in fact, the Sugar Industry Labour Welfare Committee. I understand that even as we debate the continuation of the Rent Restriction Act—to profit people that benefited from that Act—the present administration is doing everything to discontinue the efforts of the Sugar Industry Labour Welfare Committee.

Madam President, the Sugar Industry Labour Welfare Committee is the most successful housing developer in Trinidad and Tobago. In fact, they established a revolving fund that assisted people in the sugar industry to build their own homes. It has been very successful over the years and the present administration appears now to be taking a different stance in terms of assisting them to assist themselves, and allowing people to build their own homes. Unfortunately, not all the people benefiting from rent restriction will be provided with housing by the present administration under their policy of housing.

During our term in office, the United National Congress, in its housing policy saw homeownership as an integral part of assisting citizens in Trinidad and Tobago to become self-sufficient. In our settlements policy we, in fact, enacted the Regularization of Squatters Act to recognize squatters’ rights, incrementally, to allow them to get title to their lands so that they would be able to raise capital,

Rent Restriction Bill
[SEN. BAKSH]

Tuesday, December 10, 2002

and so would be able to improve their own communities. We recognized the importance of going to the Inter-American Development Bank and getting funding from the international agencies to assist.

Madam President, you will recall one year ago the present administration rushed to sign a loan agreement for US \$32 million with the Inter-American Development Bank. At the time they said that they wanted to initiate the housing programme with urgency. Madam President, I want to tell you that the only urgency was, in fact, the urgency to pay standby fees because I would expect that they would be able to tell us, during this debate, that they did not draw down any of the funds over the last year. They signed the agreement over a year ago, paid standby fees, but did not drawdown any of the funds to assist any of the people in housing.

Madam President, I would expect the Members opposite [*Interruption*] I know the truth hurts. One year later there is nothing to show for it. [*Interruption*] That is the housing policy and I want the Members on the other side to tell us; they signed the agreement with the Inter-American Development Bank. You would recall the discussions we had when the President of the Bank came to Trinidad and so I want to know how much of the funds were drawn down? How many people who benefited from rent restriction, in fact, got their homes? How many of them got loans to improve their houses? How many squatters got regularized? Those are the issues for us to face if we are to develop Trinidad and Tobago. Those are the issues that we are interested in. Those are the issues that will help the poor. Those are the issues that will benefit the people of Trinidad and Tobago, and that is what we are about. We are about ensuring that the housing policy does not fall onto the same grounds like those in the previous administrations. The first settlements programme; the second settlements programme; the promises of 107,000 houses; in year 2001 and 2002 the promise of 10,000 houses; and 100,000 in 10 years; “freeco, freeco, freeco”, and nothing to show for it.

We would be looking forward here to see how the present administration go about improving the quality of life of the citizens of Trinidad and Tobago by providing housing opportunities. Do not come and look back for revalidation in three years’ time. If you are delivering 10,000 houses per year and you are going to tell us only 1,000 benefited, allocate the houses first to those who are now benefiting from rent restriction. Free up the economy; allow the free enterprise system to move on and develop Trinidad and Tobago.

I thank you very much.

Sen. Mary King: Madam President, the Rent Restriction Act was first passed in 1941. My copy of the original Act does not possess any preamble, which would have at least indicated the thinking behind this Act. The best we can do, therefore, is to impute from its various sections some policies and objectives on the part of the framers of the Bill.

Of course many of us here today were babies when the Act was first enacted so it would be hard for us to imagine the conditions that brought it about. I would like to look back and perhaps compare what was happening in the city of my birth as far as the low-cost housing situation was concerned, and we are looking at the 1960s, which is 20 years after the first Act was enacted here.

For many reasons the available housing stock was way below the quantity and quality of what was needed. Both private and public housing units held two and three generations of families, and in general they were very poor families who could not afford any incentives to the developers to maintain or even to build new private houses.

The politics there also was such that communities like mine were of little consequence to the colonial powers with respect to the provisions of public housing, hence one of the important tenets of the civil rights movement in the late 1960s and early 1970s in Northern Ireland was indeed, the provision of low-cost housing. Today the housing stock there is very impressive. Northern Ireland is still under a colonial power. We here are liberated and so we have fewer constraints in our development.

My investigations into the problem of Trinidad and Tobago that could have inspired the Rent Restriction Act, suggest also that the low-cost housing stock was in those days abysmal. I have seen and have been to the old barrack-yard housing like Mango Rose that surpasses in decadence what actually happened in Northern Ireland. Even though the occupants of Trinidad and Tobago do not have snow and winters to contend with, it is no excuse for lack of housing development.

With such a shortage of housing and with unscrupulous landlords, clearly something akin to the economic conditions normally associated with monopolies was in place here, yet there was no rent or encouragement to owners to maintain the properties or to build new houses, and these needs needed to be addressed.

Rent Restriction Bill
[SEN. KING]

Tuesday, December 10, 2002

The Act focused on the prevention of the exploitation of the tenant and with its subsidiary legislation, suggests that it was to be of limited duration. First it was up to 1987 and then to be extended if and when required. This re-enactment now before us means that some 60 years later we have not solved our public housing problem. The question therefore in my mind is whether the Act, in this form, as a control on the exploitation of the poor, is all that we need to put in place.

Though I cannot be definite about conditions that really led to the Act, its breadth is clearly specified in the original Act and in its amendments. And if we look through those several amendments we will find today that any building built after February 1954 is not rent controlled by this Act: that is any building less than, roughly 50 years old, is not rent controlled. Further, any building that was owner-occupied on February 11, 1969 is also uncontrolled. Again, any dwelling house which standard rent exceeded \$30 per month in February 1969 was also excluded.

Similarly all commercial buildings, which on the same date had a rent that exceeded \$50 per month, were also excluded. Since these rents were set by a board, and there were no subsidies to the tenants, one can only presume that they were competitive rents, as low as they were, and as low as they are now. Therefore the buildings that are still rent controlled today are almost 50 years old and even older, and have very small rents attached to them.

If we look at the economic rent of a one-room student flat in St. Augustine, that is today of the order of \$1,000 per month. Thus this Act is focused today on the poor and the almost destitute and encompasses old and cheap building stock and most likely badly maintained; if they are maintained at all. If we still need this Act then, it is an indictment on our past or past governments—all governments—in that they have not been able to provide the country with adequate public funded housing.

We do note that Minister Montano and his successor, Minister Martin Joseph, have promised that 100,000 houses will have to be built at the rate of 10,000 per year, if we are to house our people; hence there is a demand for housing. Also, the point was made that we have to encourage the private sector to move some of its resources out of high-rise gated communities into housing stock for the low and middle income families, and perhaps RBTT's new mutual fund for real estate developments—perhaps that could be pressed into service. The problem as we see it is that houses built by the private sector are normally not affordable to the poor and the low-income families.

My concern is that the Rent Restriction Act today, is a relic of the past. Even in those days gone by the framers appreciated that the life of the Act would be limited. Such an Act has little relevance in these days and would create absolutely no incentive to developers to expand the housing stock. I would like to put a question to the Minister as to how many families in Port of Spain and its environs actually, today, live in rent-controlled buildings. Would it not be a better and proactive approach to encourage the private sector to build these properties via some rent subsidy programme that allows both the developers to earn competitive returns while the tenants are challenged and charged affordable rents? Government-built either rented or sold houses are an attempt at this approach but today it has been done very inefficiently.

Is this idea not in keeping also with the new thrust to competition to reduce prices and therefore, by extension, to reduce rents? Is this not also in keeping with the idea of providing a universal housing obligation of subsidized rents; affordable rents, to those of us who are financially challenged and to those of us who are now starting out a new life?

Madam President, the economic ideals of liberalization, competition and privatization in the provision of public goods, universal service obligation that give affordable prices to those in need were not practical in the 1940s. But today they are practical and they are being forced upon us, and as a result the Rent Restriction Act, in its present form, is an anachronism.

In my humble opinion, the Act should only be re-enacted on the condition that within three years the Ministry of Housing restructures its housing policy and its objectives along the lines I have mentioned. The control of 50-year-old buildings do absolutely nothing to adequately maintain or expand our housing stock and, therefore, I would like to suggest an amendment to this Bill. I am suggesting an amendment:

“Clause 3(2) to read. ‘This Act shall continue in force until 23rd February, 2005’.”

Therefore I am asking for the deletion of further need for re-enactments of the Act.

I thank you, Madam President.

Sen. Wade Mark: Madam President, first of all, before making my limited contribution today, I was wondering whether my dear friend, Sen. The hon. Joan Yuille-Williams, was still acting as the Prime Minister. If she is, I want to congratulate my friend, Sen. The Hon. Joan Yuille-Williams. [*Desk thumping*]

Rent Restriction Bill
[SEN. MARK]

Tuesday, December 10, 2002

We have known each other for a long time and I want to congratulate her on her elevation. [Interruption] [Laughter] Maybe you are doing that, Sir? I do not have that responsibility.

Madam President, I would like to begin my contribution by placing this whole question of rent restriction into some kind of developmental framework. I want to look at it from the perspective of democratic governance and human development. I also want to look at this Bill from the perspective of where we have come from and where we are today. Even though the United National Congress, while we were in office, would have brought legislation to Parliament and have it re-enacted and validated, we need to revisit that approach. We did it. The PNM supported it. We are saying that we need to revisit what has gone on in the past. We cannot continue to take matters for granted.

Madam President, one of the first things I would have liked to bring to your attention, and to this honourable Senate's attention is, as I said, the whole issue of democratic governance. The UN Secretary General, Mr. Kofi Anann, once remarked that good governance is perhaps the single most important factor in eradicating poverty and promoting development.

I am quoting from the *Human Development Report 2002*, Chapter 2, page 51 of this particular report. What this report is attempting to do is to seek to place development and freedom together. We must not separate development from freedom and we should not separate development from proper governance, institutions and policies. This is why we were a bit surprised. An important piece of legislation such as this ought to have had the participation; the involvement, the consultation of the population.

The reason for the Rent Restriction Act has to do with housing shortage. The hon. Attorney General alluded to the fact that back in the 1920s, in the first world war and during the second world war, there was a severe housing shortage, and that was the rationale used by the colonialists in order to ensure that there was some equity in the system, so that poor and ordinary people could have shelter, even though limited, and even though, at times, substandard. However that was in the 1920s and in the 1940s, but now we are in the year 2002, heading towards 2003 and here in Trinidad and Tobago, we in this Parliament, are now being called upon to again re-enact and validate acts that were committed by the Rent Restriction Board that took place under the Rent Restriction Act, Chap. 59:50.

I am saying that we need to revisit and we have some reservations about the question of the affirmative resolution. I will explain why we have the reservation.

I agree with the hon. Attorney General that it was brought in 1996; it was brought back in 2000, but can we continue along that particular path? We are saying that there are constitutional safeguards that we need to always protect and advance. The Rent Restriction Act provides for the right to restrict rents of certain premises, and the right to recover possession of such premises.

This Act recognizes the rights of landlords and the rights of tenants. We are talking about property rights. We are talking about the liberty of contracts. The reason it abrogates or violates sections 4 and 5 of the Constitution of our Republic is because it violates property rights. Landlords have rights and the tenants have rights and therefore, Madam President, whatever we do, we cannot proceed as if it is business as usual. That is why the hon. Attorney General gave the impression, well this is really a matter that has been tri-annually addressed and we have re-enacted and validated it.

We need to look at this question somewhat deeper. We need to look at, for instance, what is happening. We cannot come here today and expect the Opposition to simply support a measure without getting the relevant information. We need information. We need data. We need to understand how many people in this country are, in fact, covered by this particular piece of legislation. How many tenants are affected? How many landlords are affected? Where are these houses located? In which geographical locations are they located?

I think Sen. Sadiq Baksh, my colleague, did make some valid points during his contribution, in terms of seeking to advance that we on this side need to get additional information, otherwise we are going to perpetuate inequity, and what we are about is building equality in our nation.

Whenever we talk about rent restriction we are talking about housing accommodation; we are talking about housing shortage; we are talking about Government's housing policy and we would expect Sen. Martin Joseph, the Minister of Housing, to rise at the appropriate time and to give to this honourable Senate some perspective—I know he did it some time ago in the budget debate but this is an issue on which we want the hon. Minister to say a few words so that we can get some perspective.

Madam President, I was looking at a case, I am not a lawyer, but a particular case study was brought to my attention. It took place in England some time ago—I think it was just about 2001—and it involves a very important issue. I want to bring for the benefit of this honourable Senate and for my honourable friend, Sen. Martin Joseph, the dangers of seeking to engage in a housing development

Rent Restriction Bill
[SEN. MARK]

Tuesday, December 10, 2002

programme that is designed to give to a political party an unfair electoral advantage. I want to indicate my point on this particular matter.

I believe what my honourable friend is attempting to do in the area of housing—We are all for housing. We are committed to housing the people of our Republic. We will support genuine housing efforts on the part of the PNM to house the people of this country. What we have a problem with is building safe constituencies on the basis of a housing policy that seeks to give to the ruling party an unfair electoral advantage; that is what we have some difficulty with, Madam President.

We really want to advise the hon. Minister to tread very carefully because there is a legal case in England where, for instance, leading officials of a particular city council in London have been surcharged. They have been charged for wilful misconduct in public office—[*Interruption*] and using public resources to gain an unfair electoral advantage. I want my colleagues to take note of that.

We feel that whenever we are seeking to re-enact and to validate this rent restriction matter it should be part of a larger plan to regulate housing, accommodation and rented accommodation. It should be part of an entire housing policy. I agree with Sen. Mary King that this rent restriction arrangement seems to be very outdated. If we were really a progressive nation and society from 1956 to 2002—\$60 billion in a period of 1973 to 1983, Madam President—we would have been in a position to house large sections of our population.

We did not have to come back here in the year 2002 to have re-enactment and validation of the Rent Restriction Act, Chap. 59:50, Madam President. As I said, we have this before us and we feel one of the things that the Attorney General should take on board is the whole question of codification of rental standards for tenants and landlords. We need, for instance, standards and I will tell you as we proceed in terms of what obtains.

My colleague made reference to it earlier, \$1,000 and under for unfurnished housing accommodation and I think it is \$1,500 and under for furnished accommodation. Madam President, we have to be real. Where can you secure in Trinidad and Tobago today, particularly along the East-West Corridor, accommodation for \$1,000 and under in terms of unfinished apartments? And where are you going to secure a furnish apartment for \$1,500 and under? I believe that the hon. Attorney General should be coming to this Parliament indicating to us that the Minister of Housing, both the former, my colleague, Sen. Danny Montano and my current colleague and friend Sen. The Hon. Martin Joseph,

would have done surveys and they would have been able to indicate to this honourable Senate that because of large stock or limited stock of housing accommodation, in the area of rentals, what is required is an upping of the ceiling. Rather than have somebody paying \$1,000 and under, you may need to go above, because the middle class in this country is being whittled away; that middle base that is necessary for stability and peace, growth and development is being whittled away. Therefore we need to take these matters on board. I would have thought, Madam President, that we would have been getting a proper account on this issue from the hon. Attorney General, but I await the intervention of the hon. Minister of Housing on this particular matter.

We believe that it is extremely important for us to look at this question of rent restriction on the basis of shortage. We feel that there should be no secret whatsoever in this matter. Madam President, already, as I said, the hon. Minister indicated that he intends to build over 10,000 houses every year. But you know there is the crisis of planning in this country. The crisis of planning that we have is simply this. The last national physical development plan for Trinidad and Tobago expired in 1984. I repeat: the last national physical development plan for Trinidad and Tobago expired in 1984. When we were there we attempted to promote and develop a national conceptual plan for Trinidad and Tobago under the hon. John Humphrey. I do not know to what extent the Minister of Housing or the Minister of Planning and Development could tell us where this national conceptual plan is. Does the Government plan to have another national physical development plan? This is important because we are talking about rent restriction, and we are talking about housing shortage, we are talking about a supply question.

Where are we going to allocate housing in the country? There has to be, for instance, some kind of delineation in terms of this issue. I feel that there is need for the Government to deal with this issue of a national physical development plan for this country. As the regime rush towards a strategy to 2007, we understand that there is a mad scramble, as we speak today in this honourable Senate, to locate lots of lands and to build houses in places like Barataria. I think the hon. Minister spoke about a revolutionary housing project in Barataria whilst he held that office.

Madam President, as we speak on this issue of rent, and we look at housing shortage, there is a mad scramble to look for land in Curepe, St. Augustine, Tunapuna, Oropune, among other areas. I understand UDeCOTT, under a chap called Calder Hart is promoting something called "Garden Apartments" as a

Rent Restriction Bill
[SEN. MARK]

Tuesday, December 10, 2002

concept where they are going to have a routine approach to housing development; regimentation like in Maloney and La Horquetta. Those are things we had hoped that the PNM would have learnt from in the past. We should build communities on the basis of aesthetics. Give people a chance to determine choices! I understand that there is a common-type style of apartment called “Garden Apartment” that is being promoted and designed by UDeCOTT and maybe the hon. Minister could let us know about these things.

We understand that as we speak, the Government is breaking the law. The Government is breaking the law! Madam President, it has been brought to our attention that there is a housing development with no approval from the Town and Country Planning Division. I dare the hon. Minister of Planning and Development to publicly deny it. He is not here but I challenge him to tell this country that right now on Green Street in Tunapuna 42 new houses are being constructed with only outline approval from the Town and Country Planning Division. They have not gotten formal approval but they are building houses, I understand, in places like Green Street. They are building over 149 houses, as we speak, in Champs Fleurs; that is to seize St. Joseph constituency in the year 2007. But Gerald Yetming will not allow you to take St. Joseph.

I understand also, Madam President, that they are building houses in Baratavia; in Oropune, Phase II, San Raphael and I can go on. The key point I am making is that these housing projects have not had formal final approval from the Town and Country Planning Division.

If we want to uphold the law in this country—the Government must uphold the law; the Government must not be breaking the law and that is what it is doing. I have researched this matter, and the Minister of Housing can tell us this afternoon if I am wrong. They are building houses in these communities without formal approval from the Town and Country Planning Division, and it is illegal! It is wrong! You should not be doing that! *[Interruption]* Yes, under your stewardship. It started under your predecessors but you have gone fully ahead with the illegality that was started by your colleague. *[Interruption]* I am saying, Madam President, that there is illegal construction of homes taking place in the East-West Corridor by the PNM Government that is supposed to be upholding the law but they are breaking the law. The Town and Country Planning Division has not granted the formal approval for home construction on Green Street in Tunapuna, El Dorado, Champs Fleurs, Baratavia, Oropune Phase II, San Raphael, just to mention a few.

Why are you all doing this? Do you want to call a snap election? Why are you moving with such haste? Breaking the law! [*Interruption*] Madam President, I want to say to you and to this honourable Senate, we have no difficulty in housing accommodation to the people of this country. We have no problem with that. We will support that because that is what we are committed to, as a party and as the alternative government in Trinidad and Tobago. But we believe that the Government should not be breaking the law.

The reason I indicated this to you is that when we talk about rent restriction, I keep reminding you that we are talking about housing shortage, and the Government has a responsibility to provide homes for the people. But you know what is taking place, Madam President, today in the Town and Country Planning Division—that is supposed to be the engine room for the so-called 20/20 vision of the regime. But you know in terms of development planning, the town planners, Madam President—do you know how many town planners there are right now in the Town and Country Planning Division? I understand less than three. There are only three persons as town planners and that is why they can break the law. They are moving ahead to build housing estates to house their supporters without Town and Country Planning approval, and I dare the Minister of Housing to deny that reality! That is what they are doing!

Madam President, if you really want to conduct proper development planning, from the perspective of Town and Country Planning Division, we need an average, as I understand it, of about 50 town planners. As I said, I understand there are only about three. What is the Government doing about it? Why are they not employing more town planners so that, for instance, we can go about our business legally? It is not being done legally, Madam President, and we have a very great difficulty with that.

Madam President, could you imagine that the Government has engaged private developers in order to build these housing estates and they are going about illegally—without formal Town and Country Planning Division approval—building homes, taking money from the poor; because you have to pay down sums of money for these homes? I believe that Dr. Keith Rowley, the Minister of Planning and Development, is a man who will not break the law. He will uphold the law because the Government is not immune from the laws of this country. They must be the upholders of the law and if they are breaking the law—for instance, if Dr. Keith Rowley and the Town and Country Planning Division say to all these housing developers: “You see what you are doing here, it is illegal”—

Rent Restriction Bill
[SEN. MARK]

Tuesday, December 10, 2002

what is going to happen to the moneys that the poor have invested in order to acquire a house in those housing estates? It is very unfair.

Madam President, we believe that—for instance, the Government talks about corruption, but the Government is promoting political corruption. The private sector is working in cahoots with the Government to break the law. When we talk about corruption, we are not talking about corruption among politicians. We must make a distinction here because there is an equal level of corruption and collaboration within the private sector and there is collaboration and cooperation between the State and the private sector in this particular regard. We only have to read the newspapers today to see the kind of corruption that is alleged to be taking place at the level of the Stock Exchange; the insider trading that is taking place.

Madam President, I feel, for instance, that the Government of this country is the biggest lawbreaker at this time and they must stop it. You have the country uneasy, you know? The PNM has the country uneasy today. Rumbblings have begun to take place! I, like Sen. Sadiq Baksh, witnessed the anger, the frustration, the vengeance, the hurt by these ordinary women. Hon. Acting Prime Minister, I want to tell you that these women were angry because they felt they were used by the PNM. They were abused by the PNM! A lady said she was so tired; she waved PNM flag so much and they promised that lady 12—14 fortnights, back-to-back, that would have taken her right into February or March and as soon as they stole the elections, they backed off. [*Laughter*] I want to say for the record, that I represented workers for a number of years in my lifetime as a trade unionist and if workers are wrong, we would tell them that they are wrong. If they are dishonest, we would deal with them. I do not blame the workers for the mismanagement and misconduct that take place in a number of enterprises or institutions.

You cannot tell me that the former Minister of Housing, my dear friend, Sen. Danny Montano, could just simply wipe and say he is not responsible for what has taken place in the NHA Refurbishment Programme because he was campaigning while that was taking place. That is what he told the country, that he is not responsible! So who is responsible, Madam President? You had a programme that, I understand—and he can tell me if I am wrong—started off at some \$45 million and it has ended at \$75 million, and it is continuing to grow? Why? And not a head has rolled? Nobody has taken the responsible but poor working women are crying out for their payment! Pay the people their moneys! If you do not pay them, the UNC is going to organize those people to come at you, you know, because if people work, they must get paid! If you have ghosts or as we say “soucouyant”, whatever you have, you have to get at the bottom of that,

take responsibility and account for it! Why are you allowing ordinary working people to suffer? They are threatening to burn down the country? *[Interruption]* I am talking about housing refurbishment, and this is rent restriction. This is what we are attacking here.

Madam President, I feel that when we are building communities—and I want to advise the hon. Minister of Housing—do not approach it in a regimented kind of way. Let us deal with communities that will have all the accommodation. Do not approach your policy recklessly merely to gain votes; merely to fool people. As you make your bed so shall you lie: if you mamaguy people they will come back with a vengeance at you. Do not fool the people! Do not “pappy-show” the people! Do not mamaguy the people! Be truthful to the people! The PNM has not been truthful to the people, Madam President!

I want to go to the assessment boards because this issue of the Board—I remember the hon. Acting Prime Minister when she was on this side, she made a plea for the tenants of this country and she was correct at the time. If we, on this side, appointed persons who we understand from the tenants are landowners and landlords, the PNM is in Government since January—*[Interruption]* Deal with that issue because there is a conflict of interest there! The tenants are going before the assessment boards and these tenants—I understand from some land tenants yesterday that there are over 6,000 to 8,000 land tenants, maybe about half of them are pensioners, who have had—and I want the hon. Attorney General to listen to this very carefully. I understand that almost 6,000 to 7,000 tenants, most of whom are pensioners, have been forced by the assessment boards to pay new land rates in terms of rents; they have gone from, I think, \$19, in some instances, to \$400; they have gone from \$19 a year to some \$600. And do you know what is important, it happened after the life expired—

Sen. D. Montano: *[Inaudible]* and they raised the rents on their own land.

Sen. W. Mark: That is why I want you to correct it now. I want you to correct it now; that is why I am on my feet! I am saying that our information is that from February 23 to June 2002, these boards were sitting illegally, and they were imposing hefty rates on poor tenants. *[Interruption]* If the tenants are right, they have indicated in a note I have here that they approached hon. Danny Montano in the month of June of this year and they asked him to disband the boards because they were meeting illegally. From my records they said that the Minister disbanded the boards. And I could give you a copy of a letter written by the land tenants. *[Interruption]* No, well from February to June 2002, they were meeting illegally and taking decisions. The tenants protested and they approached the hon.

Rent Restriction Bill
[SEN. MARK]

Tuesday, December 10, 2002

Minister of Housing, at that time, and he responded positively by disbanding the assessment boards; not allowing them to continue to sit and make decisions.

We want to know what we are validating. Do not come and tell us in this Parliament to validate all acts that were done under this Rent Restriction Act, including illegal decisions taken by the assessment boards; whether we appoint them or you appoint them, the reality is that they were acting illegally between February 23 to June 2002 or to the present time. If during that period these boards took it upon themselves to impose rates of over 5,000 per cent on ordinary, poor land tenants, we, on this side, cannot support that. [*Desk thumping*] We will not support validating illegal acts that were taken by these assessment boards after February 23. We will deal with before February 23, not after. We are not in support of that! We think that it is unlawful! We think it is illegal and we feel that the Government should revisit that!

In fact, we want to support the amendment of Sen. Mary King because we were coming with a similar amendment. We do not support that wide sweep you have here; keep this thing in place until 2005. And if you are coming with affirmative resolution—and Madam President, let me give you the trick in this thing. When I spoke about “cloak and dagger” and the whole question of secrecy, I want to explain what I meant. [*Interruption*] Madam President, even if it came under us, I would admit that in 1996, based on what the hon. Attorney General said, and also in 2000, Act No. 40 it was there, but it is only dead men who do not change their minds. [*Interruption*] It is only dead men who do not change their minds. I am saying that if we did something, and it was wrong, we are not going to validate it now.

Why I say so is this: let us assume we are dealing with property rights and we are dealing with the liberty of contracts, Madam President, listen carefully to what I have to say on this matter. Let us assume that we had Parliament in session and it was the intervention of the Divine Almighty that did not permit us to have the Parliament for all those months—you know had we had Parliament during the month of February, and the PNM Government—that was imposed illegally on this nation on December 24, 2001—had come with a simple affirmative resolution, Madam President. Do you know what it would have meant? Listen to simply what it would have meant. The PNM would not have required in February or January of 2002—if they had brought this matter before the Parliament—the three-fifths majority. There is where we have a difficulty because an affirmative— [*Interruption*] Listen, we are democrats here you know, and if we were in power the country would have been running better! You know that! Since you all have

been there, you know what has been going on here? I do not want to burden Madam President with this matter. What I am simply saying is that we think this is going to be a dangerous precedent to set and therefore ask the Government to delete—we want an amendment to this legislation and, like Sen. Mary King: “This Act shall continue in force until February 23, 2005.” This section which says: “And may be continued in force for further periods of three years by affirmative resolution of Parliament”, we want that to be deleted.

In addition, we have grave difficulty with clause 4 of this particular Bill today. We would like to get from the hon. Attorney General, what were these acts and things done or purported to be done in the exercise of powers conferred under the Act. You want us to deem these things to be lawful and validly done, notwithstanding the fact that the Act ceased to have effect on February 24. We would like the hon. Attorney General to give us a list; give us the data. Let us hear about those decisions that were taken by these illegally run assessment boards. Let us see how these things have impacted on landlords and tenants. It is only when we have that data before us that we, as parliamentarians—we have sought to uphold the law and the Constitution of our country. We want to be fair and equitable. We want the rights of landlords to be sustained and promoted. We want the rights of the tenants to be sustained and promoted because we are about equality, justice and fair play! But how can we undertake that responsibility if the hon. Attorney General has failed to provide this honourable Senate with the necessary data, information and facts? We are not zombies or robots. We are not just going to be blindfolded to just rubber stamp something. We want facts on these matters and hope that the hon. Attorney General would be able to provide us with the facts on these matters.

I also want to indicate as well a point that was made by the Acting Prime Minister, then opposition Senator—*[Interruption]* I always do my research—*[Interruption]* Well you should know because you went to bed with him. Madam President, let me say that there is an issue of education, and I want to agree with the hon. Acting Prime Minister when she said in her contribution back then, that the issue of education is very important. You see educating the landlords and the tenants is very, very important.

Madam President, you know the issue of registration; do you know how many tenants know that they have up to three months to be registered in order to ensure some form of protection under the Rent Restriction Act? How many people know this? So we need to embark on a programme of education so that the tenants and the landlords would know their rights. I want to support the hon. Acting Prime

Rent Restriction Bill
[SEN. MARK]

Tuesday, December 10, 2002

Minister when she made that statement; this is a good opportunity. You are now in the driver's seat, so to speak, and therefore we say educate the tenants; let them know of their rights. And we feel that we must not leave our tenants at the mercy of our landlords. They need to be educated and we feel that the Government has a duty to do so.

I would like the hon. Attorney General to give consideration to the following: Instead of the registration period being a mere three months, could we not look, whilst we have this Act on the statute books of this country, to give them, at least, a year. Three months in terms of educating these tenants in terms of having them registered, in order to ensure protection, limited as it may be, under the Rent Restriction Act, is limited.

Madam 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. S. Baksh*]

Question put and agreed to.

3.30 p.m.

Sen. W. Mark: Thank you very much, Madam President and my hon. colleagues. I would like to indicate that the Government has a duty to embark on a programme of education. I also submit that the Government should look at amending the Act—instead of allowing the tenants a mere period of three months to register to ensure some form of protection, it should be extended to at least one year.

I also believe that the boards need to operate much more efficiently. I have been getting negative complaints about how the boards operate and it is not very positive news to landlord and tenants. We need to ensure greater levels of efficiency in the operation of these boards while they exist.

We would like to have these boards abolished. We would like the Rent Restriction Act to be abolished. We would like to have, in our country, housing for all of the people. We are committed to that. We want our population to be housed and provided with decent health care. My heart goes out to the father of young Ryan Hosein, who tragically died under very unfortunate circumstances last Thursday, and to all the children of our nation who are perishing for one reason or the other. My party is very grieved by what is taking place in the country. That is why we feel the PNM should spend a little more time trying to develop a more bipartisan approach to development in this country.

This winner-take-all syndrome is not working well. That is why we are committed to an overall approach to development and that is why we shall be promoting, very vigorously over the next few months, major, comprehensive and far-reaching constitution reform in the Republic of Trinidad and Tobago.

I warn the Government that we are not going to give blind support to this measure. We are advising of certain amendments we would like to see in this piece of legislation. We are also advising the Government that we need to have some facts and data on clause 4 of this Bill or we will not support that particular clause in terms of validating illegal acts conducted by these assessment boards. We want to know what they did and the impact. Until we are satisfied on these matters, we reserve our position on supporting this measure. We would like the hon. Attorney General to provide the Opposition—we do not believe in assurances and promises—with the facts and figures and we will make a proper judgment call as to where we go in terms of support. If they do not provide us with the data, we will not give blind support to the measures now before this honourable Senate. We will give support to the amendment proposed by Sen. Mary King because we feel that that will deal with some of the issues that we have on the Table.

Madam President, I thank you for giving me the opportunity to intervene. Although I did not want to be that long, I wanted to make my contribution on this very important matter.

I thank you.

The Minister of Housing (Sen. The Hon. Martin Joseph): Madam President, I am pleased to participate in this debate on the Bill to re-enact the Rent Restriction Act, Chap. 59:50, and to validate things done thereunder.

Permit me, in participating in this debate, to remind Senators on the Lower Benches of their position as it relates to the validating of this Bill. I think the Attorney General, in moving this Bill, indicated the circumstances under which this debate is taking place in this honourable Senate. Both Sen. Baksh and Sen. Mark asked for supporting data. They needed to know the state of rental accommodation and when we would be able to say that we do not need the Rent Restriction Act anymore. I think it is important for the Members of this Senate to know that when the then Attorney General, Mr. Ramesh Lawrence Maharaj, moved this Bill on Tuesday, June 06, 2000, he brought no supporting information of any kind. All he indicated were the circumstances under which it was necessary

Rent Restriction Bill
[SEN. THE HON. M. JOSEPH]

Tuesday, December 10, 2002

for the validation to take place. Suddenly, when one crosses from this side to the other side, there is almost a quantum change in not just thinking, but also in terms of requirement.

They are asking for information that is vital in order to support this Bill, but that information was not provided in 1996 and such information was not requested in 2000. As the Attorney General reminded, Sen. Mark was the first person to support. There must be some consistency in terms of what we debate and how [*Inaudible*]. Let me just make that first point.

The second point I want to make is to allay the fears of my Senator colleagues. I do not know if it was the intention of his administration to use housing as a political strategy, but that is not our intention, so he is seeing shadows all over. The contradictions are amazing. Here he is saying that we ought not to be having a rent restriction bill because there ought to be sufficient rental accommodation, so that this is not required. The Government, recognizing the serious housing shortage, undertakes a commitment of the minimum requirement of 10,000 houses per year to deal with the shortfall—the 10,000 houses will not be built by the Government alone.

When I made my contribution in the budget debate, I articulated clearly the Government's policy with respect to housing and the context in which the policy was being formulated. It is not Martin Joseph's policy. It is the Government's policy and it is in recognition of what exists now. In order for us to meet the shortfall, this is what must take place. We said we would not play politics with housing because the situation is too critical, and the Government is committed.

Let me address something else which is important. We need another rent restriction bill because it was the policy of the UNC not to provide rental accommodation. Sen. Baksh said so just now. He said the easiest way to remain poor is to keep people in rental accommodation. I know it will not be in my lifetime that Trinidad and Tobago will reach a point where rental accommodation would not be required. What the UNC administration did was bring their philosophy to bear. They do not believe in rental; they believe in regularization and building and all that did was to make the problem more chronic. Over the last six years, not a single rental accommodation was built. I support Sen. Mary King. Government must have a policy to provide subsidized housing. We have to because there are segments of the population that will not be able to own their home or mortgage.

To say that if a person rents, he will be in poverty, I do not support that at all. It is because of that this PNM administration has taken a policy decision that says our approach will be multifaceted. We will be building rental accommodation. We are going to be encouraging the private sector to engage themselves in the building of houses.

I think it is important for this Senate to recognize, on the question of the provision of rental accommodation, that the UNC did not build a single house during its period 1996 to 2001. As far as building for rental accommodation, there was none whatsoever. Even the ones they met that were designed to take care of certain needs—I like to recall the issue of the John John Towers which were erected as a result of a disaster. The PNM built that “high rise” structure because of the geography, in order to capitalize on the number of units that could have been constructed there. Do you know what the then Minister of Housing said? The units were too good for the poor people. At the end of day, they were not even provided as rental accommodation, but mortgage accommodation. It was the same with Almond Drive. So, the UNC administration had a policy position that said rental accommodation was not going to be provided. In those circumstances, certain segments of the population could not expect to get rental accommodation.

The other matter was the upgrading of existing rental units. They were left to deteriorate. We were discussing earlier the same question of the low rent so that upkeep is in question but, because of their particular policy they decided not to upgrade any of the 6,000 rental units that exist in Trinidad and Tobago. It became necessary for a refurbishing programme to be undertaken. When he talks about the programme starting at 42 and going to 75 and criminal misconduct, it is because of the extent of the repairs that needed to take place.

Madam President, spending \$7 million in upgrading the conditions of people living in Trinidad and Tobago is money better spent. Only yesterday, I was hearing allegations of some \$111 million in overpayment on the airport project. All the social programmes or any programmes this Government embarks on to upgrade the lives of the citizens of Trinidad and Tobago will pale in the face of the extent of the corruption associated with the airport project.

The two goodly Senators are asking about Government’s policy on housing. We recognize that there is a serious housing shortage. The only thing correct that Sen. Baksh said in his contribution is that it has challenged all governments. If they look at the record—and we are not boasting—the PNM has the best record as it relates to housing in Trinidad and Tobago. It is in that spirit that we, the PNM administration, recognizing the urgent and chronic need for housing, has indicated that there is a lot we need to do to ease the chronic shortage.

Rent Restriction Bill
[SEN. THE HON. M. JOSEPH]

Tuesday, December 10, 2002

The Government of Trinidad and Tobago will not be doing all the building itself. It will be accommodating and ensuring that various builders are involved in the construction of houses, so that we will treat with the shortage. I am not a lawyer or the Attorney General, but Sen. King's amendment, up to 2005, assumes that we will really be able, in three years' time, to break the backlog where we do not need any rent restriction. I am not so sure about that in light of the current situation. This is one area where the proof of the pudding will be in the eating. It is one area where, at the end of day, we will be able to determine the extent to which the Government will meet its mandate with respect to the construction of housing. It is one area where the performance of the Government is easily measurable. It is a tremendous challenge which requires us to look at how we are organized, to look at all the various entities involved in housing construction and how they are mobilized, to make sure we are able to deliver as promised.

I give you, Madam President, and by extension this honourable Senate and the population, the assurance that the Government is committed to meeting its objective. We will do everything humanly possible to ensure that we deliver on housing.

Sen. Mark, I do not know what to say with respect to your phobia—that is the only way I can characterize it—as it relates to using housing as a political tool. Let me tell you that this administration is satisfied that as long as we recognize the needs of the citizens and do everything humanly possible to satisfy those needs, that people will continue to elect us to manage the affairs of this country for a long time in the future. We do not have to do any house padding to accomplish that.

With these brief remarks, this is the position as it relates to this Government's housing policy.

Thank you very much.

The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Danny Montano): Madam President, there is not much left for me to say after listening to my colleague, but I think it is important to answer one or two of the things that have been said on the other side. Having had a short stint in the Ministry of Housing, I have some knowledge of the subject matter.

One of the things I want to point out is that perhaps one of most absurd and idiotic statements I have heard in this Senate in my seven years of being a Senator was when I heard Sen. Baksh say that the Government should allocate houses first to the renters of rent-controlled houses as opposed to giving them to anybody else.

[*Interruption*] Yes, that is what he said. Clearly there is a complete misunderstanding, a complete lack of knowledge as to what the demands—

Sen. Baksh: On a point of order, Madam President, the Senator is misquoting me in that I said that the Government's stated intention is to—

Madam President: What is the point of order?

Sen. Baksh: Madam President, 35(10).

Madam President: Hon. Senator, there is no 35(10). Would the hon. Senator please continue?

Sen. The Hon. D. Montano: He does not know what he is talking about now and he did not know what he was talking about then.

There is such a critical backlog of demand in the country. Let me just explain a little here. When I got into the Ministry of Housing in January of this year, there were 23,000 applications for land. When we launched the programme—

Sen. Baksh: On a point of order, 34(a).

Madam President: Standing Order 34(a) does not mention anything about misquoting. Are we reading from two different books? Hon. Gentlemen, we are wasting time. I will ask the hon. Senator to continue.

Sen. The Hon. D. Montano: There is a tremendous backlog in the demand for housing. It would be very difficult for any administration to meet the backlog of demand in a very short time. When we launched the housing programme in June of this year, we received 31,000 applications for housing and every month thereafter we received several thousands more. I do not know the total at the end of September, but it must have been close to 40,000 applications.

Sen. R. Montano: Madam President, if I could just interrupt my brother for a moment, do I understand your ruling because I am having difficulty—[*Words Expunged*]

Madam President: Senator!

Sen. R. Montano: I want to ask Madam President—

Madam President: Senator!

Sen. R. Montano: Yes.

Madam President: I would ask you to be very careful with your language.

Sen. R. Montano: Yes, Ma'am.

Madam President: Are you on a point of order?

Sen. R. Montano: Yes, Madam. With great respect, what I understood my colleague on this side to be saying was that his point of order was that he was being misquoted. For future reference, is it that if a Senator is misquoted it is not a point of order?

Madam President: Sen. Montano, I was asking the Senator to point out the standing order to me and he has not yet done so.

Continue, Sen. Danny Montano.

Sen. The Hon. D. Montano: Thank you very much, Madam President.

We have to consider the allocation of state resources. Much was made of the issue of producing 10,000 houses a year. It talks to the point that Sen. King has raised in terms of the possible removal of this clause so that at the end of three years we would have to debate the Bill again. The reality is that the backlog cannot be dealt with in three years. It is too large.

When you look at how the resources are being allocated and you consider the priorities of the different administrations, much weather was made in terms of the different approaches. You have one administration that chooses to spend \$1.6 billion on an airport and virtually nothing on housing. The housing policy of the last administration surrounded the allocation of raw land.

Much was made of the issue of house padding—that we were building houses in the constituencies that we wanted houses built in—but the reality is that before the year 2000, the UNC moved people all over the countryside and put them as squatters in the constituencies in which they wanted them. Then, in 1998, they passed a law, the State Land (Regularization of Tenure) Act, which then commanded the squatters they had encouraged to stay right there and no government could then move them.

If that is not a completely inappropriate action on the part of a government, I do not know what is. Yet, we were being accused of it. We published the information in the papers as to where we were building houses and it was not rocket science, it was real simple. It was simply a question of where there was demand and where there was the availability of land. That is all there is to it. We build the houses where there is demand and where the land is available. If one does anything else, one puts a lot of stress on the infrastructure—the road systems and school systems—and then there will be unplanned urban development.

That is the policy of the UNC. Their housing policy was designed by an architect whose only qualification that I know of comes from the St. Ann's Hospital. That surrounded the Sou Sou Lands concept where they were parceling out undeveloped land and almost all of those applicants came to my doorstep to ask me to help them because they could not borrow money even though they had bought and paid for the lands. They could not raise the money to build their houses because the infrastructure was not up to national standard and all the projects had failed. The government project at Harmony Hall had failed as a result of the same thing.

I do not know what nonsense they are talking about. Sen. Mark talked about the Land Tenants Association. They came to see me in January or February of this year. Almost immediately the responsibility for that was moved to the Attorney General's office. I wrote to the various authorities to make sure that the board was a new board. What had happened was that the UNC administration installed a board on the Land Tenants and Ratepayers' Association that comprised of landowners and the landowners raised the rents on the tenant because they were on the board. That is what the UNC did. Nothing of the kind happened in the year 2002. It happened under the UNC, so what Sen. Mark is making noise about now is something they created.

Madam President, the logic totally escapes me. This is a very simple piece of legislation. It is designed to protect those vulnerable in the society and whether Sen. Baksh likes it or not, we will always have those who are vulnerable in this society. However advanced we may become, we will always have those who are vulnerable and we must look after them. We can try to do our best to build houses, but I will give you a little indication as to the short-sightedness of the UNC policies.

I mentioned earlier, the State Land (Regularization of Tenure) Act, which regularized squatters on State land. This is what they did, but the problem was that it said that anyone who was squatting as at January 01, 1998 could apply and could be regularized and would have the opportunity to purchase the land on which they were squatting. The other side of that is that anyone who squatted after January 01, 1998 would have to move off the lands. In other words, the UNC could do it to us, but we could not do it to them.

The impact was, by failing to supply an adequate number of houses—and the demand for houses is approximately 8,900 each and every year—where do the people go? Those who are desperate have no alternative but to squat. What happens then? You have this legislation by the so-called architect, but we have

Rent Restriction Bill
[SEN. THE HON. D. MONTANO]

Tuesday, December 10, 2002

no solution to the housing problem, no solution whatever. If we do not deal with that, how then are we possibly going to meet the supply of housing to correct the problem that this piece of legislation is trying to fix? We have to build the houses and until we supply the houses in sufficient numbers and at prices affordable for the likes of the occupants we are talking about here, then there is no alternative to a responsible Government, but to continue this piece of legislation. So everything that has been said here is absolute nonsense because it does not deal with the reality of the situation. It is as simple as that.

I was shocked when I got into the Ministry of Housing to find the state it was in. Sen. Baksh was there. I found applications for housing stuffed in draws and cabinets all over the place, randomly—nobody dealing with anything at all. There were letters going out saying we are building 3,000 houses and no plans anywhere for any houses to be built.

People used to come to see me every Friday, begging me for housing and they would show me the condition under which they lived. I have seen a grown man in his fifties come in front of me and others and break down in tears because he is living in a household that is 550 square feet with 17 other persons. His young daughters, who are teens, have to dress and undress in front of everybody.

That is a reality of the housing shortage. What was their solution? What is their solution now? To rant and rave about this piece of legislation that is designed to protect those who are weak and vulnerable? I say, Shame! Shame on them! They have no business being here at all, and particularly when that Senator refuses to answer a legitimate enquiry at the airport and comes here and talks about housing. He has no right to be here at all.

I have said enough. I have made the point simply and clearly.

Sen. Mark: Madam President, on a point of order. Standing Order 35(5) states:

“No Senator shall impute improper motives to any Member of either Chamber.”

This is what he was alleging.

Madam President: Hon. Senator, if you were imputing improper motives, please cease to do so.

Sen. The Hon. D. Montano: I thank you very much. I was merely saying he should go where he was called, unless he is trying to hide something. I am not

trying to impute anything to him at all. I do not know if he is trying to hide something.

I have reached the end of my very brief interjection, here. I ask Independent Senators to rethink their position. It will take a while to be able to build up the momentum to meet the backlog of the demand. It simply cannot be done. In the Ministry of Housing, we are engaging the private sector at a level that has never been done before. The revolution that I spoke about was not a revolution in Barataria, it is a revolution in the countryside, generated by the People's National Movement, not the UNC. It is a revolution in housing and housing finance and it will take a while. It takes a long time to find the land, to find out who owns it, to then do the planning, the surveying, the architecture, the construction and then the delivery of housing. It will take years and it cannot be done in three years. There are 25,000 squatters on State lands and on private lands. The Ministry is holding close to 40,000 applications. We have to deal with all of that. It just cannot be done in three years. It would be nice, but it just cannot be done.

With those few words, I implore the Independent Senators to rethink their position and I thank you.

Sen. Dr. Eastlyn Mc Kenzie: Madam President, I am not standing to make a contribution but to express my disappointment over the phrase by my very good friend, Sen. Robin Montano. I do not like his phrase—[*Words Expunged*] I know that you dealt with it, but I would further request that you ask that it be taken out of the record. I know that the Senator, when he gets upset about anything, tends to be very expressive, but I feel, under Standing Order 35(4), that he was a bit out of order and his phrase offensive and insulting to some of us.

I think that we have a very nice atmosphere going at times—sometimes people do get carried away and they laugh and crosstalk, but at times we have to exercise a measure of control. Although you dealt with it and the Senator has complied very nicely and calmly, I would like to ask that the phrase be taken out of the records.

Madam President: I agree with that. I will not tolerate that kind of language in the Senate and I instruct that that be taken out of the records and from the media. Ladies and gentlemen of the media, please note.

Sen. Prof. Kenneth Ramchand: Thank you, Madam President. I notice that our hon. Prime Minister is taking pictures with President Fidel Castro and so, I will go brave.

Rent Restriction Bill
[SEN. PROF. RAMCHAND]

Tuesday, December 10, 2002

The Rent Restriction Act reminds us that a small number of people own enough land and property to be able to rent out, while a considerable number have no property or land and, therefore, have to become tenants. The Act is testimony, if any were needed, that ours is still a society in which considerable inequity exists; still a society in which, after more than 40 years of independence, government policies relating to the distribution of housing and land simply has not been able to keep up with human and social needs.

I hope that Government intends to get basic problems solved in the short term and that they are working to create a situation in which certain concerns covered by this Act will no longer exist. The most honourable reading of the Act is that it exists to mediate between the interests of owners/investors on the one hand and the necessities of those who are not lucky or enterprising enough to be in the privileged order of owners or investors.

We have wasted a lot of time and I hope I will be forgiven for trying to drive home the point about the difference between the dispossessed and the investors by looking at one or two illustrations from Caribbean literature. I refer to a famous novel about a man who waged a campaign throughout his life to escape living in slum-like conditions, in a room in an over-crowded house owned by his in-laws and to achieve a place of his own.

This is how he sums up his own case at the end of his life. He has been considering all the objects that have been part of his life in this world and then he thinks of the house, which he just manages to acquire at the end of his life—a house that cost him twice the price he should have paid. He thinks to himself “bigger than everything was the house”.

Madam President: What are you reading from?

Sen. Prof. K. Ramchand: I was just being dramatic. I was going to tell you in the end. It comes from a novel called *A House for Mr. Biswas*.

“But bigger than them all was the house, his house.

How terrible it would have been at this time, to be without it: to have died among the Tulsis, amid the squalor of that large, disintegrating and indifferent family; to have left Shama and the children among them, in one room; worse, to have lived without even attempting to lay claim to one's portion of the earth; to have lived and died as one had been born, unnecessary and unaccommodated.”

Madam President, that is from the point of view of the dispossessed. You will

forgive me if I now, very briefly, say something about the so-called enterprising.

It is a very, very hard world and it is the same author who tells us that we cannot really pin down an author to be on this side or that side. Authors respond to situations. It is an opening sentence in a novel called *A Bend in the River* where the character, not necessarily the author, says:

“The world is what it is; men who are nothing, who allow themselves to become nothing, have no place in it.”

So, those who are very enterprising and who own land tend to blame those who do not own land by saying that the world is there and you would get land too, if you are enterprising. It is bad enough that this is a shark eat shark world, but woe betide you if you are a little sardine. I think the Rent Restriction Act intends to try to protect the sardines.

Like every other bill that comes to Parliament, this Bill must be coloured by the widely accepted need to create a just society with equal opportunity for all and a caring society that makes sure that every citizen is adequately provided with housing, health care, water, electricity and safety from brigands and criminals.

I try, in most of my contributions, to think about fundamentals. We have to try to work out why certain laws come into existence, whom they protect and serve, who suffers as a consequence of them and who benefits materially from them. Some of what I have to say about the present Bill is informed by such considerations.

This is not a popular approach since in most instances we are too far gone as a society to want to make fundamental changes in the structures that regulate and determine our behaviour, especially patterns of economic behaviour and attitudes of material gain. Sometimes, I despair. It looks as if it is too late to change human nature. We congratulate ourselves on being willing to give Christmas hampers to the poor once a year instead of committing ourselves to making an effort every year all year round to reduce the numbers of the poor and to cut off the supply of poor people.

I wish the Rent Restriction Act were easier to understand. I was not sure, from the debate, whether we are dealing only with the unfortunate people who fall under the Rent Restriction Act or whether we were dealing with housing policy. It is easy to slide from one to the other and I myself shall do so, but I believe, when we speak specifically about this Act and whether the work can be completed by 2005, we should not confuse that problem with the larger issue of solving the

Rent Restriction Bill
[SEN. PROF. RAMCHAND]

Tuesday, December 10, 2002

housing problem altogether. I feel that is a legitimate distinction we should be making.

If the ordinary citizen could penetrate the law, he would be correct in feeling that the Rent Restriction Act has little effect or relevance because it does not apply to houses built in the last 50 years. In fact, the ordinary citizen knows that there is a law of supply and demand operating. It is difficult to find a suitable room, apartment or house in the right location at an affordable price. The tenant is glad for what he can get and that is the situation out there. Landlords can do what they like and tenants just have to accept it because they have no choice. There is, therefore, a large question here about Government's action on housing in the modern period and this, I may add, is also a question about the effect of centralization, not only on the volume of traffic coming into town, but also on the supply of accommodation for people who have to work in Port of Spain, near to the city or in the East-West Corridor. Those are large questions, which I hope we will be dealing with in due course.

I want to focus on the relationship between landlord and tenant. It is a difficult relationship in any case because human nature is such, "I want to get the maximum rent for minimum output and you want to pay as little as possible. The house is mine, it is not yours, you might not care for it in the way I would care for it." I suppose that is the human side of it. There are many scenes, especially in Caribbean literature, in that branch of our literature called the literature of the yard, which deal with the existence of ordinary people in the slums and barrack yards around the city. There are many scenes which illustrate the unscrupulousness of landlords, the nightmares of cowering tenants lying down and keeping quiet with all the lights off because the bailiff is walking around; the brutality and exploitative nature of the dreaded bailiff, who behaves even more like a beast if the tenant refuses to pay the rent with her body or that of her daughter.

The relationship is difficult, not only because of human nature, but because, I find, there is never a match between the contract and the law. I am a little concerned about the kinds of contracts that exist between landlord and tenant. In the houses built post 1950, as a tenant you could ask for certain things, but in practice it is take it or leave it. Can anyone say whether a contract signed by both parties and properly witnessed takes precedence over the law; or can we use the contract as evidence that both parties have conspired to break the law? I do not know, but I think that most of the contracts between landlord and tenant are conspiracies to break some law. However, I am not competent enough to say which one.

Of course, I am more on the side of the tenant, but there are landlords who need protection too, especially if it is a poor man who decides to save his money to buy a house to rent, and he has this one house being rented. What does he do with a tenant who does not pay the rent for three or four months? Can he risk evicting the man and finding his house burnt the next day? Can he risk evicting the man and then losing three or four more months' rent before he can find another person he thinks is a suitable tenant?

While I feel it might be difficult to resolve the human problem entirely, would it not be possible for the Government to devise a standard form of contract between landlord and tenant, which states very clearly what the landlord must provide and the responsibilities of the tenant so that the form is available for anybody who is going to rent a house or apartment? It gives me great pleasure to say that this might really cut out the middleman, that is the attorney. There is this standard form that exists and I do not have to go to a lawyer to work out the contract. These are the responsibilities and these are the requirements.

In addition, if this Act has to come to the Parliament every three years, could we not block the increase in rent every year by saying that if it has to come to the Parliament every three years for renewal, then a person cannot change the price of the rental during those three years? Just as the Act comes for renewal, so the possibility of charging more rent would come up. My wish is, whether we do it this way or not, the tenant really cannot handle the annual increases, which are dropped on them even if we say it has to be only 10 per cent. It really is quite wrong for a person to set up house in rental accommodation and just as he settles down and is budgeting and managing to cope, he hears that the rent has gone up again. Is there some way to ensure a two- or three-year period of no increases?

Thirdly—this might be a difficult one—I have always felt a great advantage over people who are renting, firstly because the Government gives me a tax rebate on my mortgage, plus the value is going up on the property on which I live, whereas a poor fellow who is pouring rent into this bottomless well, just paying rent every year, does not get any kind of relief. It always seems to me to be anomalous that I, who have invested in a house and am paying a mortgage and the value of my house is going up, am getting encouragement, but the poor fellow who cannot muster the deposit and who has to pay rent is in trouble.

I am concerned about landlord/tenant relationships with respect to citizens. I hope to be able to bring up two other matters that concern me with respect to rents. The first is: Why does Government pay so much rent for office accommodation? Why are they so willing to pay so much rent for office

Rent Restriction Bill
[SEN. PROF. RAMCHAND]

Tuesday, December 10, 2002

accommodation? Why do governments not embark on a project of building to accommodate its offices? I would like to see a list of the buildings Government is renting, the names of the owners of those buildings and the prices. I feel we will turn up something not very pleasant. All I can say at the present time is that I do not think the Government should be willing to pay and something must be done to stop it.

Finally, I do not want to get any of my friends in trouble, but the people who have spoken to me said not to call their names, not to say the prices they are paying and where they are renting. I am talking about commercial rentals—renting premises for business purposes in prime areas where the rent is automatically jacked up every year to the amount permitted by the law; where contracts are strictly for one year and where tenants know—as all of them have told me—that their landlord is part of an interlocking landlordry. If they give one landlord protest, they cannot threaten to leave because the others will block them. There is a conspiracy there. I know this because a number of tenants who asked me to mention it, asked me to mention it without giving their names and addresses or even to mention the rentals they are paying because they will be found out and victimized.

Madam President: Hon. Senator, how long will you be again?

Sen. Prof. K. Ramchand: About five minutes.

The trouble is that they pay the increases. They take the blackmail and then I have to pay more to go to the gym. I have to pay more for my shoes. It is passed on to the taxpayer. I really wish the matter could be addressed in some way. I intend to support the present Bill as a temporary measure, but I expect the Government to make every effort to make substantial, measurable progress in housing in the next few years. I support Sen. Mary King's amendment, the point of which I take to be that we must work towards not needing the Act at all and I sincerely hope that there will be a considerable measure of success in that direction by 2005.

Thank you.

Madam President: Hon. Senators, this Senate is now suspended for half an hour for the tea break. We will return at 5.02 p.m.

4.32 p.m.: *Sitting suspended.*

5.03 p.m.: *Sitting resumed.*

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

Sen. Dana Seetahal: Mr. Vice-President, on first reading of the Rent Restriction (Re-enactment and Validation) Bill, which we are debating today, one would think that the importance of this Bill is to put the Rent Restriction Act back on foot. The Rent Restriction Act, as it states, is to restrict the rent of certain premises and the right to recover possession of such premises. The problem with this old Act, as Sen. King recognized, is that it only dealt with buildings that were constructed before 1954; so when we argue here about squatters and the question of providing housing for them and matters of that kind, we need to realize that the current Rent Restriction Act really would not operate or protect any such persons.

Mr. Vice-President, what we really should be concerned with is the Rent Restriction (Dwelling Houses) Act. I think we should bear in mind that that is what is in question here. It is because the Rent Restriction (Dwelling Houses) Act incorporates provisions of the Rent Restriction Act, that there is concern about the lapsing of the actual Rent Restrictions Act. Let me explain.

In 1981, the Rent Restriction (Dwelling Houses) Act was passed, that is Chap. 59:55 and that Act purported to protect tenants who rented unfurnished premises not exceeding \$1,000 and furnished premises at \$1,500 which were let at December 30, 1978 and where commencement of the letting—in some cases if the house was not yet let—was subsequent to that date. Now the point is, the original Rent Restriction Act, Chap. 59:50, which we are purporting to amend today to extend the time, really in its essence does not affect people or tenants today. It is because of the impact of that Act on the Dwelling Houses Act that we are seeking to amend section 12.

Now the Rent Restriction Act is really a peculiarity, in that it is one of the few Acts which has a date that it lapses. In other words, regular legislation would continue until it is repealed, but this Act stated in the first section that it would end on a particular day. So for the last 60 years, we have been coming to Parliament—when I say we I mean previous persons and culminating today—and asking that this Act be extended and the time continue and so on. We are hearing from the Government side today that we need the time to put into place measures so that we will not need this rent restriction again in future time when we will have the correct housing and so forth.

The Opposition Bench is claiming, in essence—I am just summarizing—that we need to know whether there is a policy and why are we just doing this

Rent Restriction Bill
[SEN. SEETAHAL]

Tuesday, December 10, 2002

thing without consideration, because this has been going on for so long, and it was passed in the war times and what not. Yet in 1999 and 1996, the party to which the present Opposition belongs and which was then in power, passed and extended the same legislation. In 1990 and 1987, another administration, the National Alliance for Reconstruction extended the life of the Act. So we have been going on, just extending the Act and accepting that we need to have rent restriction. It may be that we need to have a restriction of rent in dwelling houses; that might be so, but the fact remains that very few people are, indeed, protected by the rent restriction legislation for the simple reason that landlords know how to set the rent.

If you are renting premises and you feel that the tenant may register those premises, you just up the rent to \$1,100 if it is unfurnished or \$1,600 if it is furnished premises and you are outside the Act. So what we need really is a serious policy, not just in the provision of housing, which we hear from the Government side, but in terms of protecting householders. We have the Rent Restriction Act; we have the Rent Restriction (Dwelling Houses) Act; we have the Land Tenants (Security of Tenure) Act; we have lately the Regularization of Squatters Act, which, to me, is an anomaly in itself, it is a paradox to regularize something that is illegal, but we have that Act. We have all of this and we do not have it in the frame of meeting the needs of the citizens of Trinidad and Tobago.

People are cynical; people do not think that the legislation that we have meet their needs. I have an e-mail sent to me by a person yesterday, one Capildeo Beharry. He asks:

“What is really the intention of the Land Tenants (Security of Tenure) Act?

If it is to allow the tenant to buy the land at half price, why should notices to quit by landlords affect this intention?”

He claims that it would seem that squatters have more rights; they end up getting good lands and very cheap lands at that, than tenants and people who pay rent. This is one of the perceptions of people in this country, that their rights are not being met by all this legislation that we have. In particular, for about 15 per cent of the population who currently live in condominiums and town houses, there is no protection for these people. They live in houses which soon become run down, because people do not pay for their maintenance.

We have a Condominium Act that is not proclaimed. It was passed years ago, but it is not law. People worry about their property value going down; they see

that government after government is doing nothing to protect them and yet we sit here and talk at length about ensuring that people are provided with housing and people can be assured that they have a roof over their heads.

People save their money; they pay down a 10 per cent; they pay heavy mortgages, \$3,000 every month, and they go on for 25 years and see their property values dropping because there is no protection to ensure that maintenance is paid by all tenants. This is the reality that we are living. Every day there are new condominiums and townhouses and nothing is being done to protect these people.

When I see this Rent Restriction (Re-enactment and Validation) Bill—I am getting as cynical as these others—to me, it really seems almost meaningless. We are using this opportunity to vent many other things but in truth and in fact, rent restriction legislation, as it is and as we have, will do little to correct the social problems in housing.

I will vote for the Bill that is presented to us, for the simple reason that it is necessary to validate actions that have already been taken, but I do not think that these little bits and trickles of legislation that have been coming from both sides in the last many years, has done much, has done anything, really, to relieve the plight of those householders and homeowners who for years have struggled to own land and houses in this country.

Thank you.

Sen. Dr. Jennifer Kernahan: Mr. Vice-President, this piece of legislation, the Rent Restriction (Re-enactment and Validation) Bill, has been described by the hon. Sen. Montano as a simple piece of legislation. I would like to postulate today that there is no such thing as a simple piece of legislation. As my colleague Sen. Mark said on a previous occasion, we in this Senate make legislation for future generations and, therefore, the people of this country expect that when we, the Senators, come to this Senate and pass legislation, we have the ability to look at all the questions put before us in a historical perspective, that we have a grasp of what has happened before and that we have a grasp of the future or what is likely to develop in the future and, therefore, no legislation is simple. We have to be very, very comprehensive in our approach to legislation.

For example, I believe that the people who put us in this honourable Senate expect that we would see the interaction of the relationship between the political phenomenon of a housing policy that historically has been based and shaped by neo-colonial politics and the rampant crime and disillusionment and the general

Rent Restriction Bill
[SEN. DR. KERNAHAN]

Tuesday, December 10, 2002

malaise that affect our society today, because there is a connection. I would like to think that it is not as simple as it looks, because, as Senators here, as policymakers, we are supposed to have the ability to see the relationship between this so-called simple piece of legislation and the fact that it does not protect the people whom it purports to protect in the society. Therefore, we have to dig deeper, we have to go further, we have to look at it in a perspective and we have to get a sense of history of what is happening here.

I would like to look at this whole question today from a woman's perspective. It would have been very edifying, perhaps, if the Minister of Housing had been a woman, because I believe that the sort of compassion that is needed may be lacking under the past and present policies of the present Government.

The history of neo-colonial societies in the Caribbean as a whole and the history of the colonial masters' approach to housing, is that housing was the least of their priorities; that is our history. We have come from a history of barrack yards as housing in this country for the ex-slaves and the ex-indentured servants. In fact, the whole question of the culture of the barrack yard was immortalized in C. L. R. James' work, *Minty Alley*. If you look at areas even in Port of Spain, suburbs like Belmont and so on, you would see that these areas have not benefited from planned development, but unplanned development from sugarcane areas. Housing came ad hoc as the villages expanded and, therefore, there are these tiny narrow lanes that can barely accommodate one car. This is our history; that housing development was not something that was planned for us by our colonial masters; we had to find our way as we could after slavery and indentureship.

It is in this context I would imagine that the rent restriction Acts came out of that whole area, where the expansion from the barrack yard into the wider lands and society meant that there was this lack of connection between the demand and supply. Therefore, the squalor in which people lived and the sorts of rents that people had to pay, because the demand exceeded supply, meant that the post-colonial government needed to introduce this sort of legislation.

Mr. Vice-President, it is still with us in the Caribbean. Interestingly, just this week there was a newspaper report that the police in Jamaica had penetrated certain barrack yards in Kingston in hot pursuit of the gunmen who were engaged in hot battle—the opposing political factions in Jamaica, recently. The report said that the police were appalled by the state of the barrack yard and tenement flats in Jamaica. It says a lot as to how far we have come over these 60 or 70 years in the Caribbean. Some of us have come a little further than others, but there is still a long way to go.

I would like to put things in a historical perspective. After 60 billion petrodollars that flowed through this country and 40 years of PNM rule, we have a situation along the East-West Corridor—in terms of the types of housing developments that have grown up in these areas, from Carenage right up to Arima—of total degradation, neglect and a cynical approach to housing our people that was shaped by the colonial mentality. That is the bottom line.

As I said before, I want to approach this debate today from a woman's perspective, because as a woman and a Senator, I believe that the women here can identify with the fact that there is a very strong relationship between the historical policy of the PNM with respect to housing our people and the sort of crime and malaise that exist in these communities along the East-West Corridor today.

We are here today debating a Rent Restriction Bill that has nothing to do with the plight of young, unemployed, single mothers in this country who have maybe one or two children to support, who have to work, who have to leave home and find accommodation, and they are not covered by this at all, because of the law of supply and demand and the fact that the Rent Restriction Act does not cover housing above a certain amount. But even then—there was talk today of collusion between landlord and tenant—the law of supply and demand means that people have to pay what the landlord demands or else you just do not get the place.

There are hundreds of people out there who are willing to take these very substandard conditions because they have no choice. I know, particularly, of young people who are asked to pay \$500 a month for one-room unfurnished apartments and their pay for the whole month is little more than that, so by the time they pay transport, pay a babysitter and they pay rent, they are left with a negative. Unless they have some sort of male support system in their lives it is practically impossible. We have to link the whole question of housing very, very seriously to what is happening socially to our young women today in this country.

As a woman I am very concerned, because as a young woman trying to make it out there on \$1,500 a month, having to pay \$600 rent for a one-room apartment and having to mind a baby by yourself, it practically drives these women to a form of prostitution, because you have to have two or three boyfriends to help you to support a basic lifestyle. Therefore, we have to see the connection between what we are debating here today being so irrelevant to the lives of all these thousands of young people out there and the historical development of these sorts of housing developments and the housing policy that was developed by the neo-colonial PNM Government.

Rent Restriction Bill
[SEN. DR. KERNAHAN]

Tuesday, December 10, 2002

If you look at the housing developments that have been built over the last few years, Port of Spain, Cocorite, Maloney, La Horquetta, Malabar and so on, the Government has been in the business of low-cost housing, but we in the UNC say that low-cost housing does not mean low-quality housing and rent restriction does not mean that you do not have to pay rent because of your political persuasion. I think this is the point that my colleague, Sen. Sadiq Baksh was trying to make when he made the remark that we have to be able to stand on our two feet as people who have been given the opportunity to develop and grow and feel that we have a stake in this nation.

When you do not pay rent and you are not required to pay rent, as opposed to people who have to pay through their noses for substandard housing, what kind of culture are we developing in this society and inbreeding in children coming up? Where are we going? Is this the road to developed nation status? I beg to bring to this honourable Senate that it is not. I want to know from the Government of this country.

I know it is a challenge; that the demand for housing, historically, has always outstripped supply and so on, but we have to have a policy, a clear vision of what we need to do and how we need to approach these things. I would want to say that the question of how we have approached housing has been part of the problem, because we have given people a place to live rather than try to help them to build communities. What we have seen with the housing development that has taken place in the East-West Corridor over the 40 years under PNM administration—the UNC has only been here for six years. When these people talk, we have to put it in that context. The UNC was a government in power for six years and they have been there from the inception, so they have to take a lot of the responsibility for what is happening in this country.

Mr. Vice-President, we have seen that the neo-colonial housing policy that has spelled a sort of callous disregard for the developmental needs of our people, has meant that these apartment buildings and high rises and so forth, were put there for people to live in with a certain square footage with no regard for the fact that it is possible to deal with these areas in a way that there is room for development. There is no green belt; there is no conceivable use of a green area in these areas; there are no parks established in these areas; there is no room for productivity of people in these areas so they can raise some of their own resources or use their own resources to develop themselves and so forth. There were no questions of schools in these areas or even light industry, light agricultural opportunities for employment around these areas. There was no provision made for present or

future development of business enterprise in these areas. People just live with no amenities that are essential to development of human beings and this is what we have done in this country to our people, for whom we claim to have so much love.

What we have done is built ghettos; we have not built houses; we have not built communities. We have built independent, a sort of inward looking sets of communities and what has happened now is that they have turned in on themselves and are self-destructing, because there was this lack of vision for development of these communities and a sense of dignity of the people who would use these communities. There are no recreational facilities in many of these developments, La Horquetta, Cocorite and so on. They are just concrete jungles which were immortalized by Bob Marley in his reggae music.

I submit that if the policy were different, if this neo-colonial government that evolved had a policy of people first—people their priority, as they like to say now—these matters would have been attended to very early, because this is not anything that is new to us or new to the people who were there. These are basic issues of development in any given society. In Cuba we have seen development that each housing area is surrounded by an area that is green, that is open, people have access to parks and recreational facilities. These are basic to any development and it is nothing that is so strange that it could not have been done. It was because of the ideology of the government at that time.

Mr. Vice-President, I am saying this afternoon, that this is the challenge that faces us now. This is the challenge that faces this Government in respect of the whole policy, the whole vision of housing, because rent restriction is just a small part of the challenge and, as we have seen by the various Senators' contributions today, it does not really address the majority of the people who actually need that sort of protection. In fact, the Government has led the way with respect to the way people see government houses. People see government houses as a free commodity, that you if you live in a National Housing Authority apartment you do not have to pay rent. Why should you pay rent? This is the politics that has developed; therefore, there is no sense of having a stake in this.

In fact, you cannot blame the people either, because what has happened over the years is that these places have been woefully neglected. People have complained for years about leaking roofs and inadequate water; these places were in shambles. How many years has that been so? It is only because the PNM needed to win and steal a general election on October 07, 2002, that they suddenly realized people were suffering in these subhuman, substandard conditions and you have this whole hype about painting and refurbishing these apartments, which

Rent Restriction Bill
[SEN. DR. KERNAHAN]

Tuesday, December 10, 2002

people clearly recognized as extremely cynical. People knew that it was just an election gimmick and the PNM had no real concern about the conditions in which people live. They do not take rent from them and they do not care about the conditions under which they live. That is neo-colonial policy. This is what we have been saddled with over the years by this Government.

I would like to submit that our people are creative; our people are enterprising and our people are energetic and given positive physical surroundings, the sort of physical surroundings that would encourage their creativity and so forth, we would not need to be standing here debating a rent restriction bill, because people would have the wherewithal to develop themselves without having to be protected forever by a government that uses this sort of protection, not really for protecting the people, but to perpetuate a position of political patronage and dependency.

Therefore, Mr. Vice-President, I ask the question: Are we going to continue along this road to developed country status, where our housing policy and the whole vision for housing is of such that it is not housing for development, employment, empowerment and social stability, where people can feel a sense of ownership in what they have and they would take care of it; they would not need the Government, half the time, to come in and do some painting, because they would take care of it themselves, because they feel a sense of ownership? Is it that we are going along the road of this sort of independence and a vision for our people or are we going along the road of housing for political patronage, for dependency, which breeds this whole atmosphere of crime, disillusionment, of ghettos that we have practically built and created in this society?

Rent restriction is not going to solve the problem. Rent restriction, I submit, is going to exacerbate the problem, because you are just dealing with a very minuscule aspect of the problem. The problem with the PNM is that it oversimplifies everything. It does not see the complexities, the interconnection between social and political phenomenon in this country. That is why these Senators come here every week and say everything is simple and we just need to rubber stamp things and go on our merry way. I submit that that is a totally wrong approach and it is going to land us in even more trouble than we landed in 1970.

I would like to say again, that I have approached this question from the perspective of a woman and I would expect that all women in this society and in this Senate especially, identify with what I said, because the hardest hit are the women in this society, especially in the East-West Corridor, who have the duty and the job, most of them single, young mothers, to raise our children with some

sort of culture, with some sort of direction, with some sort of goal, that they can be decent productive citizens.

If we do not look at this whole question of housing and how it impacts on the young mothers in this society and, eventually, the children, we are going down the wrong road and we are going around in circles. Therefore, we need to take stock and stop looking for political mileage and who did what, and if you come and you say it therefore—these things are not solving the problems of our people. These backward attitudes are not solving the problems of our people.

Our objective here today is to look at the challenges. That is why I agree with my honourable colleague who has called for the figures. You cannot come and talk about these things without the statistics involved. Who are we protecting? How can we get them from one situation to another? What about all the young men and women out there? What about the children who have to live under these conditions who are not protected? What are we doing about them? What is the vision? How do we plan to get them from point A to point B?

I submit that this is what we should be debating here today; this is the focus that the Government has to take; this is the challenge that the Government has. I would hope that the Government rises to this challenge, instead of using everything, including housing, a basic need of our people for dignity, empowerment and development, as political mileage.

Thank you, Mr. Vice-President.

Sen. Robin Montano: Mr. Vice-President, let me begin by saying that I take to heart the criticism of my friend, Sen. Dr. Mc Kenzie. I would have taken her criticisms even more to heart if she had criticized not only my statement, but the behaviour which prompted it.

I had not intended to speak today, but there have been a number of things said by the Government side that are disturbing, to say the least, and it is necessary that the record, at least, do reflect the truth and reflect it accurately.

The hon. Attorney General stood and said that this Bill could not have been brought before because there was no sitting of Parliament and that it was not the fault of this administration that there was no sitting Parliament. With the greatest of respect, that is simply not correct. There was no sitting Parliament because there was a deadlock of 18/18. There had been an agreement between the parties that would have allowed the deadlock to have been broken, but that agreement, in itself, was broken and it was not broken by us.

Rent Restriction Bill
[SEN. R. MONTANO]

Tuesday, December 10, 2002

The agreement said—[*Interruption*]—I am sorry, I keep hearing certain noises and it has been ruled that these noises are not the braying of donkeys, but I keep on hearing certain noises. Mr. Vice-President, I sit in silence and hear the other side out. If I am to be heard, then I would appreciate being heard. This is, after all, a civilized society, or supposedly so.

As I was saying, the Crowne Plaza agreement said, in part, that the President will choose a Prime Minister in accordance with the Constitution. The relevant section of the Constitution said that where there is no clear majority, that the President will choose from the members, the person, who in his opinion, is most—[*Interruption*]

Sen. Yuille-Williams: Mr. Vice-President, Standing Order 35(1) states:

“Subject to the provisions of these Standing Orders, debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment and a Senator shall confine his observations to the subject under discussion.”

Mr. Vice-President, I think the Senator has erred and is not confining the content of his speech to the Bill at hand.

Sen. R. Montano: May I reply before you rule, Sir? [*Crosstalk*]

Mr. Vice-President: Hon. Sen. Montano, the Standing Orders clearly state that the contribution should confine itself to the matter being discussed. I do take your comments on the reason why there was a deadlock and why it was not broken, but it is irrelevant to the matter being discussed. I would like you to continue without it please.

Sen. R. Montano: Thank you, Mr. Vice-President and, of course, I will abide by your ruling and I would expect a similar ruling if the Attorney General attempts to raise the matter. If I could continue.

The hon. Sen. Joseph—when it came—[*Interruption*]

Sen. Dumas: Point of order, Mr. Vice-President. Standing Order 35(8) suggests that the conduct of the President of the Republic—I want to suggest that the Senator is walking a dangerous ground on which we should not lead this Senate.

Sen. R. Montano: As I was saying, Mr. Vice-President—[*Crosstalk*]—I thought that you had ruled already.

Mr. Vice-President: Hon. Senators, I have ruled and I have asked Sen. Montano to confine his contribution to the matter being discussed.

Sen. R. Montano: I have abided by your ruling, Mr. Vice-President. Now, if I might continue.

Sen. Joseph, the Minister of Housing and Settlements, in defending this Bill said that it was not necessary for him to bring any supporting information because the former Attorney General in the last administration brought no supporting information. In other words, two or even three wrongs make a right. The logic of that statement has only got to be looked at to see how wrong it is. He went on to say, “Well, you know, there is no necessity for this,” but I have a simple question: On the last occasion, did he ask for the information and was it refused and, again, was that right?

Assuming, but not accepting that the answer may be yes, that cannot be right and it cannot be right to come with pithy platitudes and just say, “Oh, well, this happened before.” Maybe, maybe not, but the point of the matter is, either something is right or it is wrong. I was taught that there usually is only one way to do something right and a thousand ways to do it wrong.

He went on to say that the intention of the Government was not to use housing as a political strategy. One is tempted to say, “Yeah, right.” I mean, pull the other one, it has bells on it. He also said that in order to meet the shortfall, this is what must take place. He said that the policy of the UNC was not to provide rental accommodation. I wonder if the goodly Senator is up-to-date on his reading of economics? Sen. King, no doubt, would refer him to one of the world’s leading economists, Hernando de Soto, who wrote a book recently—I believe his book has been out about a year or so—called *The Mystery of Capital* and in that book Mr. De Soto asked a simple question.

You know, Mr. Vice-President, if you ever want to understand a problem, go back to basics. I am using my words because, unfortunately, I do not have the book here with me this afternoon, but the question is this: Why has capitalism succeeded in the west, in countries like the United States and Canada and failed miserably in developing countries? Why? De Soto answers his own question. He said, basically, that countries like the United States, Canada and others, what they have done is encourage home ownership; they have encouraged people to own their homes and they have done it in a variety of different ways. One remembers reports of the land rushes of the 19th Century, but the bottom line is that a higher percentage of these countries own their homes than anywhere else in the world.

Rent Restriction Bill
[SEN. R. MONTANO]

Tuesday, December 10, 2002

You see, Mr. Vice-President, when a man owns his home, he has a stake in it. When he does not, he has no stake in the country, he has no stake in the welfare of the country and you see this happening all over the world. You see, for example, in Argentina, which has seen its standard of living crash, where people are losing their homes. I believe now and again—Sen. King can probably correct me—but the average annual income is something like US two and a half thousand dollars per year.

I was reading in the *New York Times* the terrible story about a woman in Argentina whose three young children, all under the age of 10, had worms and she could not buy food and medicine, so she is buying food in the hope that the worms go away but, of course, the little girls are suffering terribly. Heartbreaking what the country is going through. At the end of the day, it comes right back to the success or failure of the housing policies of the various countries, which comes right back to here.

You know, standing here listening to the other side, one would get the impression that Independence was six years ago and it was the six years of UNC housing policy that has created the crisis today. In the nicest way, you have only got to look at it to see that that is not true. I said in my contribution to the budget that this question of building homes, 10,000 units a year—and if I may, I would just quote what I said:

“I could talk to you about housing and the so-called 10,000 units a year at page 30; this line has become a staple of the Prime Minister’s housing related public utterances. It is effective because it makes it appear as if there is a plan on the table that would magically create 10,000 houses a year, something the entire economy has failed to do over the last 40 years.”

I also went on to ask then a simple and serious question:

“How do you propose...”

You, meaning the Government.

“to avoid the obvious economic dislocations that would come down if you do come out and achieve this noble objective?”

Because anybody who says, “Oh, you can't do that,” runs the risk of being told, “Oh, you are a terrible person, because you don't want poor people to have houses,” when that is not so at all.

Simple questions that I would have thought, that a responsible and caring Minister would have used the opportunity today to say, “Look, we are going to build the 10,000 houses,” because we heard about them again today. I thought that the Minister would then have said, “And this is how we are going to do it; we are going to build, this is how we are going to do it; we are going to do this, that and the other.”

Speaking for myself, I cannot see how it can be done without serious dislocations in, for example, labour. You have 10,000 houses being built, it would suck up all the available labour. Private sector housing would go through the chute. Materials like lumber and cement and bricks, for example—again, there is going to be a total and complete dislocation, the same kinds of dislocations that we had in the late 70s when the oil boom money was going through us. Of course, you do not need to be reminded who was in control then and what happened: fantastic inflation.

So serious questions have to be asked. How are we going to avoid the obvious economic dislocations, if you do not deal with it and tell us? I have been asking simple questions, I have never got a reply. It is as if I am on another planet. Yet you sit here and hear the jokes and the laughter, ha, ha, ha, but why are you so surprised? It is the arrogance after all: We are there and you are here and we do not have to answer you. Wrong, Mr. Vice-President, because this is the Parliament of the Republic of Trinidad and Tobago and it is here that you come and you answer the questions that are put to you, because if you do not, you are not speaking to me, you are speaking to the people that I represent; you are not speaking to me; you are speaking to the people that you represent and they deserve answers to questions that are eminently reasonable.

What is so unreasonable about saying how you are going to resolve an obvious economic dislocation? What is unreasonable about that? But when you ask a question, you are met with sniggers, sneers and jeers; “Oh, ha, ha, ha, big joke.” You are from another planet; well, maybe so, but the planet I am on is called Planet Earth and the country I belong to is the Republic of Trinidad and Tobago.

My friend, the Minister, said that the rental of houses does not create poverty. I think I have amply demonstrated how wrong such a statement is. He talked about a multifaceted approach to housing. Well, all right, lovely words, “multifaceted approach”, great. Now tell me: What does that mean? Plain and simple language, what does that mean and how are you going to do it? Then he goes on about \$111 million in the airport. You know, Mr. Vice-President, you get lashes like this and you want to reply, but you get a ruling that says if you reply

Rent Restriction Bill
[SEN. R. MONTANO]

Tuesday, December 10, 2002

you are irrelevant; but yet there is an inherent injustice in statements like this being allowed out and one not being allowed to reply. But we have, effectively, a mini budget debate next week and I will use my time then to reply to this, because what has been said here in regard to that, I will only say this for now, is untrue, unfair and not right and it is not correct either.

The Minister goes on to say that the PNM has the best housing record. Well I say with pride that the PNM Government of 1956 to 1961 has the best housing record and the housing Minister then was Gerard Montano, who happens to be my father. The Minister then criticizes Sen. King's amendment by saying that the amendment assumes that we can break the back of the housing crisis that we know we face by 2005. But how did this housing crisis come about in the first place? This housing crisis came about with a number of different factors; one was the allowing into the country of tens of thousands of small islanders; another was the refusal of the then government to deal with the problem of birth control and turning a blind eye to it, so that we had a population explosion. There was a time when our population was rising by more than 3 per cent. Who was in charge then?

The Minister said that Sen. King's amendment assumes that we can break the back of the crisis by 2005 and he completely misunderstood that it does not mean that. What it means is that they will be forced to come back and account to the Parliament as to what they have done and where they have reached. If we do not have the amendment now—[*Interruption*—are you hearing some noises? I would not say what the noises sound like, because I have been criticized for that, but I am hearing some noises that remind me of gray-haired creatures with long ears. [*Laughter*] [*Interruption*]

As I said, Mr. Vice-President, one hears these noises, but I will go on. It means that they will be forced to come back and account to the Parliament on what they have done and where they have reached. Now you have to understand something; the Senate has received this afternoon a number of assurances. "Yes, we are going to do this; yes, we are going to do that; yes, we are going to do the other." Yes, yes, yes; words are cheap; talk is cheap. When we say, "Well, all right, no big thing, we will give you the Bill, but the Bill as amended," which will force you back into the Parliament within three years. So you can come back now and we can look at the record and we can say to you, "Well, remember in December 2002, you said." If they do have the amendment then there is no need, just come back, affirmative resolution and that is it.

My good friend went on to say that the Government was committed to meeting its objective. "We will do everything possible," he said. This is the

Minister of Housing and Settlements. I say, "Okay, you are an honourable man," so are they all honourable men, to quote Shakespeare, but you have not said how; you have not said how. That is like saying, "Mr. Vice-President, I am going to go to the moon tonight." Really? That sounds great, "How?" "It is now five minutes to six, I am going to be in New York at 8.00 p.m. tonight." How? Beam me up Scotty?

The point of the matter is, platitudes, nice promises, soft words, they are all right and they all have their place, but in Trinidad, the ladies would tell you, we are famous for the "sweet man" and it is almost like we are getting a "sweet man" syndrome here. Make promises; promise the girl everything and anything and once she is yours, then you walk away and you forget the promises and when she comes back and says, "But, but, but," you turn around and say, "Oh well, I said this yes, but the moon was shining," or whatever. How are you going to achieve your promises?

Not an unreasonable request, but a request that is consistently met with ridicule, jeers and sneers. Apparently, the hon. Senator has problems over the fact that I have six children. I tell you, Mr. Vice-President, I have six children and I am proud of it. You know what? I love each and every one of them; I love them dearly. I am proud of them. My eldest daughter is 24 years old and she graduated 18 months ago with an MBA and she now works for a very large financial institution in England. I am telling you. I love my children and I am proud of them and if I could afford it, I would have a dozen. [*Laughter*] I love children. [*Interruption*]

My friend says, do not talk about birth control. Yes, you have as many children as you can afford and I have been able to afford and provide for each and every one of my children. I cannot, regrettably, afford a dozen, because, believe me, if I could, I would, I love kids.

Now, Mr. Vice-President, my friend said that there is a need to recognize the needs of the country; I agree. I agree that housing is a desperate need. What could be more needy than housing? What could be more important than owning your own home? The question is that debates like this, with the greatest of respect, especially in a place like this, really should be free of the partisan comments that we have had today. It should be free of the stone throwing and the mudslinging. We should be coming forward with our ideas and what we want to do.

The Government has come to us and said that it is going to build 10,000 houses a year. You know what? I think that is a great idea. How? Because I have

Rent Restriction Bill
[SEN. R. MONTANO]

Tuesday, December 10, 2002

to tell you this, I have scratched my head till it is raw. How are you going to do it? If I could think of a way to do it, I would support it. I would say, "This is a great idea, yes, you are right, let us go with it." They forget that the Government is not the Government of half the country, it is the Government of the whole country and whether I voted for them or not, it is my Government because I am a citizen and this is the Government of the country to which I belong.

6.00 p.m.

They do not rule over half of the country; half of the country that voted against them did not automatically become non-persons overnight. All of us who voted against the PNM, what happened? We have no rights? We cannot be heard? Anything that we say must be greeted with jeers, sneers and laughter; we do not count. It is a most unfortunate attitude.

Mr. Vice-President, if this Bill makes it to the committee stage we would be moving an amendment to clause 4 and effectively, we would be asking the Senate to consider the amendment and, if accepted, we would require the Government to account to the appropriate Select Committee to consider all the things that had happened and receive reports of everything that had happened from February 23, 2002 to date.

Let me say that if—and I am sure our position is absolutely clear—Sen. King's amendment is accepted we will vote for this Bill, if it is not accepted we intend to vote against it.

Thank you.

The Attorney General (Sen. The Hon. Glenda Morean-Phillip): Mr. Vice-President, I agree with Sen. Seetahal with respect to the application of the 1941 Act, in that basically it applies to properties built before 1954. However, since the 1981 Act—that is the Dwelling Houses Act, 1981—came into effect, that has widened the net so to speak and you have all houses built at any time, the rental of which is \$1000 and less being taken in. So what the Rent Restriction Act applies to is not the building as such, but the letting and it is the letting for rents of \$1,000 and below. That is what is being protected and this is why we say that this Act really is continuing to serve the interest of the little people.

Sen. Dr. Kernahan said she wants to consider women and children. They are also most vulnerable and these are persons being protected by the Rent Restriction Act. Most of us here probably have our own homes so we may not be able to empathize with the plight of people who are uncertain from one day to the next

whether they would have a roof over their heads or not. This is why it is essential that we maintain this protection until we can assure, as a Government, and as a country, that we can provide housing for everyone, and that is not a simple matter.

I do not think we can even begin to scratch the surface despite whatever efforts and plans we have in place that we may embark upon within the next three years. That still will not attack the problem even without statistics being brought before this honourable Senate. We can see from what has been said with respect to the response of applications for housing that there is a great need and there is such a need that I do not think we can build even 3,000 houses, and here we have 31,000 persons coming forward for houses. That is just one point with which I wanted to deal.

With respect to the fact of amending the law in relation to rent restriction, we have something in place. We know it may not be the perfect answer. In fact, I do not think in most countries where you have rent restriction—in fact in the English system from which we have inherited our legislation—it is even much more complicated with all the categories of letting and all the different provisions for the control and scales of rental and so on. It is even much more complicated.

As I have said earlier, the fact is that we would have to look at the whole system of legislation in this respect before we can come up with a solution and that takes time, and you see how much time we have spent to debate three clauses in a Bill. When we come with much more complicated legislation, it is going to take even more time. So until we can do that we have something in place, I think that we would want to leave what we have there for the protection of the people whom this legislation is intended to serve.

Insofar as clause 4 is concerned, I am told about bringing statistics and figures and what have you. The acts that could have been done under the Rent Restriction Act would have been decisions by the Magistrates' Court in relation to cases brought with respect to possession of properties. Those would be the acts that we would want to have validated because the decisions would have been based on the premise that the Rent Restriction Act was in place. So you see the hardship that would be caused perhaps to those same people whom you want to protect if they should suddenly hear that the decision is bad, and they are out of doors. This is what this clause is seeking to do.

The only other decisions that would have been made with respect to the Rent Restriction Act would have been decisions made by the Rent Assessment Board, some of which persons have made comments on and as we have indicated, the

Rent Restriction Bill
[SEN. THE HON. G. MOREAN-PHILLIP]

Tuesday, December 10, 2002

board that was put in place by the previous regime was disbanded and no new board has been put in place because of the fact that the Act had to be re-enacted and re-validated. So that whatever decisions may have been made by that board subsequent to February 2002 would be validated. Whether it is one, two, three, 10 or 15 decisions, that is what this clause is intended to correct. To ensure that we do not now cause even greater hardship to the persons whom we want to protect.

So having said this, Mr. Vice-President, I beg to move.

Sen. Mark: Mr. Vice-President, before we go into committee, I am just trying to get clarification from the hon. Attorney General. How would the proposed amendment that has been circulated impact on the ordinary people who are in dwelling houses and are paying \$1,000 and under, or \$1,500 and under for unfurnished and furnished respectively? How—if we go to February 20, 2005—will that impact on the ordinary people?

Sen. The Hon. G. Morean-Phillip: To answer the question, Mr. Vice-President, the fact is that a lot has to be done. We are almost in 2003, so what you are saying is within two years you have to clean up this whole housing problem so that we get rid of rent restriction. I am saying that we could not have done it in so many years, are we going to be able to do it in two years? Even if we start now, how many houses can you build in those two years? So I am saying that if the life of the Act expires in 2005, these people would be in even greater problems because they would have no protection. This is what I am saying.

Sen. Mark: Mr. Vice-President, would that require the Government returning to this Senate with an appropriate legislation seeking to have it re-enacted, and at that time it will be able to provide us with some policy direction rather than just leave it open?

Sen. The Hon. G. Morean-Phillip: We will deal with that at the committee stage when we are dealing with the amendment.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Sen. King: Mr. Chairman, I beg to move that clause 3(2) be amended as follows:

This Act continue in force until February 23, 2005.

Delete the words, ‘...and may be continued in force for further periods of three years by affirmative resolution of Parliament.’

The rationale for that amendment is that we were not discussing whether the Government should be able to fulfill its obligations to every person who needs a subsidized house, or for every person of low income who is looking for a home. What we are saying is that the Government will have two years in order to properly effect a housing policy which would bring back to this honourable Senate data on all the people now captured under the existing Act, and by 2005, the actual stock of persons now captured under the Act. If we have to come back with a new Act, then in 2005 we shall do it with the proper three-fifths majority again rather than with an affirmative resolution of Parliament. So I would like this amendment to be seriously considered.

Sen. Morean-Phillip: As I indicated earlier, in the next two years it is not envisaged that we would be in a position to really have a full handle on the housing problem, and if the life of the Act is allowed to expire, in the interim while we are coming to seek to bring new legislation, there will be a lot of people who will be suffering.

What I would suggest as a compromise, is that to meet the amendment half way we say:

“... and may be continued in force for a further period of three years by affirmative resolution of Parliament.”

When we come back, then we can set out the position as to where we have reached with the housing, and what sort of time frame we are looking at, at that point. If after the five years, we have not been able to find a solution, then certainly what I would say is that we let the little people suffer, but I cannot go with just the two years because it is two years you are really suggesting here, and that is really not a reasonable time in which to deal with this problem. Remember this is not a problem that has now started; it has been going on through successive years and administrations. So you do not expect by some magic wand that we would have a solution to the problem immediately that would require the removal of this legislation. Because when we return in the meantime, and there is no protection and we spend a lot of time arguing with respect to the reason or

*Rent Restriction Bill**Tuesday, December 10, 2002*

[SEN. THE HON. G. MOREAN-PHILLIP]

advisability of whether we should go with this Act, we would have nothing in place. So I would strongly suggest that this be rethought and we go with the amended amendment.

Sen. Prof. Ramchand: Mr. Chairman, I wonder if the Attorney General would give consideration to the Senator's argument, that she is simply asking that in that time, a list be compiled of all the people who are actually affected by the Act.

Sen. Morean-Phillip: I can give an undertaking to have the list prepared as soon as we can get the data, but in the meantime we would need to afford the people the protection of the Act. If that is required, I am sure we can get that information within reasonable time, and the Minister of Housing and Settlements can even answer that better.

Sen. Mark: Mr. Chairman, I think there are two issues involved essentially in what this amendment is attempting to do.

Firstly, we are trying to get away from this affirmative resolution because any government whether the UNC or the PNM can come to this Parliament in January 2005 and table a resolution on landlord and tenants rights and contract of liberty, and with a simple majority of 16 votes, they can tamper with people's property rights. That is the first thing.

We are saying that we have a serious problem with the affirmative resolution aspect. In addition, we are saying that the Government has a responsibility to provide a proper housing policy for Trinidad and Tobago and it has the responsibility of coming to this Parliament and properly accounting rather than taking this Parliament for granted. So every three years, what you have taking place essentially is a rubber-stamping exercise. What we on this side are arguing is that the Government must perform and, if the Government cannot deliver—and we do not expect them to deliver in February 2005.

Mr. Chairman: Hon Senators, there is need for the Senate to resume to consider a procedural motion.

Senate resumed.

PROCEDURAL MOTION

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I beg to move that the sitting of the Senate continue until the conclusion of the deliberations on the Bill.

Question put and agreed to.

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

Committee resumed.

Sen. Dr. Saith: Mr. Chairman, if we accept the amended amendment which says that after two years approval comes by affirmative resolution and then that is the end of it. The affirmative resolution does not change the Bill. We cannot put a new Bill, so the affirmative resolution will be to continue on what we have agreed on, so the question of changing the tenant/landlord relationship does not exist. I think what we are really saying is let it go to 2005, let it be extended once for three years, and by the year 2005, I am sure we can get hold of the information you require. In fact, I am sure you could get it before that, but it will be, I think, telling us that there is still a large number of people under this arrangement and that we need a transition period to get new legislation.

I take the point that ad infinitum is not the best way to go, but I am also saying let us be realistic and set a period that deals with the fact that we have put a date certain on it, but gives enough time to make that transition.

Sen. Prof. Ramchand: [*Inaudible*] ...so we will know that it cannot continue, that new legislation will have to come in by 2008.

Sen. Dr. Saith: And the PNM Government at that time would deal with it. [*Laughter*]

Sen. Smith: Mr. Chairman, I do not think we are serious you know. We are saying that in two years we cannot come with a policy. What we are speaking about is a solution to the problem, and we are saying that two years is not enough time for the Government to come up with a policy. I hear the hon. Attorney General talking about they would not be able to house people and that kind of thing. What we need in two years is for the Government to come with a policy as to how the situation would be dealt with. We are speaking from 1941 and how many years it took, and because it took so long it cannot be done in so little time.

What attention was paid to it, and how serious was the attention in the past to put this problem in perspective? I am saying that I am hearing about a five-year period; we are talking about come between, and after that three years to have—I think what Sen. King is asking for is to come back here in two years with a policy as to how the matter could be dealt with down the road. That is what she is asking. She is not asking to solve all the problems in two years, but to tell us what are your plans, what you are putting in place, and how it could be solved down the road.

Rent Restriction Bill
[SEN. SMITH]

Tuesday, December 10, 2002

If I am hearing that two years is not sufficient time, then we are joking. We do not have to go to Russia or Germany for that information, this is in Trinidad. If two years is not sufficient time to put a simple housing policy in place, then five years is really not sufficient time for Government to do anything for the country.

Sen. Seepersad-Bachan: Mr. Chairman, what I do not understand based on what the Attorney General has presented, and what Sen. Dr. Saith just said, I am not sure of the material effect of the removal of the affirmative resolution of Parliament. By not having that, you can still come back to Parliament. It is just at that point in time you will need a special majority instead of a simple majority.

Sen. Dr. Saith: If we agree on the Act as it is now, and you are all saying that you are prepared to vote for it, all this says is that in two years' time you can come back and, if you bring the same Act and only change the date, it would be approved with the new date. Points can be made, people can say what they want, we debate, and we will go on.

I am saying the way it was set up in 1996 and 1999 was that this could continue forever, and now I am saying, okay, we accept that it should not continue, but one year has gone, let us do it for two years, let us have one extension which will come to an end in 2008. This gives you a little more time to deal with the transition to new legislation if it is required, and also legislation that would impact on it has to be considered. I think Sen. Seetahal made the point that there are other pieces of legislation that have—

Sen. Seepersad-Bachan: But coming back in 2005 and seeking a further extension, the same scenario will play out.

Sen. R. Montano: What about if we leave the wording as it is? I do not have the wording properly in my mind yet, but I am just conceptualizing the idea. Why do we not say: "...it will be continued in force for further periods of three years by affirmative resolution passed by at least three-fifths Members of Parliament."

Sen. Morean-Phillip: We cannot do that. That might be interfering with the constitutional provision.

Sen. Dr. Saith: Can we say: "for a further period of three years?"

Sen. King: Mr. Chairman, I would just like to explain why I thought that by the year 2005 we would have been in such a position to be able to have the policy in place.

When I attended the meeting that was called at the Hilton Hotel with a core group to look at the national strategic plan, both the Prime Minister, who is

Minister of Finance, and the Minister of Planning and Development had told us that this group is coming back to them with a strategic plan in 18 months. So I thought that within two years we would be in a position to at least have a housing policy structure and be able to have some data in place. So that explains why I thought two years was quite sufficient time.

Sen. Dr. Saith: We do have a housing policy now, the data would take some time and I take your point. I am just saying that we will have the policy and the data, but there is a transition period that we have to go through now and if it turns out that when we look at it, the transition period did not require—It does not say that you have to take advantage of this, and if the transition period can be done, then you come back, but if there is need, you want to be able to transition out because in the end if we get into a situation where there is a gap with the legislation for whatever reason—it is the people we are trying to protect.

Sen. Smith: Why do you not come back in two years with what you have? Let us agree now that you come back in two years and you could convince the Senate that you have reached this far, and you need to go—you do not understand that?

Sen. Morean-Phillip: Mr. Chairman, I just wanted to have something made clear. The fact that we say affirmative resolution of Parliament does not mean no parliamentary scrutiny. That means full scrutiny of Parliament. So it does not mean that we just come in and put something in through the back door because you are still going to have full debate and full scrutiny on it.

Sen. King: But it would not entail a three-fifths majority.

Sen. Morean-Phillip: It would not contain a three-fifths majority once you come within the time before the life of the Act expires. We would not be bringing something new, and let me stress again as Sen. Dr. Saith was trying to do. The fact is, it is not that you would not have the policy, you will have a policy, but will you have been able to correct the mischief that this Act is intended to correct within that time? I am saying that we cannot do it within that time and this is why I say the additional period of time should be a reasonable time within which to try to correct the mischief and do not have people suffer in the interim.

Sen. Mark: Mr. Chairman, what I would like to suggest is that we bring this in the form of a bill where the three-fifths majority is enshrined. We do not want any resolution being tabled in this Parliament in January 2005 and by a simple majority you effect a change. No.

Rent Restriction Bill
[SEN. MARK]

Tuesday, December 10, 2002

What the Attorney General is saying is that this is going to come by a motion. This is what this affirmative resolution is saying. You see right now you have a Bill, but if this was brought, let us say if you had a Parliament in January this year, the Attorney General could have brought this via a resolution and I am saying that the three-fifths that is now required would be lost. In other words, we as parliamentarians would not have the power to tell the Government that we have to protect landlords and tenants as well and it does not require a simple majority, which is what an affirmative resolution will bring about.

We say we do not want a simple majority, we want enshrined in any Bill you are bringing to Parliament the three-fifths, otherwise we are not supporting it. We will go along with Sen. King's amendment until 2005 and Government would be forced because they cannot leave people out there unprotected. They will lose power, so they will have to come to the Parliament. All that we are saying to the hon. Attorney General is the affirmative resolution is a problem because it is a way of tampering with property rights; that is the point I am making.

Sen. King: Mr. Chairman, could we say:

“This Act does not come in force until February 23, 2005 and may be continued in force for one further period of three years by a three-fifths majority.”

Sen. Dr. Saith: No, you cannot say that.

Sen. King: Why can we not do that?

Sen. Morean-Phillip: If you put that, it really would not be necessary because in any event you would be re-enacting. You will re-enact the Act because you will have to remove the words “affirmative resolution” and by votes of not less than three-fifths.

Sen. D. Montano: Mr. Chairman, if I may address some of the comments Sen. King was making a while ago. This has nothing to do with policy, it really deals with a supply and demand situation for housing in the sense that you cannot remove the protection that these people now enjoy until there is a supply outside there so that natural market forces can come to bear. If you remove the protection that they have, they not only lose the protection of the rent, but the protection of the security of tenure.

So there are two issues. What you were talking about when you were making your proposed amendment was really to deal with that situation. What the Opposition Senators are talking about is entirely different. What they are holding

on to is the control of the three-fifths majority even though we all know that it must be extended for a further three years because the problem cannot be solved in two years, but it may be solved in five years. What the Opposition Senators are doing is insisting on a three-fifths majority even though we know it cannot be solved in two years.

Sen. Dr. Mc Kenzie: Mr. Chairman, I think we need to get a few things clear, one is that we are behaving as if the population needing housing is a static one and we are not behaving as if next year another set of people will be eligible for housing. People are leaving home, coming out of schools marrying and so forth, therefore, it would be a sort of continuous need year after year; it is just as the question of unemployment. You put 21,000 children in school, in five years they would graduate, 15,000—20,000 would need work and so it goes on because 20,000 would not die. So we have to look at that when we are talking about housing, supply, and demand and do not behave as if it is a static population that would want housing and once we solve it that is it. So we have to get that straight.

I agree with Sen. King's amendment because although we are talking about 2005 and it is a three-year renewal, it is a renewal policy for two years, a year has gone, so we are talking about the year 2003/2004 because by February we are back and if we do it in advance we would probably be doing it in January to prevent it from lapsing. So we have two years in which time we were thinking that the Government would be able to say that this Act presently covers 4,000 persons who are renting premises under \$1,000 per month and we anticipate from our annual demand—and from what we have in National Housing Authority—that there is a demand where we see every year for the last five years about 1,000 persons who want housing under this bracket and which this Act will cover.

Therefore, we are coming to say we want you to renew this three-year contract for another three years and we want to tell you this is the position. Within the last two years, this is what we did, but in fact, it might be the reverse that you may be saying; rather than cutting down on the number of people, the numbers have actually increased because we have more young persons feeling independent at age 19 and wanting to go on their own, marrying and so forth, and because of the HIV/AIDS virus they want to settle down earlier, there are all sorts of reasons.

I am saying, let us say yes to 2005 and come back for a further three years and in the five years—whether Government or Opposition, I do not care who would come up with some steps towards national housing policy, private sector involvement whatever—you say how we are going to do it. So when you come back for the renewal, you have something concrete to tell people and this is how I

Rent Restriction Bill
[SEN. DR. MC KENZIE]

Tuesday, December 10, 2002

am seeing it. I do not see it as a static thing. As a matter of fact in the next five years the population may need more houses than you have now.

Sen. Mark: Mr. Chairman, you see it also gives the Government an opportunity to modernize housing legislation because what we are dealing with is a 1920 piece of legislation that was updated in 1941. What we are talking about is an outdated colonial-type legislation, so the Government would have an opportunity during that two-year period to report to this Parliament that they have looked at it carefully; this is what is happening with the data requested. They might even say they cannot really provide all the houses because we do not expect the Government to provide all, but given the current reality—as Sen. Dr. Mc Kenzie said, it is a dynamic situation. The Government can look at modernizing legislation that is governing housing accommodation in Trinidad and Tobago; it gives them that opportunity. So all we are concerned about is propelling the country forward in a positive direction.

Sen. Dr. Saith: Let me make one other suggestion: “The Act will continue in force until February 23, 2006.” That will give you the three years.

Sen. Bro. Khan: Mr. Chairman, I am a layman but I think that when I read something I can put an understanding to it. The way it is written here: “for further periods of three years”. So putting it in a practical situation, after one three-year period has passed we can go for a next three years and so we could continue ad infinitum as Sen. Dr. Saith said.

Other than that, the point I have made that the Act as it stands requires three-fifths, this has put a certain amount of power or confidence in the total Parliament in that three-fifths is needed, and not a simple majority. Any time we go to interfere with that as it is enshrined as part of our Constitution, and to my mind we would really need to have participation. If we were to go this way, it means that we would be subterfuging the original intention of having the three-fifths majority, or by having wider participation before something is passed.

This is an important aspect, in my humble view, to the democratic process, because at one stage I would have said instead of 2005, put 2008 but still keep the three-fifths and then we cover within the period. But dealing with that major principle of people’s participation and using the three-fifths, because there must be a reason for three-fifths as against a simple majority which I think all of us fully understand.

Again, as I said at the end of one year, and one year, but my reading of this, it is like three-year gaps. After three years, you go to another three years. Possibly the legal people may be able to explain that but this is how I see it.

Sen. R. Montano: Mr. Chairman, the problem with affirmative resolution as I understand it, there is no debate on it—[*Interruption*] There is a debate?

Sen. Prof. Ramchand: Mr. Chairman, is it possible to do it up to 2006? Are we prevented from saying 2006? Must it be in three-year blocks?

Sen. Morean-Phillip: We cannot go more than three years at a time.

Sen. Prof. Ramchand: So it cannot be 2006?

Sen. Morean-Phillip: No. It has to be 2005, but what we can say is: "...for a further period" and that is it, and whoever else to catch after that, that is it.

Sen. Prof. Ramchand: So that in 2008, it would have to be discussed and voted?

Sen. Morean-Phillip: A new Act, then we have to come and—

Sen. Prof. Ramchand: What is the problem with that, that in 2008 it would have to be a new Act?

Sen. Seetahal: Mr. Chairman, I want to say that I support the Government's position in respect to the proposed amendment to Sen. King's amendment because when one looks at it, we have been going this way for 60 years—three years, three years, three years—and during that time we have had no substantive amendment to the Rent Restriction Act as is. The real law that we are dealing with now is not the Rent Restriction Act, as I made clear, it is the Rent Restriction (Dwelling Houses) Act, and we have all of those other three or four pieces of legislation we need to look at and, I do not think we will be able to do that in two years. We need five years.

We need to look at the Land Tenants (Security of Tenure) Act, whatever is the name, we need to look at the Dwelling Houses Act, we need to look at two or three others, the Condominium Act and I really do think that we need that time. I do not think there will be any serious disservice if we agree to the amendment that: "The Act should continue in force until February 2005 for a further period of three years after that."

Sen. King: We had agreed if we could have: "may be continued in force for one further period of three years." The question I thought we were discussing was whether we can do it with a three-fifths majority, that was what we were discussing. We did not get an answer.

Sen. Morean-Phillip: You are thinking of removing affirmative resolution? I am saying there is hardly any point putting that because you will have to re-enact and if you are re-enacting, it is the same three-fifths so it really does not make any sense.

Sen. King: Thank you for the explanation. So we have agreed to withdraw the first amendment and agree to the second one: "...in force for one further period of three years."

Sen. Morean-Phillip: How will the three years combine? By affirmative resolution?

Sen. King: You have said that your advisors say it is the only way we can go.

Sen. Morean-Phillip: Yes.

Sen. King: So we have agreed?

Sen. Morean-Phillip: Okay, fine.

Sen. Mark: We are not in support of this affirmative resolution because I am convinced that no one has been able to convince me otherwise. We have lawyers here, we have the Attorney General, we have Sen. Seetahal, and somebody could give us some explanation.

Mr. Chairman, if for instance we go to the end of February 2005—and the Government has to be astute in this matter—if for some reason they would have to come back in January 2005—

Sen. Morean-Phillip: With the same Bill, only the date changes.

Sen. Mark: I am trying to get some clarification on why do we need to put in the words "affirmative resolution"? We know it has to be debated.

Sen. R. Montano: If you want to extend the period for one further period of three years, it has got to be extended by an affirmative resolution of the Parliament. In other words, what is being said now the proposal coming out is this: "That the Act shall continue in force until February 23, 2005 and for a further period of three years thereafter by affirmative resolution of Parliament." So it is the same Act, but what is happening is that we are no longer amending it. This Act now continues for a further period of three years if the Government comes by way of affirmative resolution. So the debate takes place in Parliament on the affirmative resolution. We need a further period of three years, we have not got the Act together and we want a further three-year period, but at the end of that

three-year period, 2008, the new legislation would now have to be brought in. That is the argument that is being faced.

In other words, the Government's stand is it would compromise not to keep it ad infinitum as it is now, but it will compromise if we will compromise and give one extension. That is basically the argument, is it not?

Sen. Mark: Are you saying that come February 2005 there will be a bill?

Sen. R. Montano: No.

Sen. Mark: We have a Bill before us here—

Sen. R. Montano: This Bill will then be law, it will be an Act, the law will be in place and we would simply be extending the law. What Parliament would be asked to do then would be to extend the law for a period of three years, but after that, new legislation has to be brought. That is the argument.

Sen. Mark: When Parliament asks us to extend the law, is it coming via a resolution?

Sen. R. Montano: That is correct.

Sen. Mark: And this resolution would require a simple majority?

Sen. R. Montano: That is correct. That is the argument.

Sen. Mark: I am arguing that we want to ensure even though it goes for a further period 2008, we should ensure that the right of the citizen—*[Interruption]* Yes, I know but what I am arguing is that it comes in the form of a resolution, and if it comes in that way, I am asking, would it therefore require a simple majority? Does the Government table this? I am arguing for instance, can the Attorney General not ensure that when that comes back—

Sen. R. Montano: What I am trying to explain to you is what the argument is, at the moment. I am not coming down on one side or the other; I am simply explaining the argument. The argument, as I understand it, is this—

Sen. Mark: I understand the argument. My point is that the Government of Trinidad and Tobago should be required when they bring this back to Parliament to get the three-fifths majority—and it is currently low—and have one further period thereafter to put its house in order.

Sen. R. Montano: No.

Sen. Mark: Yes, that is what it is saying.

Sen. R. Montano: That is not what they are asking for.

Sen. Morean-Phillip: Mr. Chairman, I think we understand what is being proposed. Can we vote on the amendment because I think we have agreed on what is proposed.

“This Act shall continue in force until February 23, 2005 and may be continued in force for one further period of three years by affirmative resolution of Parliament.”

Sen. R. Montano: Mr. Chairman, rather than rush this, I wonder if the Government would be minded to adjourn this matter just for one week, and I will tell you why. If sufficient Independent Members vote for this Bill, according to my maths I think the Government needs 19 Senators to vote for this Bill. At the end of the day, we would like to be able to support you if we can. I would like to think about the amendment given by Sen. Morean-Phillip because we would like to support this Bill, but if we do not support it, it will die in another place. If we support it, it will get through.

A very short adjournment of one week will give us some time to be able to think about it, for the sake of seven more days we may come back and say yes. I think rather than push it through, I would respectfully suggest a very short adjournment. We can go into committee immediately next week and get out of it very quickly. That is my suggestion. I know I am not allowed to move an adjournment.

Sen. Dr. Saith: Mr. Chairman, next week we are debating the Finance Bill which is going to be a full budget debate and after that we go on the Christmas break, and there are people who have had matters heard under this Act and are in limbo.

If today we approve the Bill, we have dealt with landlord/tenant relationship in the light of the Constitution and, therefore, we have agreed on that with the required majority, the next extension is one which merely says, go for another three years.

7.00 p.m.

There is no new issue of landlord/tenant relationship being raised. There is none. If we came and we wanted to amend the Bill, then of course it automatically goes back to a three-fifths. So the question of wanting to do it by a three-fifths to protect landlord/tenant relationship is not really relevant because if we, as a group today, agree that the Bill we are passing is all right, then if we come back two

years from now and say, let it run for another three years as it is, we are not changing anything in it—

Sen. R. Montano: With great respect, that is not the point that I am on. The point I am on is this: The best that you could hope for us this afternoon—the best—would be an abstention at this time, but that does not solve your problem, because if we were to abstain it would not prevent our colleagues in another place from voting against the Bill.

We speak with one voice and we will speak with one voice, but a short adjournment is going to allow a certain amount of caucusing, consultation and next week it would not take five minutes, but it will mean that justice will be done and the thing, then, would have more of a chance of going through than not. This way you may find yourself in trouble and it would be a tragedy to see the Bill fail because of this, or alternatively, our colleagues in another place will more than likely, probably, insist on Sen. King's amendment. And then what? Are you going to bring the thing back upstairs again?

So rather than do that, we take a very short adjournment. That is the suggestion. If you do not like the suggestion, well, fine, but I am trying to be practical in all of the circumstances.

Sen. Mark: Before the Attorney General speaks, Mr. Chairman, I need to have clarification in my own mind and I hate to take a decision when I have doubts in my mind. I really would like to support my colleague's proposal and I do not think, Sen. Dr. Saith, we are going to lose much sleep in the context of a couple days. In any event, as I understand it, and you could correct me if I am wrong, the other place might go into—the same thing that we want to do next week after the debate; they might be doing that, for instance, this week. It means to say that even if we rush and pass this today, and they are dealing with the Finance Bill on Friday, they would not be able to deal with this Bill on Friday.

So I am suggesting that if we were to just pause and clear our minds, because we would want to ensure that when the Bill is passed, as you have said, you have everybody supporting it. I have no problem with that. But we just need a couple hours to look at it, get all our thoughts clear and when we come back here we go, as Sen. Montano said, before we go into the Finance Bill debate, we just go into committee for about five minutes. But to rush it at this moment, with some confusion, I really feel that, for instance, the Government would not be losing anything by just adjourning this matter, and the first matter we will deal with at the next sitting—if you want to come at 10 o'clock we could propose that, or if

Rent Restriction Bill
[SEN. MARK]

Tuesday, December 10, 2002

you want to come at 1.30 we come, but the important thing is that we will deal with that matter first and get it out of the way and get the total support of the House. I think that is what we all want.

Sen. Prof. Ramchand: Mr. Chairman, if you are being offered a deal, that if you give them a week they would say, yes, and when they say, yes, the other House would say, yes, I think that is a pretty good deal. But I do not understand what is being offered and I do not feel we are rushing. We have spent the whole day on this and it should be clear to everybody what are the issues.

Sen. Morean-Phillip: Mr. Chairman, I agree with Sen. Prof. Ramchand. We have spent five and a half hours on three paragraphs. I do not see that spending another one, two, three hours will make a difference, because we have bent over backwards explaining, and everyone here is very intelligent. Sen. Mark is a master of the word, a master of the speak, so that I am sure that everything has been quite clear.

In addition to that, these are all just cleaning up Bills that we are doing. We have not yet got on to the substantive legislative agenda of the Government. We are simply seeking to provide answers for problems with which we have been faced. I do not want to accuse anyone of anything, so I am simply putting it in a neutral way, with problems with which the country is faced. So we have to get things going and putting this off is not going to help. I think we have spent so much time that we ought to complete this, this evening and accept the amendment as proposed and modified by Sen. King.

Sen. Mark: What is the amendment, Sir?

Sen. Morean-Phillip: I will read it:

“This Act shall continue in force until 23rd February, 2005 and may be continued in force for one further period of three years by affirmative resolution of Parliament.”

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4.

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

Sen. Mark: Mr. Chairman, this is an area we wanted to get some clarification on and we were hoping that the Attorney General would have provided us with

some information in terms of what were some of these acts or things that were done. Did you indicate that to us, Ma'am?

Sen. Morean-Phillip: Yes, I explained it. I said two things were possible areas. One is decisions made in the Magistrates' Court for possession of premises and the other would be decisions made by the Rent Assessment Board, which board was disbanded in February this year. So there would hardly be any, but just in the event that there was any subsequent to the expiration of the Act, then those acts would be validated. That is it.

Sen. Mark: Is the Attorney General saying that the Rent Assessment Boards were disbanded in February 2002 and they were not sitting? Because I have information that these assessment boards have been meeting regularly; have been taking decisions in spite of the fact that it was illegal. Now the Attorney General is on record as telling this Parliament that the boards were disbanded. Now this is a very serious matter, because this is in *Hansard*, you know, and people can take legal action.

Sen. Morean-Phillip: Let me be careful, because the Minister of Legal Affairs may have a better handle on this. In the event that the Rent Assessment Board sat after February 23, 2002 and made decisions, those decisions are the ones that would have to be validated, because anything done in exercise of the powers conferred under the Act would deem to have been lawfully done. Those are the two areas.

Sen. R. Montano: The problem is that we have information that in some cases the board went this year and made increases of more than 5,000 per cent for tenants and in the majority of these cases the tenants were pensioners.

Sen. Morean-Phillip: They can make new applications. When a board is in place new applications can be made.

Sen. Seepersad-Bachan: Is it possible to have these acts reviewed? Just passing this now means that these acts will now become—

Sen. Morean-Phillip: Be validated, yes—

Sen. Seepersad-Bachan: I mean validated at a later point.

Sen. Morean-Phillip: We are saying that an application can be made to whatever board is in place to review what has taken place. Because they are saying it would be poor people, so we are not thinking of going the other means, that you can come back—

Sen. Prof. Ramchand: If in good faith we pass clause 4, could the onus not be on the Government to come back to us and say, well, in fact, the Rent Assessment Board did so, so, so and we do not really agree with that so we will have to do something about it? Should the onus not be on the Government?

Sen. Morean-Phillip: This would be people's rights you would be interfering with. We cannot get into that. It is two parties to every application. You will have an applicant; you will have a respondent; you will have the tenant, a landlord, and if there are problems, there are procedures within the Act for dealing with that.

Sen. Seetahal: They can appeal.

Sen. Mark: Mr. Chairman, what we are saying is that these boards were meeting illegally—they did not have any authority to meet—and they were taking decisions that affected thousands of tenants. Our information is they increased the land rents by 5,000 per cent. They took advantage of this lacuna when we did not have a Parliament. All I am asking is that whether, for instance, the Attorney General is aware of some of the acts that were committed by the Rent Assessment Boards.

Sen. Morean-Phillip: I am not aware of what has taken place in the Rent Assessment Boards. I am only hearing today that some people are dissatisfied with judgments or decisions handed down, which is a regular thing with any tribunal where decisions have to be made, as one against the other. Some party will be dissatisfied. I do not know if there is justification or not, but I am saying that there are procedures within the same Act for those persons to go back before the board if they feel that there has been some problem or some injustice.

Sen. Seetahal: May I say, if, in fact, there has been, they can go for judicial review, and there are other alternatives to a higher court. You can get an extension if you did not know about your rights. So there is relief.

Sen. Morean-Phillip: We have legal aid for that.

Sen. Dr. Saith: If we do not correct it, then they could go now and make it 50,000 per cent because there is nothing to control it. So the 5,000 per cent you are talking about that your boys put in, is joke. They could do anything because there will be no Act.

Sen. Prof. Ramchand: Talking out of common sense now, and forgetting Parliament and law and so on, we really need to know what was done between February 24 and June when they were dismissed. We need the information.

Sen. Morean-Phillip: We could get the statistics as to what took place, what decisions were made in all the Magistrates' Courts, all the rent boards—

Sen. Mark: Mr. Chairman, that is the problem that we are faced with. We are being asked to validate matters and we do not have a clue what we are validating. We do not know what we are doing! Now the Attorney General will tell me, this is a normal thing; it has happened in the past—

Sen. Morean-Phillip: You voted for that before.

Sen. Mark: We are in a new period, and what we are simply saying is, listen, we want to support it but, please, could you not supply us with some information? The Attorney General is now saying that she would give us the assurance that information would be made available. Up to now she has not said when.

Sen. Dr. Saith: You could call your boys and find out—

Sen. Mark: I must call my boys? This is a serious matter.

Sen. Morean-Phillip: Actually, you can go to the rent board. There would be a secretary to the board. They keep a record of all the decisions. Any citizen can go to the board and get that information. It is available. With the Freedom of Information Act you get any information you want these days. You know that.

Sen. Mark: That is not true.

Sen. Prof. Ramchand: Mr. Chairman, I want to know if a judicial review is possible, at whose cost?

Sen. Morean-Phillip: There is legal aid.

Sen. Mark: The same people who got licks, they now have to dig deep into their shallow pockets to go for a judicial review.

Sen. Morean-Phillip: You can go back to the rent board.

Sen. Dr. Mc Kenzie: Mr. Chairman, my question is, okay, we know that from February of this year to now—

Sen. Prof. Ramchand: To June. They were disbanded in June.

Sen. Dr. Mc Kenzie: Okay, whether the board is there or not, I am saying from February the board had no legal standing. Am I right? Because the Act would have come to an end on February 23.

Sen. Morean-Phillip: Yes, the Act would have come to an end.

Sen. Dr. Mc Kenzie: Good. Now let us say because of the fact that there was precedence where, when there was no board the old board would continue to sit until the revalidation and reenactment of the Act, are not these boards—I believe you have more than one board, because you probably have one in Tobago and in districts—governed by rules as to how they could operate?

Sen. Morean-Phillip: Yes, they are. They are guided by the Act.

Sen. Dr. Mc Kenzie: This is what I want to know. What will make them break the rules under which they should operate?

Sen. Morean-Phillip: I do not think it is being alleged that they broke the rules. I think what people are saying is that they exercised their discretion, perhaps not as the applicants would have wanted them to.

Sen. Dr. Mc Kenzie: What I want to understand is this: Let us say the Act had not lapsed; let us say that there was a Parliament in January and you had brought the Bill then and it was revalidated before it expired in February, and the board made decisions in December that people did not like, what is the difference between making a decision that people did not like in December and making a decision now?

Sen. Morean-Phillip: The only difference there is that when they would have made the decision in December, the enabling legislation would not have expired, so they would have been acting *intra vires* the law. It is only after the life of the Act expired that they would have been acting—

Sen. Dr. Mc Kenzie: Yes, but what I want to know is this: Would a mistake, if I could call it that, could only have been made when there was no legality?

Sen. Morean-Phillip: No, no.

Sen. Dr. Mc Kenzie: This is what I want to find out. So they could break the rules any time they want.

Sen. Morean-Phillip: Senator, these problems of which we are hearing, were problems that I have been hearing of for more than two, three or four years, you know. It is not something new that you are hearing about. We are not sure if any decisions were made subsequent to February 2002, that they are being queried, because we have been hearing queries about decisions way before then. Even in the *Hansard* that I looked at with the debate for the last Bill, this problem was raised. So that this is something that has been ongoing.

Sen. Prof. Ramchand: Mr. Chairman, what is the status of this letter on

National Land Tenants and Ratepayers Association's notepaper which claims that the board continued to sit after February 28, handing down large increases to landlords? This continued to June 2002. The Association then approached the then Minister of Housing and Settlement and he immediately disbanded the board. Is all of this true? Is this document telling the truth?

Sen. Morean-Phillip: It probably is, I do not know, because what they are saying is—

Sen. Prof. Ramchand: If the Minister did disband the board on the allegation that large increases were handed down to landlords—

Sen. D. Montano: I was the one helping them. They saw me very early on, I think it was January, and within days after that I was notified that the matter was being handled by the Ministry of Legal Affairs so I passed everything over at that point and I had nothing more to do with them.

Sen. Smith: What I would like to find out, Mr. Chairman, if they are saying that the boards, after February 28, were operating illegally and they made decisions that affected people in terms of favouring the landlords and skyrocketing the rents and so on, does the Attorney General not have the authority to deal with a situation like that, seeing that the law was broken? My point is that they had no authority to do what they did because they were operating outside of the law. I heard the Attorney General say they broke the law; they went outside of the law.

Sen. Morean-Phillip: I did not say they broke any law—

Sen. Dr. Saith: They did not have the legal standing.

Sen. Smith: Well that is breaking the law. Taking decisions without having authority is breaking the law.

Sen. Morean-Phillip: If there was no law in existence they did not break the law as such.

Sen. Smith: I am saying that the Attorney General said there was no law, but the fact is that they were not in office. Their term of office ended on February 28. They had no authority. Any decision they made after that is supposed to be null and void, and now the tenants have to suffer. I am asking a question. What power does the Attorney General have to deal with these people who are suffering?

Sen. Morean-Phillip: I do not know which one would be suffering. The fact is that the board will have purported to act in accordance with a mandate which it

Rent Restriction Bill
[SEN. THE HON. G. MOREAN-PHILLIP]

Tuesday, December 10, 2002

had before. There are two parties before the court. I cannot just jump into the fray. You have two litigants, so to speak, although you would not call it litigants in the adversarial sense. But there are means within the law for these people to seek redress. So the Attorney General does not just jump in there.

Sen. Prof. Ramchand: The Attorney General could tell the board, “you had no authority to do this”.

Sen. Morean-Phillip: Yes. If that were brought to my attention, I would say, yes. But we are talking *ex post facto*. We are talking after the fact now. I mean you are going into the realms of supposition there. They would have done this thinking that they did have the authority. So it is not a criminal act that they committed. If somebody was wronged as a result, I am saying the law provides remedy.

Sen. R. Montano: A problem that occurs to me is this: Are there any people who have had invalid awards made against them of these increases and have obviously not been paying the increases because they have regarded, quite properly, the award as invalid?

Sen. Morean-Phillip: Nobody has called.

Sen. R. Montano: If we go and validate these awards, these people may very well find themselves in a position where they have huge arrears to pay and the reality is they simply cannot afford to pay. In those circumstances, it seems to me that we may be inflicting a rather serious hardship on a significant portion of the very people that this legislation is supposed to protect. Maybe, as a compromise, we could validate their acts as from, say, today, so that there would be no huge arrears to pay.

Sen. Prof. Ramchand asked if this information of 5,000 per cent increase in rent is correct. Now let us assume but not accept, because as I understand it, nobody here knows for certain whether this information is correct or not, but let us assume that it is correct, or it is close to correct, or it is even half correct, a two and a half thousand per cent increase in rent from an award made, let us say, in March, there is no way in a month of Sundays that the tenant who is living like that is going to be able to pay it. In which case, we need to be very careful.

I am well aware of the problems of landlords and I am also aware there are some people living in rent-restricted houses who can well afford to pay. But the point of the matter is that most of the people living in the rent-restricted houses are really there because they cannot afford anything better. Validating, for

example, an award that was made in February or March may inflict serious and untold hardship upon certain people.

Sen. Dr. Saith: Could I ask a layman's question? If we do not do that, does it mean that for the period February to today, there was really no award and therefore the landlord is free to make it 50,000 per cent and say, "you had better pay me because that is what you owe me"?

Sen. R. Montano: No, because the Act goes back to February 23, 2002, so the landlord is not free to do that. The landlord is only free to raise the rent on the basis of an award made by the Rent Assessment Board. So that the point of the matter is this: If we feel it is only right and fair that there be some validation of the awards made, I think that there needs to be some kind of compromise. Putting it right back to February 23 could well cause serious hardship.

Sen. Seetahal: I want to say that I disagree with Sen. R. Montano. In the normal course of a validation Act where you go back to the time that the Act ended so that you can continue, you need to cover that period because you do not know what could have happened then. It is all well and good to say that citizens would have suffered and now, can we impose these things retroactively on them? It will not be a situation like that. If I may say, in the last six years there have been at least ten times where we have had to do this thing, and not only once in the UNC era; it was twice that we had to go back and do this. So it is nothing new. We had to do it in other times as well, where, for one reason or the other, the date passed and not only in Rent Restriction but in many other pieces of legislation. You have to look at the rights of the landlord and of the tenant. You cannot selectively say, this person will be affected adversely. What about the board? It is not every day the board sits and says, "We are going to finish on February 23 and we must stop sitting." There might have been a case continuing and it may have continued the next day. Should these people be subject to legal action because they were doing their jobs?

If we are doing this thing properly, we need to go back to that day and ensure that whatever decisions the boards took; whatever decisions were made in terms of approving premises and saying, "yes, you are now controlled", that those decisions are given effect to. I do not see why we are beating around the bush and arguing about this thing as if it is something novel and all out of the blue now; that this is a major piece of legislation that is going to affect so many rights adversely. People have been living in these premises for the last, how many months and through no fault of their own they have not been protected as they should be and it is the duty of Parliament to ensure that they have that protection.

Sen. R. Montano: With the greatest of respect, that is simply not the point, and in any event, if a mistake was made yesterday and the day before, does that mean that we must continue to make the same mistakes? I agree with Sen. Seetahal, in that I think that we have reached the end of this, but speaking for myself, I am very concerned about—I recognize that no matter which way you twist or turn it, there is going to be an injustice here. It is because of this that I am suggesting the compromise, which is that we make it so that any increases that were given by the boards between the relevant period that we are concerned about— February 23 to June, whatever the date is—that those increases do not take effect until today. That, to me, is a compromise, because the landlord would not have to go back to the Rent Assessment Board and at the same time the tenant will not be faced with potentially huge arrears that he cannot pay. That is all. I am seeing the injustice on both sides.

Sen. Prof. Ramchand: You are looking for an amendment after 2002, “except that”?

Sen. R. Montano: I was trying to get the principle right—

Mr. Chairman: Hon. Senators, I think we have really been going on with this. I think we all understand the implications. We have dealt with it thoroughly and I think we should proceed.

Sen. Prof. Ramchand: We might be on the edge of a slight breakthrough here. If the Attorney General could agree with an “except that”—

Sen. Morean-Phillip: I tried that and I have been advised that that is not workable. What they are saying is, you cannot accept one exclusion. You would be excluding one set of decisions and not the others and that would be discriminatory.

Sen. R. Montano: Could we do it this way? Could we put in an amendment like this? “All acts and things done or purported to be done in the exercise of powers are deemed to have been lawfully and validly done notwithstanding that the Act ceased to have effect on 24th of February, 2002, and such acts and things done or purported to be done shall have effect as from December 10”?

Sen. Morean-Phillip: No, that would be the same thing, because you would be excluding a whole set of decisions. You cannot do that. Remember you can go to the rent board any time, over and over. People do that all the time.

Question put and agreed to.

Rent Restriction Bill

Tuesday, December 10, 2002

Clause 4 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

Senate resumed.

Bill reported, with amendment.

Question put, That the Bill be now read the third time.

Mr. Vice-President: The Bill requires a three-fifths support of all Senators. The Clerk would have to take a division at this stage.

The Senate voted: AYES 21

AYES

Morean-Phillip, Hon. G.

Saith, Hon. Dr. L.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Gift, Hon. K.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, M.

Kangaloo, Hon. C.

Ramroop, S.

Persad, Pundit M.

Mc Kenzie, Dr. E.

Ramchand, Prof. K.

Rent Restriction Bill

Tuesday, December 10, 2002

King, Mrs. M.

Thomas, Amb. C.

Seetahal, Ms. D.

Anmolsingh-Mahabir, Mrs. P.

Khan, Br. N.

Seeterram, Mrs. I.

The following Senators abstained: W. Mark, S. Baksh, Dr. J. Kernahan, R. Montano, Mrs. C. Seepersad-Bachan and A. Smith.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Planning and Development (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I beg to move that Senate do now adjourn to Tuesday, December 17, 2002 at 1.30 p.m. and as indicated in the letter from the Clerk to Senators, we propose to take the Finance Bill, 2002 at that sitting.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.40 p.m.