

*Leave of Absence**Tuesday, March 15, 2005***SENATE***Tuesday, March 15, 2005*

The Senate met at 1.30 p.m.

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

**Mr. Vice-President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. Sen. Christine Sahadeo for the period Tuesday, March 15, 2005 to Friday, March 18, 2005, and to Sen. The Hon. Mustapha Abdul-Hamid from today's sitting of the Senate.

**SENATORS' APPOINTMENT**

**Mr. Vice-President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MS. ROSE JANNEIRE

WHEREAS Senator Christine Sahadeo is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ROSE JANNEIRE, to be temporarily a Member of the Senate, with immediate effect from the afternoon of March 15, 2005 and continuing during the absence from Trinidad and Tobago of the said Senator Christine Sahadeo.

*Senators' Appointment*  
[SEN. VICE-PRESIDENT]

*Tuesday, March 15, 2005*

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 11<sup>th</sup> day of March,  
2005."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL  
RICHARDS, T.C., C.M.T., Ph.D., President and  
Commander-in-Chief of the Republic of Trinidad  
and Tobago.

/s/ G. Richards  
President.

TO: Ms. BONNIE-LOU DE SILVA

WHEREAS Senator Mustapha Abdul-Hamid is incapable of performing his  
duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as  
aforesaid, acting in accordance with the advice of the Prime Minister, in  
exercise of the power vested in me by section 44 of the Constitution of the  
Republic of Trinidad and Tobago, do hereby appoint you, BONNIE-LOU DE  
SILVA, to be temporarily a Member of the Senate, with immediate effect and  
continuing during the absence from Trinidad and Tobago of the said Senator  
Mustapha Abdul-Hamid.

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 15<sup>th</sup> day of March,  
2005."

**OATH OF ALLEGIANCE**

*Senators Rose Janneire and Bonne-Lou De Silva took and subscribed the Oath of  
Allegiance as required by law.*

**PAPERS LAID**

1. The Seventy-Fourth Report of the Salaries Review Commission. [*The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith)*]
2. Annual reports on the Administration of National Broadcasting (NBN) for fiscal years 2000 to 2004. [*Sen. The Hon. Dr. L. Saith*]
3. The submission of Conventions and Recommendations adopted at the International Labour Conference June, 2004—Recommendation 195—Recommendation concerning Human Resources Development: Education, Training and Lifelong Learning, 2004. [*Sen. The Hon. Dr. L. Saith*]
4. The Securities Industry (Take-Over) By-Laws, 2005. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
5. The Value Added Tax (Amdt.) Order, 2005. [*Sen. The Hon. C. Enill*]

**Statutory Instruments  
(Bye-laws and Order)**

**The Minister in the Ministry of Finance: (Sen. The Hon. Conrad Enill)**  
Mr. Vice-President, I wish to also advise that the Statutory Instruments Committee considered the By-laws and the Order, and found that there is nothing to which the Senators' attention should be specially drawn. The minutes of the committee were circulated to Senators.

**HOME MORTGAGE BANK (AMDT.) BILL**

Bill to amend the Home Mortgage Bank Act, Chap. 79:08, brought from the House of Representatives [*The Minister in the Ministry of Finance*]; read the first time.

**ORAL ANSWERS TO QUESTIONS**

**Community-based Environmental  
Protection and Enhancement Programme**

- 28. Sen. Wade Mark** asked the Prime Minister and Minister of Finance:
- A. Could the Minister inform the Senate from which Ministry Vote/Head is the CEPEP programme funded?
  - B. Could the Minister provide the Senate with details of the allocation of expenditure made to the CEPEP programme on a yearly basis from its inception to May 31, 2004?

- C. Could the Minister indicate what plans, if any, have been put in place to conduct an efficiency and forensic audit of the CEPEP programme from its inception to May 31, 2004?
- D. Could the Minister inform this House whether the Auditor General's Department is responsible for the audit of financial accounts of the CEPEP programme? And, if not, why not?

**The Minister of Public Utilities and the Environment (Hon. Penelope Beckles):** Mr. Vice-President, in relation to part A, the Community-based Environmental Protection and Enhancement Programme (CEPEP) is funded under the following Vote:

Head—39 Ministry of Public Utilities and the Environment

Sub-Head—04, Current Transfers and Subsidies

Item—009, Other Transfers

Sub-Item—07, Community-based Environmental Protection and Enhancement Programme.

In relation to part B, for the period May 2002 to September 2002, the programme was funded through a loan of \$74,932,978 from the Royal Bank Trinidad and Tobago Merchant Bank (RBTT Merchant Bank)

For the period October 2002—September 2003 the programme was funded through a loan of \$80,500,00 from First Citizens Bank (FCB).

For the period October 2003 to May 31, 2004 the programme was funded from the Consolidated Fund in the amount of \$176,008,343.

In relation to part C, there are no plans at this time to conduct an efficiency or forensic audit of the CEPEP programme.

This, notwithstanding, the Solid Waste Management Company Limited (SWMCOL) on its own, initiated financial audits of all CEPEP contracting companies, and those were undertaken by duly qualified audit firms in Trinidad and Tobago. CEPEP contractors are required to submit audited annual financial statements. SWMCOL also conducts quarterly testing of contractors' accounts to ensure:

1. Accuracy of payroll and time sheets.
2. Payment of all taxes, statutory deductions; Vat, PAYE, NIS, Health Surcharge, Workmen's Compensation, Professional Indemnities.

3. Compliance with best corporate governance practices in business affairs.

These measures are intended to strengthen areas of weaknesses which may be identified.

In relation to part D, the accounts of the CEPEP programme are not audited by the Auditor General.

Section 116(3) of the Constitution of the Republic of Trinidad and Tobago, empowers the Auditor General to carry out audits on the accounts, balance sheets and other financial statements of all enterprises that are owned or controlled by or on behalf of the State. However, state enterprises may choose to appoint as auditor, the Auditor General, or any firm of accountants recognized by the Institute of Chartered Accountants of Trinidad and Tobago.

The Auditor General may, at any time, conduct its own audit of the CEPEP programme or SWMCOL, the company which is responsible for the execution of the CEPEP programme.

Since 1997, at its 15<sup>th</sup> Annual General Meeting, SWMCOL has engaged the services of the firm of R. Ramdass and Company Limited to audit its financial accounts. It should be noted that this company concluded in their report as at September 30, 2002 that:

“In our opinion, the financial statements present fairly, in all material respects, the financial position of the company as at September 30, 2002 and the results of its operations and its cash flow for the year then ended in accordance with International Accounting Standards adopted by the Institute of Chartered Accountants of Trinidad and Tobago.”

The accounts of SWMCOL are audited by the firm of R. Ramdass and Company Limited and this has been so since 1997.

**Sen. Mark:** Mr. Vice-President, could the hon. Minister indicate whether the CEPEP programme has been audited for the period of its existence? It came into being as you know, in 2002 and we are now in 2005. We would like the hon. Minister to indicate whether this particular firm, that the hon. Senator has made reference to, has audited the financial accounts of the CEPEP programme for 2002—2004. And if they have done so, if those reports have been tabled in accordance with the laws of the country and of the Parliament. Have those reports been laid in the Parliament?

**Hon. P. Beckles:** Mr. Vice-President, as I indicated, SWMCOL's 2002 audit was completed. As it relates to 2003, the SWMCOL accounts are to be completed by March 31, 2005. A first draft of the audit report was submitted to the company and discussions are taking place. The 2004 audit of SWMCOL's accounts has started and is expected to be completed by May 2005, and, therefore, that would mean they have not yet been laid in the Parliament.

**Sen. Mark:** Could the hon. Minister indicate whether any reports audited by the particular firm on the CEPEP programme to date have been tabled in the Parliament?

**Hon. P. Beckles:** Yes. The Community-based Environmental Protection and Enhancement Programme (CEPEP) falls under SWMCOL and, therefore, when SWMCOL is audited that would be part of SWMCOL's audit. So the last audit would have been 2002.

**Sen. Mark:** Mr. Vice-President, through you, the hon. Minister did indicate that there were two loans obtained via the Royal Bank of Trinidad and Tobago and the First Citizens Bank. Could I ask the Minister whether she would be in a position not necessarily today, but if she can make available to this Parliament the terms and conditions of those loans?

**Hon. P. Beckles:** I cannot do it today, but Mr. Vice-President, I am willing to make them available.

**Sen. Mark:** Mr. Vice-President, through you, hon. Minister, having regard to a number of controversies surrounding this particular programme, would you not consider inviting the Auditor General to conduct an efficiency and forensic audit into the accounts of the CEPEP programme? Whether for instance, in the national interest would the Minister not want to consider inviting the Auditor General to conduct both an efficiency audit and a forensic audit?

**Hon. Beckles:** Mr. Vice-President, by letter dated September 09, 2004, the Auditor General advised the Permanent Secretary of the Ministry of Public Utilities and the Environment as follows:

The Auditor General had decided to undertake a special audit of selected areas in the administration of the CEPEP programme covering the period May 2002—May 2004.

The audit is being carried out in accordance with section 116(3) of the Constitution of the Republic of Trinidad and Tobago and in accordance with

generally accepted auditing standards and would include such tests and procedures as were considered necessary.

Mr. Vice-President, an efficiency audit examines the relationship of the quantity and quality of goods and services produced, and the cost of the resources used to produce them at the required services level to achieve prescribed programme results. This type of audit is most applicable to the manufacturing sector where the components of input, output and production time can be quantified.

Mr. Vice-President, I do not agree with the statement made by the Senator as it relates to “considerable amount of controversies in CEPEP.” I repeat, as it relates to the forensic audit and the efficiency audit, at this time I do not see it necessary to conduct an efficiency audit and a forensic audit. But I made it clear that the Auditor General is doing an audit as we speak.

**Sen. Baksh:** Mr. Vice-President, I am grateful to the hon. Minister for promising to make available the loan documents. Could I ask her how soon?

**Hon. P. Beckles:** Is the Senator going to file it in the form of a question or would he like me to send the information? I would not promise next week but I will send it as soon as possible.

#### **Presentation of Credentials (Procedures)**

**45. Sen. W. Mark** asked the Hon. Minister of Foreign Affairs:

- A. Could the Minister explain the procedure involved in the “presentation of credentials” by a diplomat when he or she is assigned to a foreign country?
- B. Could the Minister provide details of why the “presentation of credentials” by Her Excellency Glenda Morean-Phillip, High Commissioner of Trinidad and Tobago to the United Kingdom cost £6,628?

**The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift):** Mr. Vice-President, Article 13 of the Vienna Convention on Diplomatic Relations provides that, I quote:

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1. The head of the mission is considered as having taken up his functions in the receiving State either when he has presented his credentials, or when he has notified his arrival and a true copy of his credentials has been presented to the Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, in accordance with the practice prevailing in the receiving State which shall be applied in a uniform manner.
2. The order of presentation of credentials or of a true copy thereof, will be determined by the date and time of the arrival of the head of the mission.

In London, the procedure is that the newly arrived High Commissioner-designate call on the Vice Marshall of the Diplomatic Corps for a briefing. A working copy of the credential is provided to the Vice Marshall at this meeting.

The High Commissioner-designate then calls on the Minister at the Foreign and Commonwealth Office who deals with the country concerned. This meeting could be used to review the bilateral agenda between the country concerned and the United Kingdom.

The Marshall of the Diplomatic Corps then invites the High Commissioner-designate to call on him for a full briefing and to arrange an audience with Her Majesty Queen Elizabeth II, Queen of the United Kingdom of Great Britain and Northern Ireland.

On the day set for the audience with Her Majesty the Queen, the High Commissioner-designate is required to be most formally attired, and the spouse is similarly attired in morning dress. The High Commissioner-designate is met at the place of residence or office by the Marshall of the Diplomatic Corps and transported by horse-drawn carriage to the Palace. Up to four members of the staff of the High Commissioner-designate may accompany the Head of Mission. During the audience of Her Majesty The Queen, the letter of recall of the predecessor and the credentials of the High Commissioner-designate are presented. Matters of interest are also reviewed.

The custom in the United Kingdom is that following the audience with Her Majesty The Queen, the High Commissioner would host a Vin D'honneur in reasonable proximity to the Palace.



The cost of £4,597.64 covered all the activities and incidentals outlined. That included the cost of a room at the Institute of Directors given the fact that the Chancery of the High Commission was under renovation. In addition, the opportunity presented by the Vin D'honneur was used to set the stage for initiatives in trade, investment and tourism. The occasion was also used to promote Trinidad and Tobago as the best site for the headquarters of the Free Trade Area of the Americas (FTAA).

Accordingly, a cross-section of diplomats, business executives and public sector officials was invited. Hors d'oeuvres and beverages were also available.

The High Commissioner has continued to build on the foundation created at this occasion with various presentations on trade and investment and in various regions of presentations on trade in the United Kingdom. The most recent initiative in this continuum is Trinidad and Tobago, "Caribbean Tiger" which was a successful business event hosted by the High Commissioner on Monday, December 06, 2004 at the Institute of Directors in London. More than 100 business executives representing the major sectors of interest to Trinidad and Tobago participated in that event.

It should be noted that the event which cost far more to host than the Vin D'honneur, was sponsored almost totally by the private sector. That was a demonstration of the commitment of the private sector to work with the High Commission for the mutual benefit and for the benefit of the people of Trinidad and Tobago.

This approach represents a blueprint for all presentation of credentials by the High Commissioner to the United Kingdom, and Ambassador to Germany, Denmark, Finland, Norway and Sweden. In each presentation to date, the High Commissioner has met subsequently with the private sector to lay the foundation for continuing work in the areas of trade and investment. With respect to Germany the cost was £2,030.62. The amount of £6,628.26 represents the combined expenditure for the United Kingdom and Germany.

Thank you.

**Sen. Mark:** Is the Minister of Foreign Affairs indicating to this honourable Senate that some £4,700 or thereabout was actually raised by the private sector, and, therefore, the Republic of Trinidad and Tobago had not incurred any cost whatsoever for the presentation? So the actual cost of £4,000—Mr. Vice-President, we have a figure of £6,628 which the Minister had given to this Parliament earlier and he is now giving us a different set of figures. I just wanted

him to at least reconcile that so that we can have some consistency with the figures that he had given previously and what he has given today. What was the extent of the commitment to the people of this country for staging this particular event after the presentation of credentials to the Queen of Britain by Her Excellency?

**Sen. The Hon. K. Gift:** Mr. Vice-President, in the Senator's usual custom Sen. Mark tends to reverse things, and in the process a certain distortion takes place. You see it all the time with the media. If the Senator is so inclined I will, for the purposes of the record, reiterate what was said in the presentation. But I am sure that he understood what was said. If he so desires then I will repeat.

The cost of £4,597.64 covered all the activities and incidentals outlined. That included the cost of a room at the Institute of Directors given the fact that the Chancery of the High Commission was under renovation. In addition, the opportunity presented by the Vin D'honneur was used to set the stage for initiatives in trade, investment and tourism. The occasion was also used to promote Trinidad and Tobago as the best site for the headquarters of the Free Trade Area of the Americas (FTAA).

In the other paragraph, I went on to do some amplification. It should be noted that the event which cost far more to host than the Vin D'honneur was sponsored almost totally by the private sector. That was a demonstration of the commitment of the private sector to work with the High Commission for mutual benefits and for the benefit of the people of Trinidad and Tobago.

**Sen. Mark:** Mr. Vice-President, through you, could the hon. Minister of Foreign Affairs state to this Parliament what concrete initiatives in the area of trade, investment and tourism have been undertaken by Her Excellency? [*Crosstalk*] The hon. Senator did make reference to that. I am just asking through you, Mr. Vice-President, what initiatives were taken so far by Her Excellency since she has been stationed in London to promote investment, trade and tourism to benefit Trinidad and Tobago? Because he did mention in his contribution that it was an opportunity to promote trade, investment and tourism. So arising out of that, I am asking for some clarification.

**2.00 p.m.**

**Sen. The Hon. K. Gift:** I would be happy to provide a written response to the hon. Senator at some time. Obviously, the details in respect of an answer to those questions cannot now be provided.

**Sen. Mark:** Mr. Vice-President, could the hon. Minister indicate whether any concrete initiative has been taken in the last 15 months by Her Excellency to bring trade investment opportunities for development in Trinidad and Tobago? Can the Minister identify one single initiative that is of critical interest to Trinidad and Tobago's development?

**Sen. The Hon. K. Gift:** Mr. Vice-President, I am sure everybody here is satisfied that this is a brand new question with totally new implications. There is no unwillingness on the part of the Minister of Foreign Affairs to respond and to educate this Senate. *[Interruption]*

**Mr. Vice-President:** Hon. Senators, clearly that is a new question which, I am certain, everybody would welcome. Sen. Mark, would you please pose that as a new question? Please move on to question 46!

**Sen. Mark:** Mr. Vice-President, I shall be guided and I shall pose, not only one, but some additional questions to the hon. Minister. This will be a long topic for some time to come.

**Trinidad and Tobago High Commission, London  
(Ceremonial Day)**

**46. Sen. Wade Mark** asked the hon. Minister of Foreign Affairs:

- A. Could the Minister inform the Senate what is meant by "Ceremonial Day", which was observed recently by the Trinidad and Tobago High Commission in London?
- B. Could the Minister provide the Senate with a detailed breakdown of the expenditure of £4,782 for the observance of "Ceremonial Day"?

**The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift):** Mr. Vice-President, "Ceremonial Day" is a general term that is used to cover the commemoration of special national and international events.

The commemoration of these special events is one dimension of the strategy of the High Commission to increase and maintain the interest of the diaspora in the development of Trinidad and Tobago. Some of the benefits anticipated include the development of niche markets in the United Kingdom for products emanating from Trinidad and Tobago; investment in the small and medium-sized enterprise sector by nationals living abroad and enhancing the profile of Trinidad and Tobago through cultural exchanges.

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With respect to the amount of £4,782, the relevant days were: Commonwealth Day, Spiritual Baptist Day, Indian Arrival Day, Emancipation Day and Independence Day. The amount does not include expenditure for Divali and Eid-ul-Fitr.

It should be noted that transportation costs in respect of Indian Arrival Day, amounting to £30, were submitted after the event, thereby bringing the total expenditure to £4,812. I volunteer a breakdown of these expenditures:

Commonwealth Day:

Tea Tickets for annual event hosted by the Commonwealth Secretariat	£ 24.00
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Spiritual Baptist Day:

Rental of church	£125.00
Contribution to food	£200.00

Indian Arrival Day:

Rental of hall	£390.00
Contribution to food	£210.00
Transport	£ 30.00

Emancipation Day:

Rental of hall	£100.00
Catering	£800.00
Feature Speaker	£250.00
Accommodation/Transport for Feature Speaker	£225.56
Waiters (5x£50)	£250.00
PA Rental	£ 50.00
Tobago Crusoe (Artiste)	£150.00
S. Figaro (Ancient drummer)	£150.00
Youth Group	£100.00
Alberto	£150.00
DJ	£100.00

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Cups, ice, etc.	£ 29.00
Floral arrangements	£150.00
Driver (hire)	£120.00
Misc. expenses	£ 55.39
Independence Day Church Service:	
Rental of hall	£400.00
Catering	£203.72
Floral	£150.00
Drinks (to include water, juice and Coffee)	£ 50.00
Soloist	£100.00
Quartet	£150.00
Organist	£100.00
<b>GRAND TOTAL</b>	<b>£4,812.67</b>

**Sen. Mark:** Mr. Vice-President, could the hon. Minister of Foreign Affairs indicate whether these events that are captured under “Ceremonial Day” are held on an annual basis? Could he share with us the development that has taken place in bringing the diaspora together on the one hand and the establishment of niche markets, in order to facilitate products from Trinidad and Tobago to satisfy the diaspora located in England?

**Sen. The Hon. K. Gift:** Mr. Vice-President, we on this side of the aisle always take pleasure in educating those on the other side. The information could best be provided in written form on another occasion, when another question is directed.

**Sen. Mark:** Mr. Vice-President, the hon. Minister has responded. I have asked a follow-up question and he is saying that I have to ask a new question.

Mr. Vice-President, I will be guided accordingly and have about six new questions coming very shortly. We will keep Her Excellency and the Minister of Foreign Affairs busy.

Thank you very much. [*Interruption*]

“I done tell you there ain’t no white master in this place.”

**Mr. Vice-President:** Sen. Mark!

**Acquisition of Land in Tobago  
(Completion of Payment)**

**53. Sen. Dr. Eastlyn McKenzie** asked the hon. Minister of Agriculture, Land and Marine Resources:

- (i) Could the hon. Minister state whether all lands acquired, used or entered upon in Tobago by the State for development projects have been paid for?
- (ii) If the answer is in the negative, will the Minister state, in detail, those parcels of lands not paid for:
  - (a) their acreage, location and boundaries, owner(s), and purpose for which the lands were acquired;
  - (b) the reasons for the delay in effecting payment?

**The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine):** Mr. Vice-President, I thank you.

All lands acquired, used or entered upon in Tobago by the State for development projects have not been fully paid for.

In respect of the part (ii)(a) of the question, the information requested has been circulated to hon. Senators.

In respect of part (ii)(b) of the question, several factors contribute to the delay in effecting payment, such as the unavailability of proper title, difficulty in locating registered owners, disagreement with compensation, and lengthy and difficult negotiations.

I thank you.

*Vide end of sitting for written part of answer.*

**Sen. Mark:** Could the hon. Minister indicate whether the names of all persons who are owed money as outlined in this question have been captured, or whether he has left out any names? Is this a true representation of all persons?

**Hon. J. Narine:** Mr. Vice-President, these are the records that we have. If the Senator, in going through these areas, could indicate to the Ministry the names we have left out, we will give him the answer to that.

**Sen. Mark:** Mr. Vice-President, is the Minister aware that Sen. The Hon. Knowlson Gift has lands in Tobago? Is he also aware that he is still owed large sums of money by the State which acquired his property? Can he share with us why his name is not included in this list? He has not been paid; and I think it is unfair. [*Laughter*] Can he tell us why his name is not included? I defend the Minister of Foreign Affairs today. I want him to be paid.

**Hon. J. Narine:** Mr. Vice-President, I am sure the hon. Senator knows that that matter is in court. As I said in the answer, disagreement with compensation and lengthy and difficult negotiations are two of the factors contributing to the delay in effecting payment.

**FUNCTIONS OF THE DIRECTOR OF SURVEYS  
(VALIDATION) BILL**

*Order for second reading read.*

**The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine):** Mr. Vice-President, I beg to move,

That a Bill to validate the functions exercised by the Director of Surveys for the period June 18, 2004 to October 01, 2004, be now read a second time.

Mr. Vice-President, the post of Commissioner of State Lands was created in 1979 by section 5 of the State Lands Act, Chap. 57:01 of the laws of Trinidad and Tobago. This position of Commissioner of State Lands was not filled during this period because at that time no such position existed on the permanent establishment of the public service. This meant, Mr. Vice-President, that His Excellency the President of the Republic of Trinidad and Tobago, was required to sign documents related to state land transactions. This meant that every land transaction had to be sent to the President of the Republic of Trinidad and Tobago.

By Legal Notice No. 89 of 1980, the Director of Surveys was authorized to conduct these functions of the Commissioner of State Lands by the President. One must appreciate how burdensome and onerous it must have been for one individual to perform both functions. At this time, I would like to pay public tribute to the Director of State Lands, Mr. Tyrone Leong, who had both the Director of Surveys function and the Commissioner of State Lands function, and, as with Members of the House, he was doing two jobs and being paid one salary.

Because of the accelerated agricultural land distribution programme, the intensification of our land administration activities and, in particular, the increased technical and administrative activities with respect to Caroni lands, the duties and responsibilities of the offices of Commissioner of State Lands and the Director of Surveys have increased tremendously. Cabinet, therefore, agreed by Minute No. 27 of 1998, on November 06, 2003:

- to transfer the functions of the office of Commissioner of State Lands from the Director of Surveys to the Commissioner of State Lands;
- that the Attorney General cause to be prepared the necessary Order to give effect to the decision of Cabinet.

The Transfer of the Functions (Commissioner of State Lands) Order, 2004 was laid in the House of Representatives on June 09, 2004 and in the Senate on June 15, 2004 for negative resolution. By Legal Notice No. 122 of 2004, all functions vested in the Director of Surveys, by virtue of Legal Notice No. 89 of 1980 were transferred to the Commissioner of State Lands on June 18, 2004.

During the period June 18, 2004 to October 01, 2004, the Director of Surveys was unaware that Order No. 122 was in force; consequently, he continued to perform the functions vested in the office of Commissioner of State Lands, which was deemed to be *ultra vires*.

This validation Bill is required to legitimize the activities of the Director of Surveys during the period June 18 to October 01, 2004, pursuant to the power which was wrongfully exercised. It would be difficult to list the specific activities pursued and documents signed by the Director of Surveys pursuant to the duties of Commissioner of State Lands. However, a general classification of the documents and duties pursued are as follows:

- (1) consent to mortgage and transfer leasehold interest;
- (2) Letters of Offer relating to terms and conditions of leases;
- (3) new leases—all classes including residential, agricultural, commercial and industrial;
- (4) quit notices to squatters;
- (5) collection of revenue;
- (6) instructions to Inspectors of State Lands;



- (7) vouchers for payment of compensation to land owners whose lands were compulsorily acquired;
- (8) rental agreement between the State and private land owners for office space.
- (9) permission to enter state lands;
- (10) authorization to apply to Town and Country Planning Division to construct buildings on state lands;
- (11) application for water and electricity connections;
- (12) recommendations to Cabinet for lease of state land;
- (13) witnessing the President's signature in respect of grant of state lands;
- (14) custody of files of state land parcels;
- (15) instructions and advice to the Commissioner of Valuations, Chief State Solicitor, all government ministries and departments on state lands;
- (16) attend meetings of Cabinet-appointed committees;
- (17) execution of the land acquisition process;
- (18) termination notices relating to agricultural leases;
- (19) cultivation notices relating to agricultural leases; and
- (20) agreement to purchase private property by private treaty.

Mr. Vice-President, those are some of the duties that the Director of Surveys had continued during that period. The Director of Surveys was unaware of Order No. 122 during the period June 18 to October 01, 2004, when he was informed by the Permanent Secretary.

I beg to move.

*Question proposed.*

**Sen. Wade Mark:** Thank you very much, Mr. Vice-President. The Bill before this honourable Senate seeks to validate all functions exercised by the Director of Surveys during the period June 18 to October 01, 2004, which ought to have been performed by the Commissioner of State Lands, by virtue of Legal Notice No. 122 of 2004.

It is absolutely amazing that we could have a minister seeking to extricate himself and his incompetent administration from culpability and responsibility for this development that we are being called upon to validate.

Mr. Vice-President, you listened carefully to what the hon. Minister said in his opening remarks. He said that Mr. Tyrone Leong, who is Director of Surveys, was executing responsibilities without any forethought or knowledge that a legal notice was issued by the Attorney General's office. Before that notice was issued by the Attorney General's office, Cabinet, according to the hon. Minister, took a decision, on November 06, 2003, to transfer the function of land administration from the office holder, that is the Director of Surveys at that time and place those functions under a new office holder termed the Commissioner of State Lands.

This represents a breakdown in communication between the State via the Cabinet and the public service apparatus and I will not stand here and allow the Minister to blame a public officer in this particular respect. Why cast blame on the Director of Surveys, Mr. Vice-President, when the Minister of Agriculture, Land and Marine Resources would have been aware of this Notice, based on a Cabinet decision on November 06, 2003?

Given the decision by the Cabinet on November 06, 2003; Legal Notice No. 122 was published and it is headed, "Transfer of Functions (Commissioner of State Lands) Order, 2004". It states, and I read:

"This Order may be cited as the Transfer of Functions (Commissioner of State Lands) Order, 2004."

Mr. Vice-President, it goes on:

"All of the functions vested in the Director of Surveys by virtue of Legal Notice No. 89 of 1980 are hereby transferred to the Commissioner of State Lands."

Mr. Vice-President, this is dated the third day of June 2004. I want you to follow the sequence of events. The Cabinet takes a decision on November 03, 2003. November, December, January to June—eight months later, the Minister of Agriculture, Land and Marine Resources, I think at that time it was the hon. Minister John Rahael. I do not think the hon. Jarrette Narine was there at that time, but the reality is that he must take responsibility for the action of his colleague.

Mr. Vice-President, they would like us to believe that after eight months of a decision being taken by the Cabinet, that the Director of Surveys was not made aware of the Cabinet decision? This is unbelievable! I am a former member of a Cabinet of the Republic of Trinidad and Tobago and I know that when Cabinet

takes decisions and they come for ratification, they are immediately dispatched to the Permanent Secretary in the respective ministries so that action could be taken on the decisions of the Cabinet.

November, December, January, February, March, April, May, June—eight long months and we are being told by the hon. Minister of Agriculture, Land and Marine Resources that the Director of Surveys went about his merry way signing document after document, when this Legal Notice was issued on June 03, after a decision was taken eight months before and that he was not aware!

Mr. Vice-President, do you know what was even sadder? Having issued this Legal Notice No. 122, we are being told by the hon. Minister of Agriculture, Land and Marine Resources that the Director of Surveys was still not aware of the Cabinet decision. He was still not aware that a legal notice was issued, published and tabled in both Houses of Parliament.

### **2.30 p.m.**

Mr. Vice-President, we were told by the hon. Minister that because of the amount, the quantity, the number and the quantum of documents that the Director of Surveys signed—the list was so long—he had to classify and categorize those decisions under 21 headings. We would like the Minister of Agriculture, Land and Marine Resources to give us some information on some of the headings that he has alluded to in his statement before this honourable Senate.

We have an agreement to purchase private property by private treaty. Who was involved? Could we get a copy of that document? How many private treaties did the Director of Surveys sign off on during that period that we are being called to validate? We cannot validate documents which were signed by the Director of Surveys in a vacuum. We need to know what was signed! You are asking us to validate documents that were signed, purportedly illegally, by the Director of Surveys, and you are now going to tell us in this honourable Parliament—without seeing the documents; without having an appreciation of the documents that were signed by the Director of Surveys—to rubber-stamp: Senators, do you know what? Take my word for it, these are the things that he did, and we would like you to sign or approve.

Mr. Vice-President, I have no doubt and I would never question the integrity of the gentleman who occupies that office, Mr. Tyrone Leong. That is not the issue here at all. I have the greatest respect for him as a public officer. He has

worked long; he has worked hard; and he has worked very diligently as a public officer in the Trinidad and Tobago Public Service. [*Desk thumping*] I have nothing negative about Mr. Tyrone Leong. Nothing!

Mr. Vice-President, all I am asking is should we, as Senators, who have been called upon today by the hon. Minister of Agriculture, Land and Marine Resources to validate some of these decisions not have some evidential information before us, so that we can actually see what we are being called upon to validate? I think that is a reasonable request. How many agreements were entered into or were signed by the Director of Lands and Survey at that time to purchase private property by private treaty? We do not know. Is it one, two, three, four, five or 10 agreements? We do not know! As an example, how many new leases were signed by the Director of Surveys as they relate to residential leases, commercial leases, agricultural leases and industrial leases? To whom were these leases assigned?

We are being called to validate without information. This is like signing a blank cheque and telling people to just sign their names and they will put in the numbers for them. This is actually asking us to shoot in the dark. I want a target. Mr. Minister, I want a target. I am not shooting in the dark. We need to know and we need to have information on these matters.

**Sen. Dr. Saith:** [*Crosstalk*]—Morean...

**Sen. W. Mark:** Sen. Dr. Lenny Saith, do not worry, she will treat me very well when I go to London. I am sure. I might even get a change to swim in the pool as well. I understand it is fully heated, so I will have no difficulty. [*Laughter*]

Mr. Vice-President, we are calling on the hon. Minister, because this is not a light matter; this is not a simple matter. I think it is wrong for the Minister to blame a public officer for his incompetence and the administration's inability to execute their duties properly to this country. [*Desk thumping*] You are blaming a public officer. I object to that!

**Sen. R. Montano:** That is wrong.

**Sen. W. Mark:** That is wrong. Why did you put on the parliamentary record that Tyrone Leong was not aware of a legal order and he continued to sign documents? Why did you put that on the record of Parliament? You must take responsibility! The hon. Minister of Legal Affairs has come here on occasion after occasion and told us that he will take responsibility. He does not allow the public servant to be blamed. That is one thing I could say about Sen. Danny Montano. He had said over and over that he will take responsibility.

**Sen. D. Montano:** Mr. Vice-President, on a point of order. I would like him to refer to instances when I said that. I do not recall saying that. While the sentiment may be true, I do not recall saying that. I think that he is entirely out of order. [*Laughter*]

**Sen. W. Mark:** Mr. Vice-President, I thought I was praising him. [*Laughter*] Apparently, he is one of those who condemn public officers. He does not praise them; he condemns them. Mr. Vice-President, let me address you and leave Sen. D. Montano for a while. The first area that we would like the Minister to assist us in is some evidential information on these matters.

Mr. Vice-President, I want to proceed to another aspect of this particular Bill. This Bill is designed to separate the functions of the two office holders, who for a number of years, had the functions of state lands and surveys under one uniformed arrangement. We have been virtually going around in circles in Trinidad and Tobago.

I have a notice here, and I think the hon. Minister referred to this Notice earlier in his presentation. This is Legal Notice No. 89 dated May 16, 1980. At that time, the Government then issued another legal notice. This Legal Notice No. 89 dated May 16, 1980 was to transfer the functions of the Director of Surveys. This notice went on to say that all the functions vested by any written law in the Commissioner of State Lands, which were exercisable by the Superintendent of State Lands immediately prior to December 31, 1979 are hereby transferred to the Director of Surveys. What is going on?

Mr. Vice-President, before 1980, the Director of Surveys was carrying out his work, and the Commissioner of State Lands who, at that time, was titled Superintendent of State Lands, was also carrying out his work. The PNM, in its wisdom in 1980, felt that it ought to merge those two functions under the office of the Director of Surveys. This was issued in a legal notice in 1980.

Mr. Vice-President, this gets curiouiser and curiouiser. The Government has come some 25 years later, and has decided once more to delineate the functions. To date, the hon. Minister has not provided us with any sound rationale for that decision. You see, the problem with this regime is that the PNM cannot be trusted. That is the problem that we have with this regime. You cannot trust them! Maybe it was a slip of the tongue when the Minister made reference to the Commissioner of State Lands when he said—he did not say distribution—that the Commissioner of State Lands would have responsibility for the administration of Caroni (1975) Limited lands.

**Sen. Dumas:** Mr. Vice-President, on a point of order. The Senator, in his claim a while ago—I thought he made a slip, so I let it pass—said that this Bill seeks to separate the functions, and that is wrong. That is not true. He is being irrelevant there. This Bill is about validating the functions.

**Sen. W. Mark:** I do not think that you have read this Bill.

**Sen. Dumas:** Yes, I did.

**Sen. R. Montano:** Listen and learn.

**Sen. Dumas:** Shut up your mouth!

**Sen. R. Montano:** You cannot tell me to shut up my mouth.

**Sen. Dumas:** I could tell you that all the time.

**Sen. R. Montano:** You cannot tell me to shut up my mouth.

**Mr. Vice-President:** Sen. Mark, the Bill seeks to validate functions. Could we please just get back to the debate?

**Sen. W. Mark:** I am on the debate. Have you read this Bill? I have read this Bill. I think my colleague is totally wrong on this matter.

**Sen. R. Montano:** The donkey is braying again.

**Sen. Dumas:** You will always be a child.

**Sen. R. Montano:** And you will always be a donkey.

**Sen. W. Mark:** Mr. Vice-President, may I seek to, at least, indicate to you what this Bill is about. Apparently, my colleague did not read the notice and he did not read the Bill. What the Government is seeking to do today is to validate decisions taken by the Director of Lands and Surveys on land administration matters and land management matters under the new legal notice which was issued on June 03, which he had no authority to do. What the Government is doing and what the Government has decided to do, is to separate the functions that were carried out by the Director of Lands and Surveys before this legal notice was issued. Before the Government took the decision on November 03, the Director of Lands and Surveys had the responsibility for land management, land administration and general surveys in the country. What the Government has decided to do is to separate land surveys from land administration and management, and one office holder called the Director of Surveys would now be responsible only for surveys. My friend, you did not read the Bill.

**Sen. Dumas:** Mr. Vice-President, my point of order stands. The Senator is suggesting that this Bill seeks the separation. The separation was done by the Order. I am just suggesting—I do not want to be rude—that he is confused.

**Sen. W. Mark:** Mr. Vice-President, may I continue? I think my friend is engaging in semantics. I am not getting involved in that. You know what I am talking about, and the Bill before us is clear. I have linked the Bill to the legal notice. So, you know what I am talking about.

Mr. Vice-President, as I was saying, we have a problem with this regime. Why has this regime chosen to separate the functions at this time? We know that they took a decision to do so in November. We know that the Bill before us is to validate the functions or the acts that were taken or committed by the Director of Surveys. We know this. We ask the question: Why has the Government decided to separate the work of the Director of Surveys from that of the Commissioner of State Lands? Why? Why did the Government move away from what existed? What is the rationale for it? We have not been told. I hope that the hon. Minister could tell us why that decision was taken by the Cabinet to do what was done? As I said, it slipped him. You see, Caroni (1975) Lands is the big \$100 million question. I am going to tell you why.

The Commissioner of State Lands is in range 67, according to the classification in terms of the scale and the range. He is a public officer. May I refer you to the State Lands Act, Chap. 57:01? I want to refer you to sections 5 and 6 of this Act. I want to read very carefully, because this creature or this new office holder called the Commissioner of State Lands is going to be in the back pocket of the PNM Cabinet. They will tell this particular office holder, even though he is a civil servant or a public officer, what to do and what not to do with the distribution of lands. I want to tell you why. I am going to quote section 5 of the State Lands Act and it says:

“There shall be in the public service a Commissioner of State lands who shall have the functions vested in him by this or any other Act or by any Order made under section 4(2) and who shall perform his functions in accordance with this Act, any Regulations made under section 4(3) and any directions addressed to him by the President.”

Who is the President? That is not his Excellency. There are two definitions and interpretations of the word “President” in our Constitution. The capital “P” refers to his Excellency and the common “p” refers to the Cabinet of Trinidad and Tobago, and this is a common “p”.

The reason they want to remove the function from Mr. Tyrone Leong, who is a fair and just person, and who may not become a willing tool and stooge of the PNM—they have delineated the functions so that they can get somebody in that position in that office who they can manipulate. So I want to repeat this for your ears.

This Commissioner of State Lands shall carry out any instructions addressed to him by the Cabinet of the Republic of Trinidad and Tobago. That is what “president” means. How can we trust them with Caroni (1975) Limited when we already have information on how the land is being distributed in a most illegal fashion? To date, one group of squatters has received official sanction to occupy properties, and they are coming here now to ask us to validate and give them the power to do what they would like to do.

Mr. Vice-President, I go on to section 6(1) of the Act:

“The Commissioner shall have the management of all lands of the State, and shall be charged with the prevention of squatting and encroachment upon the same...”

It goes on to tell you a little more. I want to let you know that we have some very serious concerns. I am going to tell you why we have these concerns. This PNM regime has been manipulating all the critical institutions in our country in order to have its way. I will tell you why I say so. I am not saying so out of any kind of wild statement. I will prove what I am saying to you, Mr. Vice-President.

Mr. Vice-President, the hon. Minister was very silent and I found it quite alarming and disturbing. The Minister did not tell us—as he sought to deal with the validation of the decisions taken by the Director of Surveys—whether the office of Commissioner of State Lands was filled. He did not tell us that. What he did tell us was that land administration matters involving Caroni (1975) Limited will be addressed by the Commissioner of State Lands. That is what he went on to tell us. In essence, that is what he said.

Mr. Vice-President, with your leave, I want to quote extensively from this particular article. I refer to an article dated February 20, 2005 in the *Sunday Guardian* of this country. The headline is: “Public servant blocks PM on promotion”. I want to share with my colleagues why the PNM is seeking to separate surveys from state lands. I will tell you why they are doing it. Mr. Vice-President, this is a public document. Sen. Danny Montano, I know you and the Attorney General have a way of trying to stop people when they are raising public issues. This is a public document. I am quoting from the *Trinidad Guardian*.



**Sen. D. Montano:** Mr. Vice-President, on a point of order—

**Sen. Seepersad-Bachan:** What is your point of order?

**Sen. D. Montano:** It may be in the newspaper, but this is the Senate and he may not go into that issue in this place.

**Sen. W. Mark:** “Nah, Nah, you are talking nonsense, nonsense.”

**Sen. D. Montano:** Mr. Vice-President, he is out of order.

**Sen. W. Mark:** Out of order! Mr. Vice-President, quoting from an article in the *Trinidad Guardian* is out of order? Is it out of order to quote from an article in the *Guardian*?

**Mr. Vice-President:** Sen. Mark, in response to your question, I am not absolutely sure but, I think, that is the subject of a court matter. Is it not?

**Hon. Senators:** Yes, it is.

**Sen. W. Mark:** This is a public document. Mr. Vice-President, you are wrong.

**Mr. Vice-President:** The contents of that article are going to bring into question the matter that is before the court and you should not use it.

**Sen. W. Mark:** No, Sir, that is wrong. Mr. Vice-President, in another place, the Speaker ruled that this matter could have been read.

**Sen. D. Montano:** Mr. Vice-President, you have ruled on this matter.

**Sen. W. Mark:** Mr. Vice-President, you are wrong on this one, and I want to tell you that you are wrong. Vice-President, this is the *Guardian* newspaper. For instance, I am not dealing with an affidavit. I am dealing with an article in the *Guardian*.

**Sen. D. Montano:** Are we having a debate here on this issue?

**Sen. W. Mark:** Mr. Vice-President, you are stifling my right.

**Mr. Vice-President:** Sen. Mark, I have already ruled on the matter. I suggest that you do not use it. Do not use it.

**Sen. W. Mark:** I am going to challenge that. I will challenge that in another place. I will not use it, but you will give me the right, of course, in my contribution, to make reference to the article. Mr. Vice-President, it is amazing how the PNM will try to stifle and try to cover up the truth. [*Desk thumping*] That is what they are trying to do. You in particular! What is your point of order?

**Sen. D. Montano:** On a point of order—

**Sen. W. Mark:** What is your point of order? I want to know what his point of order is.

**Mr. Vice-President:** Sen. Mark, are you giving way?

**Sen. D. Montano:** Mr. Vice-President, clearly, he is imputing improper motives to the Senators on this side of the Bench. He is completely out of order.

**Sen. W. Mark:** Why do you not want me to quote?

**Sen. D. Montano:** You should know your rules. You are completely out of order.

**Sen. W. Mark:** You all are trying to stifle the Opposition.

**Sen. D. Montano:** You should behave yourself and act responsibly.

**Sen. W. Mark:** You all are trying to stifle the Opposition.

**Mr. Vice-President:** Sen. Mark, could you please—?

**Sen. W. Mark:** A corrupt regime is trying to stifle the Opposition. That is what they are trying to do

**Mr. Vice-President:** Sen. Mark, let us not shout across the floor.

**Sen. W. Mark:** Mr. Vice-President, sorry, Sir. I find this to be amazing. I want to tell you that—this is on public record—a gentleman by the name of Ganga Persad Kissoon was interviewed for the position of Commissioner of State Lands by the Public Service Commission. A man of impeccable—

**Mr. Vice-President:** Let us not both stand at the same time. Sen. Mark, are you giving way?

**Sen. D. Montano:** Mr. Vice-President, on a point of order. That is the very matter that is in the court. He is wilfully ignoring your rules.

**Sen. W. Mark:** Mr. Vice-President, he is just trying to stifle the Opposition. This is not going to influence the outcome of the matter.

**Sen. D. Montano:** He is completely out of order.

**Sen. W. Mark:** Mr. Vice-President, may I raise something with you before you speak?

**Mr. Vice-President:** Sen. Mark, please discontinue that line of discussion. It is the same matter that I just said is the subject of a court matter and we should not use it. Please desist from using it.

**Sen. W. Mark:** Mr. Vice-President, may I? I would like to ask you to suspend this sitting and to seek legal advice, because we are being stifled by the Government in order to raise a matter that is on public record. [*Desk thumping*] This is a scandal! Mr. Vice-President, you should not allow this Government to stifle you.

**Sen. D. Montano:** On a point of order. Is he debating your ruling?

**Sen. W. Mark:** He is stifling us. If we cannot quote then what sense does it make? We cannot read a *Guardian* article! You are allowing Sen. Danny Montano and the Attorney General to—

**Mr. Vice-President:** Sen. Mark, you have been a sitting Vice-President in this Senate and you know that matters of that nature are not—

**Sen. W. Mark:** I allowed this.

**Mr. Vice-President:** Well, you were wrong.

**Sen. W. Mark:** No, Sir. I was not wrong. That is why I am asking you.

**Mr. Vice-President:** Sen. Mark, I have already ruled on this matter. Could you desist or discontinue?

**Sen. W. Mark:** Mr. Vice-President, I am making a point and I think that you should allow me to make my point. Your responsibility is to protect the minority, not the majority.

**Sen. D. Montano:** Mr. Vice-President, on a point of order. I would like to move that under Standing Order 43(2) you put him out of the Senate.

**Hon. Senators:** No.

**Mr. Vice-President:** Sen. Mark, my duty is also to preserve the order in this Senate. If I rule on a matter, then your duty is to observe my ruling. [*Desk thumping*]

**Sen. R. Montano:** Your rulings must be in accordance with the law.

**Sen. W. Mark:** Mr. Vice-President, we are being frustrated here.

**Sen. Prof. Ramchand:** Mr. Vice-President, I think this is a kind of crisis. With all due respect to your ruling, I wonder whether it would really be possible to suspend for a few minutes and examine whether, in fact—

**Sen. W. Mark:** Why?

**Sen. Prof. Ramchand:** And see if Sen. Mark would agree to accept whatever is decided on after a five-minute consultation. *[Interruption]* I really would not like to see us—to use his words—stifling the Opposition. I do not know if you would consider granting a 10-minute suspension to consider the matter. *[Interruption]*

**Sen. Dr. Saith:** Mr. Vice-President, may I suggest that while you consult with the Clerk, there is no need for us to suspend. Sen. Mark can continue with his contribution and come back to it. I do not believe that is germane or even that important that it cannot come later in his contribution.

**Sen. W. Mark:** That is not your decision. That is very important to my contribution.

**Sen. Joseph:** That is your whole contribution.

**Sen. W. Mark:** Mr. Vice-President, may I seek some advice on that matter and consult with some legal person?

**Mr. Vice-President:** Sen. Mark, if the matter is before the court, I have already ruled that you should not use it. Please, do not use it.

**Sen. W. Mark:** Mr. Vice-President, we had a discussion on sub judice. I think Sen. Dana Seetahal is here. We have raised this question about sub judice. The Attorney General has a different interpretation of sub judice. Mr. Vice-President, if I am quoting from an affidavit, I could understand that you would tell me that I am wrong, but if I am quoting from the *Trinidad Guardian*, this is a normal practice.

**Sen. D. Montano:** Mr. Vice-President, you have already made your ruling.

**Sen. W. Mark:** How can we be told that this is wrong?

**Mr. Vice-President:** Sen. Mark,—

**Sen. W. Mark:** We are not going to allow the PNM to stifle us. We are not going to allow that! *[Interruption]* Mr. Vice-President, have you read this?

**Sen. Jeremie:** Mr. Vice-President, I should just like to draw your attention—

**Sen. W. Mark:** You are the corruption! Are you the guardian of the Constitution?

**Sen. Jeremie:** —to Standing Order 43(2) which speaks to order in the Senate. My point is—*[Interruption]*

**Sen. R. Montano:** You all just want to stifle us and shut us up. [*Interruption*] What you are doing is trying to shut us up, because we are embarrassing you. That is what you are trying to do. “You cannot take the jammin’ because you all are messing up all the time.” That is what you are doing. You are embarrassing the country by your mismanagement.

**Mr. Vice-President:** Hon. Senators, at this time, I feel obliged to suspend the Senate for 10 minutes and to meet with the Leader of Government Business and the Leader of the Opposition in the Senate during that period. The Senate is suspended.

**3.05 p.m.:** *Sitting suspended.*

**3.35 p.m.:** *Sitting resumed.*

**Mr. Vice-President:** Hon. Senators, first of all, I would like to apologize for taking a more lengthy period than the 10 minutes that I had announced, but I decided that I would have full discussion on the matter before the Senate when the suspension was taken. I met with the Leader of Government Business and the Leader of Opposition in the Senate, and after discussion with them, I sought further discussion with Sen. Dana Seetahal and the Attorney General. To make this very short, after full discussion—taking everything into consideration—the decision is to allow Sen. Mark to refer to the article by reading, of course, but he should refrain from interpretations that will have the likelihood of affecting any outcome in the matter before the court. [*Desk thumping*]

**Sen. W. Mark:** Mr. Vice-President, thank you very much. [*Desk thumping*] Sir, could you guide as to how much time I have? I do not want to just continue to talk. If I have another 40 minutes, I will appreciate that.

**Mr. Vice-President:** There is a note of what time we left. I shall give you your injury time, if you will call it that.

**Sen. W. Mark:** Mr. Vice-President, thank you very much and all my colleagues. Mr. Vice-President, according to this particular article, I just want to make reference to a section of this article and to quote a particular section. This is the *Sunday Guardian* dated February 20, 2005. I just want to let you know that the office of Commissioner of State Lands is involved in this particular matter, and the Bill that is before us addresses the issue of the Commissioner of State Lands. I quote:

“Public Service Commission wishes to inform you that the Honourable Prime Minister was consulted in accordance with the provisions of subsections (3) to (5) of Section 121 of the Constitution of the Republic of T&T to ascertain whether he had any objection to the proposal to promote you as Commissioner of State Lands (Range 67) Ministry of Agriculture, Land and Marine Recourses.

However, the Honourable Prime Minister did not support the proposition of the Public Service Commission for your promotion.”

Mr. Vice-President, I go on to another section:

“Kissoon said he entered the public service in 1970 as a Clerk I and progressed through the ranks by hard work and academic studies. He said he was interviewed for the post of Commissioner of State Lands in 2001 and was verbally informed by the PSC that he topped the interview and would get the post.

On December 20, 2004 Kissoon said he was subsequently informed by the Director of Surveys, Tyrone Leung that Stephanie Elder-Alexander was promoted to the office of Commissioner of State Lands.

‘Ms Alexander was at all material times my junior, occupying the office of Land Surveyor II...’”

Mr. Vice-President, I just wanted to quote these sections for you and for Members of this honourable Senate. I want to return to some other areas.

What this issue is about is that you have a decision being taken by the Government, as I said, to validate the decisions taken by the Director of Lands and Surveys in this particular matter, and the hon. Minister of Agriculture, Land and Marine Resources made reference to Caroni (1975) Limited lands. There are some 77,000 acres of Caroni (1975) Limited lands. We, in the Opposition, the alternative government, have concerns about the manner and style that will be adopted by the Government in the distribution of these lands. This is why this new position or office of Commissioner of State Lands is of concern to us.

The Minister did not indicate to us in detail, but I am going to ask him when he is winding up, what will be the exact role of the Commissioner of State Lands in the management, the administration and the distribution of Caroni (1975) Limited lands. [*Desk thumping*] I would like the hon. Minister to indicate whether the new Commissioner of State Lands or the one that I referred to in the article, who is now acting—well, I do not know if she is acting. I cannot say if she is

acting because, as you said, this matter is before the court. I do not know if the court has ruled that she should not act until that matter is determined, but whoever happens to be the office holder of state lands—we would like to know whether that individual is going to have control in the management, administration and distribution of state lands. I want to let you know that we in the Opposition, the UNC, are concerned. I would like the Minister to clear the air on this matter.

I have given my interpretation of section 5 of the State Lands Act, Chap. 57:01 and it says that this particular individual who is going to occupy this particular office, shall carry out any direction addressed to him by the Cabinet of Trinidad and Tobago. I would like the hon. Minister to interpret this section for us. I would also like the hon. Minister to indicate whether the Commissioner of State Lands would be independent of the Cabinet; and whether the Commissioner of State Lands would be under the direct control of the Cabinet.

Mr. Vice-President, therefore, if this individual is going to be responsible for the management, administration, and distribution of state lands, what criteria would be established to ensure that there is equity, transparency and fairness in this process? This is the question I would like the hon. Minister to answer this afternoon. We are very concerned.

**3.45 p.m.**

Mr. Vice-President, I made the point earlier in my contribution that the problem with this present administration is the question of trust. We do not trust the PNM! This is why; we see no checks and balances. Where are the checks and balances in this Bill to ensure that there is no abuse or misuse of power? That is what I would like the hon. Minister to address, let us know where are the checks and balances. Mr. Vice-President, you know with what is happening in agriculture today, the Government has not promulgated the Land Development Bill. This is lands and surveys; this is transferring functions, in which we are told by the hon. Minister—Sen. Dr. Lenny Saith, let me just remind you, through the Vice-President, that we were told earlier in the hon. Minister's presentation, that the Director of Surveys issued numerous new leases for residential, commercial, agricultural and industrial purposes, it is against this background I am making my contribution.

I want to get from the hon. Minister, what kind of policy is going to guide this Commissioner of State Lands in the distribution process involving leases for residential, commercial, agricultural and industrial. That is what I would like to find out from the hon. Minister, particularly in light of the fact that the Planning and Development Act—which is important for our future in this country—when

is the Government going to promulgate or proclaim that Act? When is it going to be administratively operationalised? Because at the end of the process, we want to ensure that there is a kind of stable and orderly development in terms of the process. We would like to ensure that there is stability and order in the process.

We do not want to have policy where—as it obtains currently—the Government is just going about Trinidad and Tobago and slashing and burning. It is a slash-and-burn regime. You know in Trinidad and Tobago, agriculture is on the decline? I want to quote from the *Sunday Guardian*. Mr. Vice-President, would I be allowed? I need to seek your direction. I am quoting from the *Guardian* again, would I be able to?

**Mr. Vice-President:** In relation to what, Sir?

**Sen. W. Mark:** In relation to farmers, Sir. Is that okay? I do not think this one is before the court, Sir. Attorney General, I am totally disappointed in you, just like the Chief Justice; your behaviour is shocking, shocking!

**Mr. Vice-President:** Sen. Mark, could you get back to the debate, please?

**Sen. W. Mark:** I have never seen an Attorney General like this one. He is the worst Attorney General we have ever had in this country. He is supposed to be guardian of the Constitution. He is in breach of the Constitution and he wants to take away my rights to speak in this Parliament. [*By order of the Chair, remarks withdrawn*]

**Sen. D. Montano:** Mr. Vice-President, on a point of order.

**Sen. W. Mark:** “Oh gawd, oh gawd, oh gawd, oh gawd!”

**Hon. Senators:** [*Crosstalk*]

**Sen. D. Montano:** Mr. Vice-President, he must withdraw that statement, that is completely out of order. He has imputed improper motives and gratuitously insulted a member of the Parliament. That is completely out of order. He has been here long enough to know the rules.

**Mr. Vice-President:** Sen. Mark, please do not be distracted, do not get carried away and definitely do not impute any improper motives. Do not cast aspersions and insult other Members of the House.

**Sen. W. Mark:** I did not mean that, Sir, and if I did, I want to humbly apologize to my colleagues. I cast no aspersions on my colleague’s colourful character, not at all.



Mr. Vice-President, if you would allow me, on pages 8 and 9 of the *Sunday Guardian* again, I want to quote—Lenny, seems like I have shares now.

"Farmers giving up, Mr. Minister"

We are talking about the Commissioner of State Lands who would now be responsible for the management, the administration and the distribution of state lands. Our food import bill today is over \$2.2 billion. You know what is shocking? I would like the hon. Minister to indicate to this Parliament, in terms of lands that were distributed by the Director of Surveys that we are supposed to validate today, how many farmers were distributed lands during that period that we are seeking to address today? How many farmers were given tenure of security?

You know that is a big issue in this country? You know farmers cannot go to the Agricultural Development Bank for loans, and the reason they cannot access loans, hon. Minister, is because they do not have tenure of security. I would like to know those farmer who are on state lands. This new Commissioner of State Lands, would he not have the responsibility of ensuring that proper leases and titles are issued, so that these farmers can now enjoy security of tenure? Because that is critical. I want to draw the hon. Minister's attention to the need for us to be a little more serious. I do not know if you have been misadvised on these matters. Too many farmers, because of the very lopsided distribution of state lands and the lack of security of tenure are under a lot of stress. In addition, a lot of flooding because of the kind of climatic conditions that nobody could predict properly.

I was a bit concerned that the hon. Minister of Agriculture, Land and Marine Resources would give people cheques for \$200, for \$64; people who have lost crops valued at \$60,000, \$100,000, \$200,000, and he would give them cheques for \$60, \$207 and \$300. I think the hon. Minister needs to rethink his policy. The shortages in the agricultural sector in terms of food—which is important to security of our nation—is reflected in the cost of basic vegetables in the markets of this country, I am sure that the hon. Minister would be aware. There is a reason why there is a shortfall in the supply. Tomatoes are quoted in the papers today as being retailed at \$8 per pound. So, I am raising these points in the context of the distribution of lands to our farmers. We want security of tenure, but most importantly, we would like a system of transparency, a system of accountability.

We want to see the clear criteria that would be established by the Commissioner of State Lands in the distribution of lands. We do not want the PNM to use the 77,000 acres of land in Caroni for the wives and families and children of the PNM. We do not want that. The lands belong to the people of this country. Therefore, if the lands belong to the people of this country there must be a fair, transparent and even distribution of the lands of this country. As we are on the distribution of lands, it is not merely the distribution; we have to ensure that we have lands for industrial purposes, so you zone; for tourism purposes, so you zone; for agricultural purposes, for commercial purposes and for residential purposes—housing.

I am saying that these are matters we need to pay attention to, because right now the Government is operating by “vaps”. Are you aware that this regime under the hon. Minister—I think he had left at that time—the hon. Minister of National Security who was then the Minister of Housing and created havoc whilst he was there. He has been promoted to another ministry and he is still not competent to manage that ministry, but anyway I would come back to that on the platform.

In a place they call Ramgoolie Trace, they destroyed prime agricultural lands. [Interruption] I guess so. You know what is sad about it? They destroyed the prime agricultural lands in Ramgoolie Trace in St. Joseph. They were supposed to build ghettos for PNM supporters in that area. Two contractors were employed, to date, as we speak, not a single house, not a single apartment has been built. If you go through Ramgoolie Trace today, the grass is almost 12 feet high. I am talking about agriculture in terms of land distribution.

**Mr. Vice-President:** Hon. Senators, the Senator's speaking time has expired.

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

*Question put and agreed to.*

**Sen. W. Mark:** I raised these points because I believe that the Commissioner of State Lands is going to be a very important policy maker, in terms of who gets what, when and where and how, and if this particular office holder is going to be a plaything, a footsie of the Cabinet of Trinidad and Tobago, we have some concerns and we are worried. Therefore, I want to ask the hon. Minister of Agriculture, Land and Marine Resources whether he is aware of the escalating cost of basic vegetables in this country for poor people? What is the Minister of

Agriculture, Land and Marine Resources doing to ensure that the appropriate infrastructure is established, so that we can, in fact, be able to move in a more positive and progressive direction in agricultural development?

We are importing \$2.2 or \$2.3 billion worth of food today, and while that is taking place, farmers are leaving the land, because of the frustrations they are experiencing on a daily basis, as a result of the Minister of Agriculture, Land and Marine Resources. So, today, lettuce is \$5 a head in the market, sweet peppers are \$10 a pound. Minister, you know about that?

**Sen. D. Montano:** What does this have to do with the validation?

**Sen. W. Mark:** Look, I am not addressing you. The Minister of Legal Affairs, you know, he is a “cassava” Minister, that is a breadfruit Minister. Anyway, let me continue. Sweet potatoes in Tobago—anyone of you used to grow that at one time? I am sure Mr. Vice-President used to grow sweet potatoes in Tobago, but I do not think he grows it again, because tourism and thing have taken over. What I am advancing here today, is that we have a Bill to validate decisions taken by the Director of Surveys between the period June 18, 2004 to October 1, 2004.

We are saying that in this context, we have some concerns and we would like the hon. Minister—long before this debate ends—to make available to this Parliament the relevant—I do not expect him to give us all, but at least he could give us a sample of some of the decisions in terms of documentation. I would like the hon. Minister to give us, through the Vice-President, an understanding of the areas that I mentioned. Just in case we missed them. We want to have an account of the number of new leases, for all classes, that were signed by the Director of Surveys for residential purposes, for commercial purposes, for agricultural purposes, for industrial purposes and for tourism purposes.

We want to get a list of all those classes, persons and companies that enjoyed that. We want to get evidence of it. I want to also see the various agreements that were signed, that were entered into regarding the purchase of private property by private treaty. I think the Minister owes this Parliament a duty to provide us with that information.

I would like to indicate to you that it is necessary for us to note that the Commissioner of State Lands is not the only person who has been subjected to what I call “some unfortunate decisions by this administration”. If you would allow me, in winding down, to quote, in accordance with the ruling without interpreting any matter. Mr. Vice-President, how many more minutes do I have, I just want to wind down?

**Mr. Vice-President:** About seven minutes.

**Sen. W. Mark:** If you would allow me, Mr. Vice-President, I would just quote again from this article to which I referred earlier. The *Guardian* article says:

"Kissoon's case follows upon that of National Lotteries Control Board (NLCB) Marketing Manager, Devant Maharaj, who, in December, took the Statutory Authorities Service Commission (SASC) to court after he was bypassed for promotion..."

I am just trying to make a link, I am not interpreting. [*Interruption*] "Oh gawd, Lenny, leh mih finish mih business nah." I would not be long, allow me.

Mr. Vice-President, I am trying to demonstrate to you and this honourable Senate, that based on the article I quoted from, there appears to be a consistency in terms of action by this administration, in attempting to frustrate certain persons in this nation of ours. That is why we would like the hon. Minister to tell us in closing, who is the current holder of the office of Commissioner of State Lands? We would like you to tell us who was that person at this time.

We would like also, for the Minister to provide this Parliament, with the criteria that would guide the decision making of this Commissioner of State Lands. This Commissioner of State Lands, the Government and, particularly, the Attorney General are going to be subject to judicial review, in terms of decisions taken that are unfair to the population. We want to know through you, Mr. Vice-President, whether the Minister of Agriculture, Land and Marine Resources would ultimately be in charge of the Commissioner of State Lands. Mr. Minister, that office would fall under your jurisdiction, I would imagine. Could the Minister tell us what are the criteria and what are the guidelines that would be used by the Commissioner of State Lands to distribute lands in this country?

We would like to know what system of accountability would be put in place, what checks and balances would be employed to ensure that there is no abuse or misuse of that power by that particular office holder in the country. Caroni (1975) Limited workers have been waiting for the last 24 months for lands that have been promised by the Government. Would the Commissioner of State Lands fast-track the issuing of lands to the Caroni (1975) Limited workers? Is he going to wait until the local government elections of July 2006 or the general election of 2007 in order to distribute lands to Caroni workers who were promised the land almost a year ago? I would like to know what is the role of this so-called State Commissioner. I hope in winding up the Minister is able to provide us with some answers to our concerns on this particular question.

In closing, this is a matter we view as extremely serious. We do not want a Trojan horse; we do not want a runaway horse; we do not want a person who will be under the control of the Prime Minister, to determine, for instance, who will get land and who will not get land. We want a person who is independent and whose policies, practices, guidelines and criteria are transparent and above board. We want a person who is accountable, who is fair, who is trustworthy and who is going to be even, in terms of balance, in the distribution of lands in this country. I want to tell the Government that it cannot continue to discriminate, isolate and alienate people because that is what is causing the crime rate to rise so rapidly in this country. That is why today's *Guardian* has called for the removal of the Minister of National Security.

Mr. Vice-President, what is happening is that we are separating agricultural development from national development. Agricultural development is critical for national development and, therefore, it is important that in addressing crime we have to address agriculture, national development, industrial development, tourism development, residential development—housing; all those things are important. I want to appeal to the hon. Minister of Agriculture, Land and Marine Resources to provide us with the appropriate answers that we have requested, and the documents we have requested, so that in making a decision to support this Bill, we would be properly guided and informed.

I thank you very much.

**Sen. Dana Seetahal:** Thank you very much, Mr. Vice-President. The Bill before us—being a Bill to validate the functions exercised by the Director of Surveys and the history that has been before us on the creation of the post of Commissioner of State Lands—necessitates, in my view, a look at the legislation that created that post. That post was created by Act No. 45 of 1979 and was only passed on December 24, 1979. It was stated—I think Sen. Mark read it in the records—that:

“There shall be in the public service a Commissioner of State Lands who shall have the functions...”

Those functions include the administration, management and protection of state lands and the preservation of order on state lands which would include things like squatting and so on.

Now, it is passing strange that that post was created and the legislation passed on December 24, 1979 and immediately in 1980, legislation was passed to say that all functions vested in that Commissioner of State Lands would be transferred to the Director of Surveys. Mr. Vice-President, between the Christmas and the New Year period there really could not have been any function exercised by the Commissioner of State Lands and there was, in fact, no Commissioner of State Lands in that one week, from what I have been able to decipher—some 25 years ago. So, having created the post and appended to it certain functions, we have a transfer to the Director of Surveys, and now 25 years later on June 18, 2004, that is 24 and a half years, those functions are transferred back to the Commissioner of State Lands.

The question, of course, that needs to be answered is, why? In the first place the Minister said in his presentation, that the post was not filled because no such post existed in the permanent establishment. Those are the words that I have here and if I am wrong I am sure you will correct me. The reason for the creation of the post is that the President had to sign all state land transactions. We could understand the reason for the creation of the post, but the question of not filling it because you did not have a permanent post really, to my mind, is nonsensical, if I may say so. The fact is, you create a post and then you ought to create it in the permanent establishment if you need to do that. That is how all these posts are done. In 1976, the post of Director of Public Prosecutions was created and in 1977/1978, was then created in the permanent establishment, and in 1978 a Director of Public Prosecutions was appointed. Nevertheless, for whatever reason, no post was created and the Director of Surveys continued to perform those functions.

Why are we being asked to pass this Bill? It is because during the period when this new legal notice returned the functions to the Commissioner of State Lands, it is my information, that no one told the Director of Surveys. The Director of Surveys, according to the information I have, continued to believe that he was still vested with those functions.

Secondly, during that time no Commissioner of State Lands was appointed. So, that would give the Director a stronger basis for continuing to assume that nothing had changed. This is the problem that brings us to the real problem in this country. It demonstrates in my mind, serious inefficiencies in the running of this business.

**4.15 p.m.**

The first thing is the question of information. Laws are passed and in this case a legal notice with serious implications. You have someone who is responsible for

state lands and apart from the 70-something, however many thousand acres, there are state lands all over the place, there are squatters, there are leases, there are all of these things, and no one has bothered to tell the Director of Surveys. Could he have gotten that information elsewhere? How he did get this information, I am told, is when he saw a *Gazette*; the legal notice was brought to his attention some time in October, that here it is, this legal notice was passed and you no longer have those functions. This was some five months after the fact. This is not the first time that this has happened, Mr. Vice-President, I will give you another example.

Last year, Act No. 6 of 2004 was passed in the Senate, and in that Act certain powers were given to the Court of Appeal, for instance, to extend the time for appeals and also to backdate serving time, but no one told the Judiciary. I had to raise this when the matter came before the court and then proceed to hand copies—I made many, many copies and passed them on to my colleagues. There is a serious concern here with the Government Printery, which I understand is overburdened, and the ministerial communication of what is happening when we pass laws here, Mr. Vice-President. Ought the parties who are to be affected by these laws not to be consulted? Are they not consulted? Are they not told that there is this plan? People who are likely to be affected, such as, the Judiciary in the Act I mentioned, the prosecution department; none of these people knew that it was impending. And in like manner it appears that the Director of Surveys—although he may have had an inkling, I do not know—did not know that this law had been passed, and that is a cause for serious concern.

A good example of that is, in all these narcotics legislation, where we in Parliament increased, for instance, the amount of marijuana from 15 grammes to 1,000 grammes in 2000, would be deemed to be trafficking. However, up until 2002, courts in this country were saying to the jury—the judges—that once an accused has over 15 grammes, that would be deemed to be trafficking. The problem, again, is lack of communication. I am not putting this to the ministries' account now, because I do not know, but I am saying that somewhere there the stakeholders who are affected by legislation are not getting the message.

A second problem in terms of the inefficiency is that when you create a post—

**Sen. Jeremie:** Sen. Seetahal, would you give way?

**Sen. D. Seetahal:** Certainly.

**Sen. Jeremie:** Just in relation to the courts, I think it is the duty of counsel and of course it is the duty of the Judiciary itself, to inform itself as to what the laws of the land are. There is a librarian in the Hall of Justice who is supposed to do precisely that: communicate to the Judiciary what we are doing inside here, and keep updates in relation to all the decisions, because there is no guaranteeing that a Court of Appeal Judge would know what is going on down below, or vice versa; a first instant judge would know what is going on in the Court of Appeal.

**Sen. D. Seetahal:** Thank you very much, through you, Mr. Vice-President. I have no issue when we are talking about case law, but when we are talking about legislation that emanates from Parliament; I think that we have a duty to ensure that the stakeholders who are affected by this know what is going on. That is my point, we are not dealing with the library and that counsel ought to inform herself or himself of the law and keep up with it, because it is a difficult thing; every day things are passed, you do not know.

Now I notice one of the newspapers—and I would not mention which one—has a column: “What is happening in Parliament.” So, if you bother to look at that on Sundays you would see. But, the fact of the matter is, Mr. Vice-President, I think people—and maybe it is something we could look to in the future—who are directly to be involved when we pass legislation, serious legislation, in particular, such as this, or any legislation for that matter, ought to, not only to be consulted before—I know they are sometimes—but then it takes years or a year sometimes before in fact the legislation is in place. So, they ought to—

I give way to the Attorney General again.

**Sen. Jeremie:** I am not by any means taking away from the general principle, but I am just saying that in the special case of lawyers and judges whose duty it is to know what the law is—part of the law is legislation, so that they have a duty to inform themselves. So I do not think that that particular example is apropos.

**Sen. D. Seetahal:** Thank you very much, and that brings me to the next point, Mr. Vice-President, the Government Printery. Many, many times lawyers and judges seek to get legislation or a note of what is passed, and it is not available from the Government Printery as it should be. *Gazettes* and so on are sometimes sent without the legislation in place. That is why I make my point, inefficiency overall.

The second point is, when we pass legislation creating posts, too often the legislation lies there and it is not acted upon. And this is a good example of the creation of the post, nothing happened, and then 20-something years afterwards, we say time to return the duties and functions to the individual.



Mr. Vice-President, the post of Commissioner of State Lands is an important post, as of course many posts in the country, but in particular now, when we are talking about lands that are there to be had—I think Sen. Mark read into the record the amount of land we are talking about—but, in the times that we live, when we have serious concerns about partisanship, when the country is divided to an extent, I think that we need to ensure the transparency that we are talking about; to make sure that everything is not only above board, but it appears above board. That you ensure that posts like this, Commissioner of State Lands, which deals with property of the people of Trinidad and Tobago, not only in terms of the appointment of that post, but whatever is to be done, must be done promptly.

The last point I wish to make, which is the corollary to that, Mr. Vice-President, is that for too long the office of the Director of Surveys has been overburdened with the amount of work that he has to do. I am told that there are serious delays in matters that ought to emanate from that office, speedily, in terms of land, in terms of whatever it is you need to get. People have to wait years, Mr. Vice-President, and there has been no move before this, to return the functions to the Commissioner of State Lands. Some may say better late than never, but I agree here with Sen. Mark, that it having been kept so long, for 24½ years, the functions having been given to one person, causing a lot of delays, why it is—we admit there have been delays and we know there is a problem—but, now that we have decided, “we” as in the Government here, “we” as in Parliament if we pass this law, to return those functions to the Commissioner of State Lands—what is the reason for it now? Why is it that now is the time? That is what I would like to know.

I know that the Bill before us, is to validate the actions performed by the Director of Surveys, and unwittingly, but I think in doing so, seeing that we did not have a debate on the original legal notice in 2004, it would be courteous of the Minister, to say the least, to tell us something more than what was told earlier on, as to the reason for the transfer. I think it was sort of hinted that there were onerous duties, but there were always onerous duties and we would like to know why now. Thank you very much, Mr. Vice-President. [*Desk thumping*]

**Mr. Vice-President:** Hon. Members, it is just a little over five minutes before tea time, and we shall take the tea break now and we will resume at 5.00 o'clock. Senate will be suspended now for tea.

**4.25 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Sen. Dr. Eastlyn McKenzie:** Thank you very much, Mr. Vice-President. While I know it will be a futile attempt to say that I would not support the Bill, I want to express my disappointment about how this Bill had to be brought to this Senate. Mr. Vice-President, when you read the reasons why we have this Bill, you are tempted to feel that there is some sort of inefficiency and sloppiness on the part of government divisions or departments working together. I am extremely disappointed that this Bill has had to be brought to this Senate.

Mr. Vice-President, we are saying, the post of Commissioner of State Lands remained unfilled, and the Director of Surveys was unaware of the fact, that the Order had come into force, and so, he continued to do what he was supposed to do. If you are going to make the Order, why did you not allow the Director of Surveys to continue until you were able to fill the post? Because, that is exactly what he did. The difference is, that you would not have brought the Order until you knew that the post was filled and then there would be smooth sailing.

As it is now, here is someone who has been doing his work, legitimately believing that it was his duty still, only to find out that he had been usurping the position of another officer. I think that is not good enough, and we must recognize this and try to put measures in place that this does not happen again. As Sen. Seetahal said, this happened before and we must really try very hard to ensure that this does not happen again.

I agree; I support the Bill that we have to validate the functions that this officer, in all good faith, believing that it was his responsibility, continued to function. But, I want to ask a few questions which I hope the hon. Minister would be able to throw some light on, when he is winding up.

I would like to know what would become of the records that the Director of Surveys has. We see a separation of the duties now, because, he would continue with his work as the Director of Surveys, but the land issues would go over to the Commissioner of State Lands. The records that would have been kept where the Director of Surveys functions, what would happen to those records, would they have to be moved to another place? Because, I know that they are not all computerized, I know this. So I am asking, what is going to happen?

The next thing I want to ask, Mr. Vice-President, is—to bring to the attention of the hon. Minister, that there are certain responsibilities of people who claim compensation from land acquisition, where they had to send their claims to the Director of Surveys, now those claims would have to go to the Commissioner of State Lands, are they aware? How will you make them aware? Are we going to

wait until they send them there; some clerk in the office says, wrong place; they put them in a drawer; they are left there, or are we going to say let us have some sort of public information, where when you are notifying people that their lands will be acquired, whether by private treaty or compulsory acquisition, they are informed that their claims or any further communication must not be with the Director of Surveys, but now with the Commissioner of State Lands?

Mr. Vice-President, I also ask whether those matters that are in progress, what happens to them? That is why I said the thing is sloppy, because you would have said, let us give a transition period, let us give a break-off point, whereas we would say, okay, this legal notice would come into effect at a certain date; giving the Director of Surveys a certain length of time within which he could wind up those matters that he had in progress. As it is now, I do not understand what will happen, if people's matter—somebody who is not aware of what has gone before—would be taken over new and then you have to start from the beginning and go the whole process over. This is frustrating for some people, that you have to start the whole process over.

Mr. Vice-President, I think the hon. Minister, would probably need to have some officers understudy the Commissioner of State Lands who would continue the process that has been started under the Director of Surveys, and who would be knowledgeable about the process that has been taking place. So, I do not think that it is as easy as it would look.

Another point why it is important, is that in the acquisition of lands by the State, the claims should have been submitted to the Director of Surveys, no later than a year after the publication of the notice, after Parliament approved. What happens to those people who do not even know now that I must shift this claim and it must go somewhere else? If the year lapses, what happens? Are we going to still think that they are within the legal time framework to submit their claims?

So, Mr. Vice-President, I want to say that, to validate this Bill does not only rest with what the Commissioner of State Lands now has to do. It impacts upon what is in progress; what people are accustomed to doing, and having no information as to even if you have a different address. We do not know whether the Commissioner of State Lands office would be right where the Director of Surveys was. What happens to the records you would have sent, pending the outcome of your request or your application? What will happen? And I think you need to clear up the confusion in the minds of people who are actually engaged in the process.

Mr. Vice-President, as I said, I agree, I will support the Bill. Another reason I am supporting the Bill, just from the little document that I got on my question that came earlier. A brief glance through, there are 40 cases of persons who are waiting on surveys. And that tells you how overwhelmed the Director of Surveys must have been, or why the Government is finding it necessary to divide and share the responsibilities between the Commissioner of State Lands and the Director of Surveys.

So, Mr. Vice-President, I support the Bill, but I hope that the hon. Minister would be able to give some assurance and embark on some public education as to tell people now, those of you who have matters pertaining to acquisition, and leases, and all the areas that you called, will now send your documents, or communication, or whatever have you, to the Commissioner of State Lands from such and such a date; address, telephone number, whatever have you and so on. That you would tell us whether the Director of Surveys would transfer the documents, all the files that he would have in his office wherever, over, and you would not lose any. You know when people are moving you lose. Every time you move you lose.

These are some of the points that I would like to raise and I would like to appeal to the Government, let us have some sort of collaboration and communication between laws being made and enacted and proclaimed and so on, and the relevant ministries that these laws would impact upon or have some sort of implications for. Let us try, never, ever again, that this type of sloppy procedure must come to this Senate.

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

**Sen. Dr. Jennifer Kernahan:** Thank you, Mr. Vice-President, for allowing me a few minutes to contribute to this Bill before us “An Act to validate functions exercised by the Director of Surveys for the period 18<sup>th</sup> June, 2004 to 1<sup>st</sup> October, 2004.” Mr. Vice-President, this Bill before us today, is further proof, for any of us so out of the loop that we needed this proof, that this Government is absolutely incompetent, careless, irresponsible and cannot be trusted with the business of the governance of this country.

Mr. Vice-President, the Minister of Agriculture, Land and Marine Resources has come to this Parliament and confessed to the nation that our lives, our safety, our prosperity, our property, our livelihood, our future, the future of our children are all entrusted to a government, in which apparently, the right hand does not know what the left hand is doing. The Minister has confessed to the national

community that there is a total breakdown, a disconnect in the channels of communication between the Cabinet of this country—the Patrick Manning Cabinet and the public service, who are charged with the responsibility of implementing Cabinet policy decisions. Mr. Vice-President, we have to assume the worst; we have to assume that this disconnect, this breakdown of communication between the Cabinet and the public service would work both ways, and therefore that the Cabinet most of the time, would be unaware of what the public service is up to; whether or not their policies are being implemented at the ground level.

Mr. Vice-President, if you think about it, the implications are staggering. I am sure that this is the instance in which this would have come to our attention, because Bills actually would have had to be brought here to validate certain things, but there must be hundreds of other instances where this is taking place and nobody knows, not even the Cabinet. This Bill before us this afternoon, is also proof that this Government is bent on its path of illegality, incompetence, negligence and carelessness. In addition to that, because of its actions, it is putting innocent public servants in untenable positions. After having done that, instead of taking responsibility for their actions, admitting the lack of channels of communication, admitting there is a dead zone in this Government, they come to this Parliament and put all the blame on the poor Director of Surveys.

Mr. Vice-President, what has happened here this afternoon has answered really, a lot of questions for me, because we keep asking on this side, how it is that you seem to be talking, and talking, and the light is on, but nobody seems to be home. This is why, because they do not know what is going on. The public servants, because of the breakdown in communication, the Cabinet does not know what is happening in the public service, and the public servants do not know what is happening at the level of Cabinet. So, this is why we notice all this confusion, lack of focus, inability to function and to grasp the essentials of what this Government is supposed to be about. This has answered all these questions, Mr. Vice-President, this simple Bill before us today.

Mr. Vice-President, the agricultural stakeholders in this country have been crying out over the last few years, actually, they want the support of the Ministry of Agriculture, Land and Marine Resources. They want the setting up of certain institutions which will enable agriculture to go on a positive growth path in this country; they have called for the establishment of the Food, Safety and Health Institute in this country. They are crying out for compensation for hundreds of thousands of dollars of crops that are lost; they have been crying out for

accelerated distribution of lands and so on, in order to produce food for this country. All they have received, are insults and scorn heaped upon their heads by the Minister of Agriculture, Land and Marine Resources. I have noticed lately, that every time the Minister of Agriculture, Land and Marine Resources opens his mouth, it is not to explain to this nation why there is a food crisis, in terms of the price of food that is available to our citizens, but every time he opens his mouth is to say to the farmers of this country that they are dishonest, that they are dishonourable and that they do not deserve the support of the Ministry of Agriculture, Land and Marine Resources.

Mr. Vice-President, my colleague Sen. Wade Mark raised a question of compensation also, and I would like to inform the Minister of Agriculture, Land and Marine Resources—obviously, he does not know, he does not speak to farmers. He stays in the Ministry and makes all these pronouncements about their integrity and so on. Mr. Vice-President, even before a crop has come to the earliest stages of maturity, hundreds of thousands of dollars would have been invested in that crop. So, when the Minister of Agriculture, Land and Marine Resources says, that they only compensate farmers to the level of the growth of their crops, according to the maturity of the crop and so on, he is dead wrong. Because, before that crop can even get to that level, the early stages of maturity, the farmers would have invested hundreds of dollars in fertilizers, in chemicals, in labour and all the other expenses; in upkeep of his machinery and so on. He has a host of expenses that would have been invested for that crop to reach even that two or three inches that the officers go out and see and dismiss as of no value.

So, Mr. Vice-President, when the Minister of Agriculture, Land and Marine Resources—I do not blame him, I understand what is happening now; total disconnect, the public servants do not tell him what is going on, he does not know what is happening and therefore, he is totally at a loss as to what the realities are with respect to the farmers in this country. I understand him completely. So, I want to instruct him this afternoon, that when he sees a crop, any particular crop, even if it is two or three inches tall, hundreds of thousands of dollars would have been invested to bring it to that level. So, when he gives a farmer \$43, or \$100 or \$200 and tells them they are playing smart, and they playing this or that, Mr. Vice-President, he does not understand what he is doing. He should try and look for another job where his competence would not be in question.

**5.20 p.m.**

Mr. Vice-President, we on this side are totally appalled at these confessions made by this Government and by this particular Minister this afternoon. As other

Senators and Sen. Dr. McKenzie have expressed, we want to know if the host of duties and activities which the Director of Surveys in his role as Commissioner of State Lands had undertaken in this period were illegal. We want to know if, among these duties, he might have had access, omission also, given the disconnect and the dead zone that existed.

Given the information we have now, I am of the view that the Minister of Agriculture, Land and Marine Resources did not in fact discontinue the accelerated land distribution programme. I believe that this policy stayed in place because he would have been aware of the importance to agriculture, food production, and the importance to employment and to people's livelihood in this country. But because of the dead zone and because somebody in the public service got the impression, or maybe the Director of Surveys got the impression that this particular programme was to be discontinued, he stopped signing the leases for farmers under the accelerated land and distribution programme which was initiated by the United National Congress before we left office.

Mr. Vice-President, I am sure that the Minister would have had no problem with this particular programme and, therefore, knowing now what he knows, that he would probably want to reinstate that programme so that the farmers of this country can alleviate the crisis that is taking place with respect to the availability of nutritious and affordable food for the citizens of this country.

I say this because I know the Minister is concerned over the inordinately long delays in land distribution. He has gone on record as saying that people in this country have died waiting for the agricultural leases that are necessary for any farmer to conduct business in this country, because without an agricultural lease, you can do nothing as a farmer. In fact, you are liable to be approached by the police and suspected, or charged with praedial larceny if you do not have a lease because then you would not have a farmer's identification and, therefore, you would have no legal standing with respect to transport to and from the market. So a lease is absolutely vital and important to farmers in this country and to food production, and I am certain that the Minister would not have discontinued the accelerated land distribution programme knowing the vital importance it would have played in food production in this country.

I am asking the Minister to go back and talk to the Director of Surveys. There are many things that he does not know and vice versa and maybe he may want to look at reinstating that particular programme. When we think about what we would have foregone over the last three years in this country in terms of food production, employment, food and nutrition, and security, because of this

horrendous dead zone which exists in the Cabinet, it brings us right smack dab to the present problem we are facing in this country.

Mr. Vice-President, this problem we are facing is so serious that at any time, as you walk the streets, you hear persons discussing it, moaning about it, and wondering what is happening in this country. Imagine around 8 o'clock the other night, I overheard a young woman who was selling hats and other little things on Frederick Street in a discussion with a young man about the price of food in the market. Obviously, she is tremendously affected and probably has about three or four children to feed and is under a lot of pressure because her income comes from selling the hats at the side of the road.

People are suffering, they are hurting, and they do not know what is happening in the country because of the disconnect. The Government has to walk around and talk to people and to the farmers and not wait for any second-hand view of what is happening in this country. I believe that is one of the major problems.

Mr. Vice-President, we are in a position right now where we have to pay any price that the huge international food corporations are prepared to charge for their food to us—over \$2 billion worth—because we have no other choice. When it comes to the debate on the issue of Caroni (1975) Limited lands, this question will assume even greater importance because of the fact that this Government is demobilizing hundreds of acres of valuable agricultural lands.

Mr. Vice-President, the Director of Surveys, I believe, would have—based on clause 6 of the State Lands Act—management of all the lands of the State and shall be charged with the prevention of squatting and encroachment of the same. Based on clause 6(1), I want to know if the Director of Surveys, in his capacity as Commissioner of State Lands, in doing the job of Commissioner of State Lands would really have had the authority to give permission for the rape and desecration of valuable agricultural lands at Union Estate and Vessigny that we saw recently.

I would really like the Minister to tell us on what basis this valuable natural resource was mutilated, ravaged and destroyed. On what basis was this done? Because we see that the role of the Commissioner of State Lands is to prevent the encroachment upon state lands and of spoil and injury to the woods and forests on such lands, and shall superintend the settlement and allotment of state lands and the laying out of villages and so on.

So the job of the Commissioner of State Lands is to preserve our woods and forests and our natural ecosystem and biodiversity and so on. So on what basis



would the Commissioner of State Lands or the relevant persons give permission to go in there and just ravage our forests as they did in this uncaring manner?

Mr. Vice-President, villages rose in revolt against this atrocious act committed under the policy directions of this Government. Now, I am left to think that the Government really did not have a policy to destroy these lands in that manner and because of the disconnect again, somebody fouled up. I would like the Minister to tell me, when he is winding up, on what basis and on what advice, and what studies have these lands and forests been desecrated in this manner?

This is an ongoing phenomenon in this country and if we are not careful, we are going to arrive at a stage at which Haiti has arrived. Hundreds of thousands of people lost their lives recently in Haiti due to floods because of the deforestation that took place under governments that did not care about the environment in that country, and we are on the same road. I do not know if Haiti is a developed country and has developed country status, but if we are following Haiti, then I do not know that we can say that we are on the road to developed country status. It does not make sense. Something is wrong somewhere.

Mr. Vice-President, I am sure I do not have to instruct the Minister of Agriculture, Land and Marine Resources about the need for forest and protection of our environment and our flora and fauna, and, in spite of that, we have seen a rampage basically, over the last few years, under the guise of development. What is this development about if at the end of the day we are going to lose our most precious resource? We are going to lose our lands, the fertility of our lands, our ability to produce food, and support life in this land-scarce twin island Republic.

Mr. Vice-President, this rape and deforestation were well documented by my colleague, Sen. Seepersad-Bachan, and we would like some sort of assurance from the Minister this afternoon that the Commissioner of State Lands will not be allowed to neglect his job—[*Interruption*]

**Sen. Mark:** “Why yuh ain’t go home?”

**Sen. Dr. J. Kernahan:** —as given in clause 6 of the State Lands Act, of ensuring the prevention of—[*Interruption*]

**Sen. D. Montano:** I am trying to make a nexus with what the Member is talking about and the Validation Bill.

**Sen. Dr. J. Kernahan:** —squatting and encroachment upon the same and the spoil and injury to the woods and forests in this country.

Mr. Vice-President, what is always amazing to us on this side is the same evidence of disconnect, because on one hand you have the rape and destruction of

our forests, and on the other hand, this Government would purport to spend millions of dollars in a reforestation project in this country. All over the East-West Corridor, you hear a lot of young persons excited about—

**Sen. D. Montano:** Mr. Vice-President, on a point of order. Really, there is no connection, none whatever. I would not say that there is a disconnect, there is no connection in what she is talking about and the Bill at hand. I enjoy what the Senator says, but really there is no connection.

**Sen. Mark:** There is a connect. You would not see many of the things Danny, but there is a connect.

**Mr. Vice-President:** Hon. Senators, I will support the fact that we can get carried away sometimes. Senator, I would like you to keep your contribution confined to the Bill, please.

**Sen. Dr. J. Kernahan:** Mr. Vice-President, we are here to validate a number of activities done by the Director of Surveys in his capacity as Commissioner of State Lands. I am looking at the Act which governs the activities of the Commissioner of State Lands and we were not given any information about the actual activities of the Director of Surveys for the period in question. So I am asking, on what basis were some of the activities we saw taking place in this country done, to which the Commissioner of State Lands would have had to give his consent? Was the Commissioner of State Lands actually a party to these activities? Was it part of his portfolio? If the Minister has not brought a list of these activities, then we have to ask the questions.

Mr. Vice-President, the preservation of forests and so on is directly as clause 6 says—

**Sen. Dr. Saith:** Mr. Vice-President, perhaps I can help the Senator. On the question of the protection of the environment, some of the works you are talking about falls directly under the Environmental Management Authority, not the Commissioner of State Lands. The question of land use, as you will know, falls under the Town and Country Planning Act, and these are the agencies that will monitor and approve land use and environment, so it is not really the Commissioner of State Lands.

**Sen. Dr. J. Kernahan:** Mr. Vice-President, I am just going by what I see in the State Lands Act and perhaps it would help the situation if I were to read clause 6 again.

**Sen. Mark:** “All yuh does bring Bill and want to dictate de pace here, yuh know.”

**Sen. Dr. J. Kernahan:** Mr. Vice-President, if I have to talk about the Commissioner of State Lands—[*Interruption*] I will have to go back to the Act and understand what his functions are in order to speak about the omissions or commissions of this particular officer in his portfolio.

Mr. Vice-President, I also want to ask, based on clause 6, the terms of his duty with which he is charged with the prevention of squatting over the last three years. I do not know if the Minister would be able to give us some enlightenment. I ask the Minister at this point, what has the Commissioner of State Lands done about the illegal encroachment of squatting communities on valuable reserves in this country over the last three years when he was functioning? For instance, the Aripo Reserve, right under the sign that says: “Aripo Reserve No Squatting”, there have been houses going up there over the last two years. What has the Commissioner of State Lands done within this period to preserve and prevent squatting on valuable reserves?

**Sen. Dumas:** What have you done over the last six years? You paid the legal fees to resist the removing of anyone.

**Sen. Dr. J. Kernahan:** Mr. Vice-President, these are serious issues because when they are left to get out of hand, when whole communities are left to grow in areas which are illegal, at the end of the day there are going to be situations, like in Cashew Gardens and other places, where people are totally traumatized with young babies out in the rain and so on.

The job of the Commissioner of State Lands, as I read it under the State Lands Act, is to prevent and contain these situations and I am asking the Minister of Agriculture, Land and Marine Resources who is here today and who has brought this Bill to validate a number of acts done by the Commissioner of State Lands and the Director of Surveys. I am asking him to give us a list of everything he did. We want to know if he has done anything to prevent the illegal encroachment of persons on forest and nature reserve areas.

Mr. Vice-President, these are the issues which we have with respect to this Bill. We are concerned about the disconnect, we are concerned about the lack of communication, and we are saying that if the Minister is unable to communicate with his officers, and if the public service officers are unable to understand what the policies and directions of the Minister are, then there is no wonder that in this country right now, we have arrived at a point almost of crisis with respect to food production and food security, and, therefore, this Bill before us has not answered a lot of questions that people have been asking in this country.

Thank you, Mr. Vice-President.

**The Minister of Agriculture, Land and Marine Resources (Hon. Jarette Narine):** Thank you very much, Mr. Vice-President. If I were visiting this honourable Senate for the first time, I would have thought that Sen. Mark and Sen. Dr. Kernahan were never in government, and that they were sworn in today, and in particular, Sen. Dr. Kernahan who was a Minister of Agriculture, but I will deal with that as I go along.

Mr. Vice-President, one would have felt that this is the first time we ever came to the Upper House for validation. I have been in this Parliament for almost 14 years and every year there were times that we had to come for validation to the Upper and Lower Houses and I want to point that out.

The former Minister of Agriculture, Land and Marine Resources had to bring to the Senate, the Leases of State Lands (Validation) Bill, 2002 entitled an Act to Validate Certain Leases of State Lands registered under the Real Property Ordinance, Chap. 27:11 and Certain Leases of State Lands registered under the Registration of Deeds Act, Chap. 19:06 and for matters related thereto.

You will also remember that the former Minister of Agriculture, Land and Marine Resources, Minister Rahael, came to this Senate with that Validation Bill after your Bill of 2000 was flawed. This is what I am coming to. The State Lands (Amdt.) Act No. 74 of 2000, do you remember that? It was enacted by the UNC government and created major problems for state land administration and management in this country.

You will realize, as a consequence of that, it was this Government that initiated the repeal of that badly drafted and ill-advised piece of legislation, a Bill entitled an Act to amend the State Lands Act, Chap. 57:01. We also piloted the Leases of State Lands (Validation) Bill, 2002 as I have said, which validated the actions taken under the said Act No. 74 of 2000 which was an obstacle to national development. The State Lands (Amdt.) Act No. 74 of 2000, alienated significant sections of the population from accessing, benefiting and enjoying the full services from the state land distribution programmes and I will tell you what are the figures since 1996 under their watch and how many persons got leases.

The national agricultural production and productivity suffered immensely during that period and many farmers existed in a situation of insecure land tenure and, therefore, difficulty in accessing credit and other developmental benefits. Those are facts, Mr. Vice-President. The Act had significantly lengthened the waiting period and created massive backlogs of potential beneficiaries, and I will demonstrate that as I go along.

As a consequence of this Act No. 74 of 2000, over 90 per cent of the more than 17,000 existing parcels of state lands did not have valid leases. For all that period you had that legislation in place, the PNM had to come and validate Act No. 74 of 2000 in order to allow people to have titles to state lands.

**Sen. Dumas:** They do not know what they are doing.

**Hon. J. Narine:** Because of that legislation, the President of the country had to sign every lease. We told them that when the matter was debated, they did not listen to us and we had to come here and validate that. During their term of office in this country, less than 100 state land farmers were actually regularized in six years and were paying their leases.

**Sen. Mark:** How many you did?

**Hon. J. Narine:** I will tell you in a while.

**Sen. Mark:** Why do you not tell us now?

**Hon. J. Narine:** Mr. Vice-President, this will not be the last time that I have to come here. I am going to come very soon for a position that was taken by the Minister of Agriculture before the Senator came in and she did not know about it and did not see about it. Markets with little sheds costing plenty money were built in Valencia, Palmiste and in Cunupia by the Minister of Agriculture at the time and he had no authority to do so. It was the Minister of Local Government and the Environment who had the authority to build markets and regional corporations. He built these little shacks all over the place and spent an enormous amount of money and very soon I will have to come here to validate that.

What were you doing as a Minister of Agriculture? *[Interruption]* You did not know about that? You did not know that it was illegal to do so, and as a Minister you were supposed to regularize that; to validate? When I come on the next occasion, you are going to be very ashamed, I assure you of that. I am saying that during the period 1996 they did 38 leases; in 1997, 104.

**Sen. Mark:** What is the problem?

**Hon. J. Narine:** In 1998, 79. The problem is that you are saying we should not fast-track leases, yet you were not seeing about the people's business. You were thinking about pilfering the Treasury and not doing anything for agriculture. *[Desk thumping]*

In 1999, 76 leases; in 2000 there were 112; in 2001, 119. My colleague from the trade union knew that he would not get away today because the false

information that was laid here will be answered. *[Interruption]* In 2002, 152 leases; in 2003, there were 168 under the former Minister of Agriculture, Land and Marine Resources.

**Sen. R. Montano:** And you!

**Hon. J. Narine:** Mr. Vice-President, in 2004, as Minister of Agriculture, Land and Marine Resources, we did 396 leases. *[Desk thumping]* And we come here to talk about what we did and what they did. I also want to indicate to them that during their tenure, there was a Minister who tagged along the Lands and Surveys Department with him. He was Planning and Development Minister; it was removed from the Ministry of Agriculture and went with him. What was the purpose then? Then when he became the Minister of Housing, it went into LSA. In 2003 it was brought back to its rightful place in the Ministry of Agriculture, Land and Marine Resources. *[Desk thumping]* You sat in the Cabinet and allowed a Minister to do that.

**Sen. Dumas:** He personalized a whole department? *[Crosstalk]*

**Hon. J. Narine:** Yes. He took it along with him distributing lands in Trinidad and no Commissioner of State Lands had any authority. *[Crosstalk]* You know that, and today you come here playing saint. You are the saint of Trinidad and you were a Member of Cabinet occupying two buildings at the same time when you were in government.

**Hon. Senators:** Ohhhh!

**Sen. Mark:** Who is that? Who?

**Hon. J. Narine:** During 1998, you removed the offices from there to housing. In 2003 we brought it back. This was a demonstration of your contempt for the Ministry of Agriculture, Land and Marine Resources and other sectors of the economy. At the same time, that same Minister did not build a single house, taking lands with him and carrying lands all over. *[Interruption]*

**Sen. Mark:** The 10 per cent Minister.

**Hon. J. Narine:** That was to get your people payment for illegal work and I can tell you that URP at the time, this Minister of Local Government—

**Mr. Vice-President:** Hon. Senators, I allowed a little of the crosstalk, but it is getting out of hand. Hon. Minister, I will ask you to tone down a bit please?

**Hon. J. Narine:** Mr. Vice-President, I have been in the trade union movement and I am certain that my colleagues understand my pitch of voice. *[Laughter]* I am certain that the general public understands that, but I will try.

**Sen. Mark:** You will try.

**Sen. Seepersad-Bachan:** Turn off the mike.

**Sen. Dumas:** We need the mike for the record.

**Hon. J. Narine:** Mr. Vice-President, what I am saying is that seeking to remove myself from the situation is not my privilege. We made certain errors, they had to go from the Cabinet, they went to the Permanent Secretary, Administration in the ministry and when we knew about them, we had to do what we are doing today in this Parliament. I have not blamed any public officer, I was saying that he was unaware and he continued to perform the duties of Commissioner of State Lands. That is what was said. I have it here.

**5.50 p.m.**

**Sen. Mark:** Why was he unaware?

**Hon. J. Narine:** I have a limited amount of time. As a matter of fact, the goodly Senator said it took eight months. I am seeing six years—not eight months—of doing nothing. In 2001, they tried to put a Commissioner of State Lands only to realize that there is no position like that on the permanent establishment. Then they did nothing about it. This Minister created the position of Commissioner of State Lands on the permanent establishment. *[Desk thumping]*

What they failed to do in six years I have done in one year and it took 24 years to reach this stage. We are a progressive country. You put that behind. I got that position on the permanent establishment last year. Even Minister Rahael did it. We are all PNM and we are active people. *[Desk thumping]*

You had a minister calling your ministry a “pumpkin and bhaji” ministry. That is what was done to agriculture in this country.

**Sen. Mark:** Which ministry is that?

**Sen. J. Narine:** The Ministry of Agriculture, Land and Marine Resources. Hello, you do not recognize him now as a colleague of yours? *[Laughter]* In a newspaper questionnaire recently, he said all kinds of things about vomit and all of that. Do you discard him now? Do not do that. You must read all the newspapers, not only the part that pleases you.

**Sen. Mark:** Forget vomit and thing. Lenny, irrelevant.

**Hon. J. Narine:** He said that the Commissioner of State Lands would be in the pocket of the PNM. The PNM would be here for 50 years next year—

**Sen. Dr. Kernahan:** I am glad you know that.

**Hon. J. Narine:**—and for 50 years we have demonstrated that we are a transparent government anytime we are in government. [*Desk thumping*]

The Caroni lands that the Senator spoke about, next week he would have an opportunity to expand himself because we have already done the Vesting Bill in the Lower House and it will be coming here very soon.

**Sen. Mark:** You will be here?

**Hon. J. Narine:** If you want me to be here, I will be here, because I am certain that you know about the Estate Management Business Development Company (EMBDC), where the state-owned properties will be vested; you also know about the Sugar Industry Labour Welfare Committee (SILWC), something that was done by the PNM for sugar welfare, giving the sugar workers homes; giving them loans to send their children to university. That was done by the PNM. They did nothing!

**Sen. Mark:** Ten thousand workers!

**Hon. J. Narine:** And they are asking for people to cut cane? It is ironic. You are asking for people to cut cane, but you are saying people are on the breadline. They are begging. All the trade unions have written to me asking me to bring labour from outside of Trinidad and Tobago, and this is what you are saying here? SILWC is part of the PNM institution that was placed there for sugar workers of this country. You all did nothing for the sugar workers—nothing!

**Sen. Mark:** Shameless! Shameless!

**Hon. J. Narine:** The National Housing Authority will continue to build houses after you have failed the population in housing.

**Sen. Mark:** That is the crime factory of this country. [*Interruption*]

**Hon. J. Narine:** Tarouba was developed by you—[*Crosstalk*]

**Mr. Vice-President:** I am just calling for it to be tempered down again, please.

**Hon. J. Narine:** So when the Vesting Bill comes to Parliament next week, if you need me here I will come because in that area, workers were getting \$5 and it



is the PNM that gave them 100 per cent increase and they were able to work and send their children to school and all of that.

**Sen. Mark:** It was a struggle—

**Hon. J. Narine:** What struggle? It is the benevolent Government of the PNM that did that. [*Desk thumping*]

**Sen. Mark:** Shame on you, man, Jarette!

**Sen. R. Montano:** If that is benevolence, you could keep it!

**Hon. J. Narine:** In 2000, you had the Land Adjudication Act. Am I correct? You also had the land tribunal; you also had the land title and registration, all in 2000. Did you see it fit to come here and bring the regulations?

**Sen. Mark:** Are you bringing them?

**Hon. J. Narine:** I am bringing them very soon. You spoke about it. You are the ones who did not do anything about it. You brought the legislation but the regulations never came. You spoke about flood relief. In both Houses I have explained that flood relief is not to compensate for what you have lost. You were in government. It was the same policy that you had. It is something that we give to the farmers; not compensation, but relief. That is why we call it flood relief. Do you know the system? The system is that the ministry's extension office will have their officers knowing where they have planted what; who planted it, and so on.

Let me tell you this. I would like to refer Sen. Mark to his schedule of 1996. [*Interruption*] But you had left that year. I am trying to change it now. Do you know what you left there? A 25 cent cabbage plant will get 30 cents relief. That is what the UNC left! Let me tell you something. I have confidence in the workers in the Ministry of Agriculture, Land and Marine Resources, that if they go to a flood-prone area and see 10 plants and it is 30 cents a plant, obviously you are going to get \$3. You understand?

**Hon. Senator:** No!

**Hon. J. Narine:** We cannot change the schedule just like that. That is the legislation. Those persons who got \$2,000 and \$3,000, you did not hear about that, but the person who got \$47, because they tried a system by which they should get more money—it did not happen and the UNC is no longer there; it is the PNM who is there, and we are going to be transparent and accountable. So that they are quite well aware of that.

In 2001 they tried to put in a Commissioner of State Lands but failed miserably. This Government has brought that into being because there is an additional amount of work to be done in the country. You have caused people in this country to wait for 10 and 15 years for leases. I am now dealing with that. Up to today I have been going through leases that have been there for 20 years. It will have to go to Cabinet and then they will be prepared from time to time. You have seen me throughout this country handing out leases to people who have never had any. We can lead them to the water but we cannot make them drink. Our Ministry is a Ministry that facilitates. I would like the nation to know that this Senator does not know what he is speaking about and there is a feeling that he is missing a screw, or something. I am now believing that.

Sen. Seetahal had raised certain points that I would like to deal with. Apart from that, let me say to Sen. Mark, the records will show that last year we did 42 ponds at La Savanne in Moruga; the record will show that we built the Trinidad sluice gate in Oropouche; the record will show that for two years we have been doing work at Duck Pond; the record will show that in their time in office, the four pumps at Plum Mitán broke down and were never repaired. Those pumps were repaired last year. The record will show that for the six years of their government, only \$4 million was given for agricultural access roads in this country. Since we came in, it has gone to \$10 million. I went to Cabinet and asked for additional funds for Plum Mitán and Oropouche. We are the ones who irrigated the Road Hill Lagoon. We went into Longdenville and put in three diesel pumps to send water to the people in that area. [*Desk thumping*]

These areas I am speaking about are not PNM areas. These are areas that they neglected. In McNair Trace, we did four kilometres of road last year and this year we are going to put in the ponds. This is where they had control for years. We have never been able to control Caroni East. [*Interruption*] You were asking what was happening. It is because of food production in this country that we have a problem today.

**Sen. Mark:** Could the Minister allow me? Mr. Vice-President, I asked the hon. Minister if he could provide us with the name of the office holder who currently occupies the office of Commissioner of State Lands. That is what I asked. Would you want to help us with that?

**Hon. J. Narine:** That is no secret. You called the name in your contribution today. You do not have to get it from me; you called the name. I did not doubt

you, because you did not get the person you wanted to steal lands. That is the problem. [*By order of the Chair, remarks withdrawn*]

So, Sen. Seetahal, the position was not on the permanent establishment—

**Sen. Mark:** Mr. Vice-President, on a point of order. The hon. Minister has stated on public record that I wanted a particular individual—

**Hon. J. Narine:** Mr. Vice-President, I am not giving way.

**Sen. Mark:** Mr. Vice-President, may I make the point? Mr. Vice-President, on a point of order—

**Mr. Vice-President:** You already gave way.

**Sen. Mark:** He is imputing improper motives. He is saying that I wanted a person appointed to steal lands. That is outrageous! [*By order of the Chair, remarks withdrawn*]

**Hon. J. Narine:** That is my information.

**Sen. Mark:** Mr. Vice-President, I am not part of that. [*Crosstalk*] But I do not understand how he could say that about me.

**Mr. Vice-President:** Hon. Minister, I will support Sen. Mark's point of order and ask you not to make such remarks again.

**Sen. R. Montano:** Withdraw it! [*Crosstalk*]

**Hon. J. Narine:** Mr. Vice-President, I agree with your—

**Sen. Mark:** Mr. Vice-President, I would like that matter to be expunged from the record lest people misinterpret that and say Wade Mark appointed somebody to “tief” land. I did no such thing and I would like it to be expunged from the record of the Parliament. [*Desk thumping*] I did not do that at all. [*By order of the Chair, remarks withdrawn*]

**Mr. Vice-President:** Sen. Mark, he did not say you appointed somebody.

**Sen. Mark:** If you go back to the record, he said we wanted someone appointed to “tief” land for us. How could he say that, Sir? I had no part in that. Let us be honest, Sir. I had no part in that, none, and I would like it to be expunged from the record because I would not want the record to show that I was part of any theft. I really take it seriously and I think that he should withdraw it. [*By order of the Chair, remarks withdrawn*]

**Mr. Vice-President:** This is the exact reason I was asking for the crosstalk to be curtailed, because remarks like these keep firing back and forth. I would like to request that you remove that from the record, please. [*Desk thumping*]

[*By order of the Chair, remarks withdrawn*]

**Hon. J. Narine:** Thank you, Mr. Vice-President, but certainly a case was being made out—

**Sen. D. Montano:** Mr. Vice-President, on a point of order. There was an earlier reference to the Attorney General then that should also be removed for the same reason. What is good for the goose is good for the gander. I keep hearing that on that side all the time and I stood up and I objected and I asked for it to be removed. That was not done! I am now asking for the comments of Sen. Mark that he made on the Attorney General's head to be expunged from the record!

**Sen. Mark:** Are you threatening the Vice-President?

**Mr. Vice-President:** Sen. Mark, if I must be consistent I will also request that that be removed from the record. [*Desk thumping*]

[*By order of the Chair, remarks withdrawn*]

**Hon. J. Narine:** Thank you very much, Mr. Vice-President.

Sen. Seetahal raised certain questions and did indicate that it was important to have the Commissioner of State Lands because we could not, at this stage in the year 2005, have two jobs aligned to one person. It was almost impossible. [*Interruption*]

**Mr. Vice-President:** Sen. Mark—

**Hon. J. Narine:** And when you had land distribution taking place under a previous regime, of 38 per year and 76 per year, one wondered what would have happened in the next five years. We would have had nobody in Trinidad and Tobago having any lease or any security of land tenure at the rate they were going.

We are trying to do this and we are certainly going to move ahead. The Commissioner of State Lands was appointed in November. There was smooth transition because it is housed in the same building on Frederick Street. The Director of Land Administration holds the records and the Director of Surveys is in the same building. The present Commissioner of State Lands is also housed in the same building, so there is no need for record removals, and so on. Because there was no position on the permanent list, the CPO had to make that

recommendation and it had to go on the permanent list. For all these years there was no position on the permanent establishment in the Ministry of Agriculture, Land and Marine Resources, although since 1979 that post of Commissioner of State Lands came into being.

Sen. Mark asked about how we are going to distribute lands. If you check the library you would see that we have a land distribution policy. I would like to say that having been in this Parliament for so long, to come here and not even know that—both Sen. Dr. Kernahan and Sen. Mark, I am willing to give you a copy of it if you cannot find it. We also have our policy for the Ministry of Agriculture, Land and Marine Resources, which was a five-year policy, laid in 2000. It will terminate this year. We are already working on the renewal of that policy.

Maybe you did not like the agricultural sector policy.

**Sen. Mark:** And that is our policy?

**Hon. J. Narine:** Yes. It will be up this year and we will change it. But it seems as though the minister who put that policy in place, called it “bhaji and pumpkin”, you do not recognize him any longer. So I will make copies available to you.

The food prices were according to weather conditions, and I spoke about the achievements. We are trying our best. The neglect that took place over the years is now being addressed, so it will take some time. Prices at the market will fluctuate; they have always fluctuated. I think that Senators will understand that.

**Sen. Mark:** —less than \$12 a day!

**Hon. J. Narine:** Again, we have a situation where figures are bandied all over the place without any proper reference to anything. *[Interruption]* You said there were 10,000 persons on the breadline in Caroni, yet we cannot find a cane cutter. That is what is taking place. You are feeding the public with false information. Let me say this. Some of what is taking place is because you have initiated a programme of civil disobedience, so a lot of the people who are disobedient now, it is because of your doing.

**Sen. Mark:** Seventy people murdered!

**Hon. J. Narine:** Yes, Sen. Dr. Mc Kenzie, there was some misunderstanding from place to place. It is an administrative error. That has happened before; it will continue to happen and, as I said, I am to come very soon for validation on matters that were done by the UNC and I have to now clean up their act. So we will be back again.

The records, as I said, did not have to move; they are there. The matters of the Commissioner of State Lands have to go to Cabinet. All decisions taken from the various levels, from the extension office to the Administrator of State Lands, to the Director of Surveys, to the Commissioner of State Lands, come to the Permanent Secretary whose recommendation is sent to the Minister—whosoever the Minister is—and that is taken to Cabinet.

**Sen. Mark:** How much state lands have you given to the Jamaat al Muslimeen?

**Hon. J. Narine:** None. I did not give any.

We have continued to do land matters at this point in time and the Director of Land Administration is part of that office which will eventually go under the Commissioner of State Lands, so that you have a lot of knowledge there. As a matter of fact, the present administrator is Miss Ganteaume-Farrell, who has worked in that department for a number of years and I am certain that when you call, she could give you information off the cuff. She would not have to go to look for records, and so on. I am very much convinced about that.

Apart from that, we are now online and most of that information is on the Internet: agriculture.govt—[*Desk thumping*]

**Sen. Mark:** Thank the UNC.

**Hon. J. Narine:** Thanks to what? I met nothing there! Minister Rahael started the process and I completed it. We launched a couple weeks ago.

**Sen. Mark:** Is Reeza who started that.

**Hon. J. Narine:** He what? [*Laughter*] And he was fired by your political leader? He started all that and he was fired? Hello, give proper information to the public. We now have: agriculture.govt.tt.com. You can go online and get information, which you did not have before.

**Sen. Mark:** Agriculture.com.nofood.

**Hon. J. Narine:** The point is that I have inherited your blunders for the six years and we are now putting things in place. It will take some time but prices have started to fall. I cannot be responsible for the prices in the groceries. I can put things in place so that local food production will come down. [*Crosstalk*] We can say, fairly, that we doubled rice production last year; we doubled cocoa production last year; we doubled citrus production last year. [*Desk thumping*] As a matter of fact, the groves at Todds Road are now being refurbished because of

the tall grasses that were there. Over the last two years nothing was done; we have now started to work. The lands will be distributed in 50-acre plots because less than 50 acres will not be economical for farmers.

We also have land for distribution for livestock; small ruminants will be included. So it is not to say that we are doing nothing. We are just starting to do something that you have left undone. We have started since we came into office in 2001, because for your six years you were a total failure to agriculture in this country.

I beg to move, Mr. Vice-President. [*Desk thumping*] [*Crosstalk*]

*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.*

*Preamble.*

*Question proposed, That the Preamble stand part of the Bill.*

**Sen. Mark:** Mr. Vice-President, we had asked the hon. Minister to provide us with some limited information but he did not even offer information on this matter. I am dealing with clause 2.

**Mr. Chairman:** We have passed clause 2.

**Sen. Mark:** I was not aware, Sir. I was on clause 1. I was just asking you if it is possible.

**Mr. Chairman:** No, we cannot go back.

**Sen. Seetahal:** Before we go on, the third clause of the preamble says: “all functions exercised by the Director of State Lands”. Is it the Director of State Lands you mean there, or is it the Director of Surveys? I am not sure, because there is a Director of State Lands, too. The fourth line of the preamble says: “vested in the Director of Surveys (hereinafter referred to as ‘the Director’)”. Then if you look at the third paragraph it says: “And whereas it is necessary and expedient to validate all functions exercised by the Director of State Lands.” As far as I know, we are talking about the Director of Surveys. Therefore, we should delete “of State Lands”. Should we not? Because you already said, “(hereinafter referred to as ‘the Director’)” when you talked about—

**Sen. Dr. Saith:** It is a typographical error and we will correct it.

**Sen. Seetahal:** So the words “of State Lands” should be deleted in the third paragraph.

**Sen. Mark:** Mr. Chairman, in the preamble you would see that it is “expedient to validate all functions exercised by the Director of State Lands.” Is it the Director of State Lands or the Director of Surveys, Sir?

**Sen. Dr. Kernahan:** The Director of Surveys.

**Sen. Mark:** Mr. Chairman, I had asked the hon. Minister to provide us with some clarification on these functions and we have not gotten them. So even in the preamble, we were trying to get some clarification on some of those functions that he had exercised which we are now seeking to validate in the preamble.

**Sen. Dr. Saith:** File a question and I am sure he will answer it.

**Sen. Mark:** You are asking me to file a question, when you come to this Parliament for us to validate? The hon. Leader of Government Business, who is acting as Prime Minister of this country, is telling us that we must file questions on matters that we have to vote on? I find that is insulting. Do you not find so, Joe?

**Sen. Joseph:** You asking me?

**Sen. Mark:** I find that very insulting.

**Mr. Chairman:** Members, please. I have to get the 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 Senate continue its sitting until we complete this Bill.

*Question put and agreed to.*

#### FUNCTIONS OF THE DIRECTOR OF SURVEYS (VALIDATION) BILL

*Committee resumed.*

**Mr. Chairman:** Sen. Mark, you were asking.

**Sen. Mark:** Mr. Chairman, we are not asking for everything to be provided but at least we thought that the hon. Minister in his winding up would have



referred to some of the issues that I had raised, and I am surprised that he did not make reference to any of those matters. I raised the question of if he could have shared with us the agreement. This is part of the preamble that we are seeking to support, and we had asked the hon. Minister to, at least, provide us with some information on the agreement to purchase private property by private treaty. At least he could have indicated to us, “Well, look, there were two agreements involving X and Y”, so at least we could have gotten some information.

We know we cannot get all the documents. That is impossible.

**Sen. D. Montano:** Mr. Chairman, this is a naked attempt to revive the debate.

**Sen. Mark:** How is this a naked attempt? Danny, you are a dictator or fascist? Are you a fascist?

**Mr. Chairman:** Any comment, Mr. Minister?

**Mr. Narine:** I have no comment.

**Sen. Mark:** You are a real puppet, boy! You let Danny tell you what to do?

**Mr. Narine:** Further to that, Mr. Chairman, if there is need for additional information, certainly if I am asked I will bring it.

**Sen. Mark:** So I have to file questions now. That is how things go.

**Mr. Narine:** How am I going to tell you at this time how many transactions took place?

**Sen. Mark:** But I asked you something specific.

**Mr. Narine:** I indicated to you the various areas that the Commissioner of State Lands had to perform.

**Sen. Mark:** If that is your attitude, Jarette—is that your attitude?

**Mr. Narine:** It is unfair to ask me that question now.

**Sen. Mark:** That is your attitude? You let Danny mamaguy you? I thought you were a trade unionist, man. You let a capitalist mamaguy you?

*Question put and agreed to.*

*Preamble ordered to stand part of the Bill.*

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

*Senate resumed.*

*Bill reported, without amendment, read the third time and passed.*

*Adjournment*

*Tuesday, March 15, 2005*

**ADJOURNMENT**

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Mr. Vice-President, I beg to move that the Senate be now adjourned to Tuesday, March 22, 2005 at 1.30 p.m. It is Private Members' day and we will continue the debate on the Private Members' Motion and, subject to agreement with the mover of the Motion, if we can, I would like to do the procedural Motion dealing with the acceptance of the report of the select committee on the Venture Capital Bill. But that is subject to agreement.

**Sen. Mark:** Let us do that before. We are not compromising that.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.27 p.m.*

Written Answer to Question

Tuesday, March 15, 2005

Pursuant to his reply to question 53, earlier in the proceedings, the Minister of National Security (Sen. The Hon. Martin Joseph) caused to be circulated to Members of the Senate the following statistics:

**Acquisition of Land in Tobago  
(Completion of Payment)**

**53. Sen. Dr. Eastlyn McKenzie** asked the hon. Minister of Agriculture, Land and Marine Resources:

- (i) Could the hon. Minister state whether all lands acquired, used or entered upon in Tobago by the State for development projects have been paid for?
- (ii) If the answer is in the negative, will the Minister state, in detail, those parcels of lands not paid for:
  - (a) their acreage, location and boundaries, owner(s), and purpose for which the lands were acquired;
  - (b) the reasons for the delay in effecting payment?

STATUS OF TOBAGO ACQUISITION MATTERS

AS AT JANUARY 31, 2005

No.	File Reference	Name	Subject	Area	Remarks
1.	LA 01/21	Francis Hislop	Compulsory acquisition of land at Providence	1648m2	Acquired September 6, 1994. Letter dated 14/10/94 to F. Hislop to submit claim and deed No. to conduct title search. No response to date Chief Secretary THA requested to assist in locating the claimant. No response from THA to date

*Written Answer to Question*

*Tuesday, March 15, 2005*

No.	File Reference	Name	Subject	Area	Remarks
2.	LA 0/1/2	Harold Sandy	Acquisition of land at Bethel/Hope – Town Rd. Tobago for community centre and children’s playground	2A Or 21P	Lands acquired Section 5 published 21/12/67. No claim received to date.
3.	LA 0/1/5	Mr. Mayo Short	Acquisition of land at Richmond Estate for a recreation ground	2A 1R 24P	No payment due; Mr. Short offered the land free of charge to the Government
4.	LA 01/1 SF3	Tom Philip	Acquisition of land at Mt. Grace for a recreation ground	2A Or 25P	Acquired October 24, 1974. No claim submitted.
5.	LA 0/1/14	Gloria Morales	Acquisition of land at Speyside Tobago for recreational facilities	2.0555 Ha	Acquired May 5, 1994. Awaiting Commissioner of Valuations response on compensation payable.
6.	LA 0/2/4	James A. Sheperd	Acquisition survey of land for development of roadway leading to Ebenezer Methodist School	5280 SF	Survey to be done
7.	LA 0/3/1	Adelphi Estate-John Henderson	Acquisition of land for the Mason Hall Composite School	4.9698 Ha	Awaiting valuation report for Section 5 proceedings. Requested from C.O.V. on January 10, 2001, last reminder February, 2005.
8.	LA 0/3/2	Gloria Morales & Clive McDonald	Acquisition of land for the construction of a Secondary School under SEMP at Speyside, Tobago	10 Acres	Section 3:25/4/2002, Section 4:15/5/2002. No claim submitted Survey outstanding
9.	LA 0/4/5 SF 1	Priscilla Phillips (widow of Basil Phillips)	Acquisition of lands at Parlatuvier, Tobago for a Health Centre	7,515 SF	Section 5 published 24/5/79. Notices delivered on 2 <sup>nd</sup> November 1987. No claim received to date

*Written Answer to Question*

*Tuesday, March 15, 2005*

No.	File Reference	Name	Subject	Area	Remarks
10.	LA 0/4/2	Tudor Securities Ltd.	Acquisition of land at Belle Garden Tobago for a Health Centre	11,469 SF	New Survey order to be issued.
11.	LA 0/5/1	Margaret Mc Donald	Acquisition of Burial Grounds Ordinance Chapter 12 No 13 – Speyside L'anse Fourmi	2 parcels	Survey Outstanding.
12.	LA 0/5/2	Suemay Williams	Acquisition of land at Delaford, Tobago for a cemetery	1A or 0P	Claim submitted to C.O.V. still awaiting title search.
13.	LA 0/5/3	George Solomon	Acquisition of land at Mount St. George Tobago for a cemetery	2R 32P	Section 5 published on 22/8/80. Commissioner of Valuations advised on ex-gratia award. To obtain Cabinet's approval to pay.
14.	LA 0/11/1	Tobago United Co-operative Society Limited	Acquisition of property from Tobago United Co-operative Society Ltd. For Lower Scarborough Mall Development	40,000 SF	Survey Outstanding.
15.	LA 0/12/1	William Sebro (Deceased)	Acquisition of lands at Hillborough Catchment Area	4A 3R 21P	Land acquired 9/1/75. Cheque prepared. Awaiting letters of administration to make payments.
16.	LA 0/12/3	W.P. Inniss & others	Acquisition of land for re-alignment of Milford Road to Lambeau Bridge	2,787 sm	Survey completed, returned to Surveyor for correction 20/8/04. Awaiting corrected plan.
17.	LA 0/12/4	Jeremiah Prescot & others	Acquisition of land at Steel River Catchment for Drainage Improvement	283.8 sm	Claim submitted, negotiations on compensations are still on-going
18.	LA 0/12/5	Gloria Morales & Neila Samuel	Acquisition of land at Milford Road for construction of outfall line for Scarborough Waste Water Treatment Plant.	492 sm	Section 3:5/4/93, Section 4:13/5/93. No section 5 published to date. Survey completed, returned to Surveyor for correction on 20/10/04.

*Written Answer to Question*

*Tuesday, March 15, 2005*

No.	File Reference	Name	Subject	Area	Remarks
19.	LA 0/12/7	Belmar, Giles & Others	Acquisition of lands for road improvement to Belmar Trace, Tobago	2546.33 sm	New survey order to be issued. Section 3:5/12/95, Section 4:17/1/96 published. No claim received to date.
20.	LA 0/13/8	Thelma Yorke	Acquisition for land at public convenience and Mini Market at Plymoth, Tobago	7784 sf	Exgratia award of \$23,352.00 offered to Ms. Yorke in 1992. Ms. Yorke was requested to produce deed of ownership. No response to date.
21.	LA 0/13/14	Tobago United Co-operative Society Limited	Acquisition of land for the Scarborough Mall	21,278 sf	No evidence of settlement. Awaiting C.O.V. Report, requested 16/5/89. Reminders being sent to Commissioner of Valuations.
22.	LA 0/13/18 SF1	Francis Henry	Compulsory acquisition of land at Crown Point Airport extension estate of Francis Henry (deceased)	9.2 Ha	Claim submitted, awaiting response from C.O.V. regarding settlement
23.	LA 0/13/18 Ph2	M.J. Alexander	Acquisition of land for the extension of the Crown Point Airport	0.4629 Ha	Awaiting Section 5 Publication. Commissioner of Valuations advised on 80% advance. Awaiting Chief State Solicitor Advice indicating persons to be compensated.
24.	LA 0/13/18 SF 4A	J.N. Scipio	Compulsory acquisition of land for Crown Point Airport, Ext.	6134.1 sm	Claim settled. CSS is awaiting further information from the Claimant to advise to whom compensation is payable.
25.	LA 0/13/18 SF 10A	James Percy	Compulsory acquisition of land for Crown Point Airport, Ext.	7514.3 sm	Negotiation re settlement is ongoing. Awaiting C.O.V. Report

Written Answer to Question

Tuesday, March 15, 2005

No.	File Reference	Name	Subject	Area	Remarks
26.	LA 0/13/18 SF 10A	Estate of Peter Chapman	Compulsory acquisition of land for Crown Point Airport Ext.	3.948.2m2	Awaiting information from Cecil H.A. Pope, representative of Adecia Lenora Philliph the next of kin
27.	LA 0/13/18 SF 12A	Robert Sanowar Keyso Persad	Compulsory acquisition of land for the extension of the Crown Point Airport Tobago	15.5 Ha	Section 3 : 11/4/1995, date of entry – March 1998. Awaiting Section 5 Publication of T&T Gazette
28.	LA 0/13/18 SF 7	James Alexander Wells	Acquisition of land for Crown Point Runway – Estate	0.769 acre	Negotiations ongoing. Awaiting settlement from COV
29.	LA 0/15/6 SF 26	Jonathan Mc. Knight	Acquisition of land at Northside Connector Road for improvement	.309 acre	No claim received from last known owner
30.	LA 0/15/6 SF 57	Princess Baptiste	Acquisition of land for road improvement-Northside Road, Tobago	0.088 acre	Negotiations ongoing. Awaiting response from COV
31.	LA 0/15/6 SF 73	Nathan George (deceased)	Acquisition of land along Northside Rd. for improvement	16.981 acre	Awaiting response from Beneficiary of Mr. George
32.	LA 0/15/7 SF 3	John Stafford Daly	Acquisition of land at Mt. Pelier Trace, Tobago for road development	.354 acre, 0.12 acre, 1.794 acre	No claim for compensation received
33.	LA 0/15/7 SF 6	Alston Caruth	Acquisition of land at Mt. Pelier Trace, Tobago for road development	0.004 Acre	No claim for compensation received
34.	LA 0/15/10	Robert Alefounder	Acquisition of land at Bloody Bay, Roxborough for road development	2A 0R 36P	HCA 1946/1972. Awaiting Solicitor General's response on payment to owner

*Written Answer to Question*

*Tuesday, March 15, 2005*

No.	File Reference	Name	Subject	Area	Remarks
35.	LA 0/15/10 Sub A	Egbert Lau & Sons	Acquisition of land at Windward Rd. Tobago for road development	96640 sf	Acquired August 5, 1971. Settlement outstanding
36.	LA 0/15/12/ 51/69	West Indian Bay Company	Acquisition of land at Indian Bay at Lucy Vale, Tobago for road development	4A 17 R 0P	Claim submitted, survey order 52/76, matter outstanding
37.	LA 0/15/15 SF2	Luther Mc. Kenzie	Acquisition of land at Lambeau, Connector Rd, Tobago for road development	1200 sm	Survey order 15/01. Outstanding
38.	LA 0/15/17	West Indian Bay Company Ltd.	Acquisition of land for access road to Indian Bay	0A 2R 8P	HC 1966/ 1993 pending.
39.	LA 0/15/19 SF6	James W. Parris	Acquisition of land along Auchenskeoch Road Tobago for road improvement	2 ½ Acres	Tendering Process initiated. Survey Order to be issued shortly
40.	LA 0/15/19 SF 7	Pentecostal Assemblies of the West Indies	Acquisition of lands at Auchenskeoch/Buccoo Road for road improvement	0.5 Acres	Tendering Process initiated. Survey Order to be issued shortly.
41.	LA 0/15/19 SF22	Neville Bruce	Acquisition of land on Auchenskeoch/Buccoo Road for road improvement	86.6 sm	COV advice dated 14/6/89 & CSS report dated 15/11/89. Awaiting response from caimant re: release of mortgage. Further advice sought from the Chief State Solicitor not yet received
42.	LA 0/15/19 SF 25	Henrietta Cadiz (deceased)	Acquisition of land on Auchenskeoch/Buccoo Road for road improvement	84.7 sm	CSS advised compensation payable to H. Cadiz. A relative informed to submit claim on 10/7/89. No response to date.



*Written Answer to Question*

*Tuesday, March 15, 2005*

No.	File Reference	Name	Subject	Area	Remarks
43.	LA 0/15/47 SF14	Christo Gift	Acquisition of land for improvement of Bacolet and Piggot Street, Tobago	332.5 sm	Survey Order to be issued- Information awaited from THA.
44.	LA 0/15/48	Mary Ann Thomas	Acquisition of land for the development of Goodwood Agricultural Access Road	4 Acres	Section 3:18/12/73. No Section 4 issued. No further action since 1974; no claims received.
45.	LA 0/15/50 SF 2A	Adrianna Cleopatra David	Acquisition of land Auchenskeoch/Buccoo Road, Tobago for road construction	2 R	Acquisition process incomplete. Survey Order to be issued.
46.	LA 0/15/50 SF 4	Edwina Peters	Acquisition of land at Shirvan/Grafton and Golden Grove Road, Tobago for road improvement	1060 sf	Survey Order to be issued. Section 3 and 4 completed.
47.	LA 0/15/50 SF 5	Margaret Elizabeth Nunes	Construction of Shirvan/Grafton and Golden Grove Roads, Tobago	5990 sf	Survey Order to be issued; section 3 and 4 completed 1/10/83 and 15/4/84 respectively.
48.	LA 0/15/51	Charles E. Percy	Acquisition of land at Orange Hill and Patience Hill local road for development	325.2 sm	Section 3 not published; COSL to liaise with Tobago House of Assembly to determine whether entry was made onto the lands and acquisition pursued
49.	LA 0/15/52	Suemay Williams	Acquisition of land at John Gully Trace, Delaford, Tobago for widening	.686 acre	CM 1001 dated 2/8/62 agreed to acquire. Insufficient information to check Title
50.	LA 0/15/54	Pitts	Acquisition of land for Northside Connector Road, Robinson Street	1100 sf	No formal request received from THA for acquisition.

*Written Answer to Question*

*Tuesday, March 15, 2005*

No.	File Reference	Name	Subject	Area	Remarks
51.	LA 0/15/58	J. Chapman & Others	Acquisition of land for widening & upgrading Store Bay Local Road and Feeder Road	7074 sm	Survey Order to be issued
52.	LA 0/15/63 Sub 1	Tobago United Co-operative Society Limited J.H. Armstrong	Acquisition of land for the Scarborough Mall	1976.8 sm	Awaiting response from COV re private treaty negotiations.
53.	LA 0/15/63 Ph 1 SF 11	Ralph Samaroo	Acquisition of land situated at Wilson Road, Scarborough for the public amenities	07 perches	Letter sent to Ralph Samaroo 4/2/03 to submit claim and copy of Deed. No response to date.
54.	LA 0/15/68	Curtis Lovell	Acquisition of land for the development of Mc. Nabb Orphan Road, Tobago	900 Ft long & 33 Ft wide	Survey not yet done.
55.	LA 0/15/67	Maria Campbell	Acquisition of land for diversion of the Northside Rd. Des Vignes Rd. Tobago for road improvement	450 sm	Awaiting publication of Section 5 Notice. No claim submitted
56.	LA 0/15/71	Aubry Yeates & others – Coral Sands Ltd	Acquisition of land at Milford Bay for the establishment of a fuel supply station and information centre & marine museum	6501.2 sm	Survey Outstanding. New Survey Order to be issued.
57.	LA 0/15/72	Andrew Chance, Carrington Moore, Thomas Baird & Others	Acquisition of land for development of land at End Crown Trace, Parlatuvier	66,000 sf	Survey Outstanding.

Written Answer to Question

Tuesday, March 15, 2005

No.	File Reference	Name	Subject	Area	Remarks
58.	LA 0/15/73	Robley Edwards & others	Acquisition of land for development of Timber Wood, Crown Trace`	1 ½ miles long & 33 ft wide	Survey Outstanding.
59.	LA 0/16/29	C/S Tobago House of Assembly	Acquisition of land for construction of Multi Level Car Park	1800 sm	Awaiting Section 3 Valuation Report.
60.	LA 0/16/30	Martin (Shneider) Estate	Acquisition of land at Adventure (Schneider) Estate, Tobago for Public Government related facilities	42 Acres	Section 3 :10/7/2000, Section 4: 21/5/2002. Claimant invited to submit claim for advance. Survey Outstanding. No claim received to date
61.	LA 0/15/19 SF 30	New Grange Estate	Acquisition of land for the Auchenskeoch/Buccoo Road	204.5 sm	Acquired on 9/7/90, no claim submitted.
62.	LA 0/15/19 SF33	Marilyn Duke	Acquisition of land at Lambeau for improvemrnt of the Auchenskeoch/Buccoo Road	68.6 sm	Claim forwarded to COV 26/7/01. Awaiting reply. Reminder sent on 18/3/2004.
63.	LA 0/15/19 SF34	Marilyn Duke	Acquisition of land for the improvement of the Auchenskeoch/Buccoo Road	52.4 sm	Awaiting Title Search and Valuation
64.	LA 0/15/19 SF 35	Lynda & Byron Barton	Acquisition of land for the improvement of the Auchenskeoch/Buccoo Road		Awaiting survey
65.	LA 0/15/23	Maud Beckles & Ernest Murphy	Acquisition of land at Britton Hill, Roxborough, Tobago for Road Development	38.833 sm	No claim submitted letter dated 17/9/87 sent to Ms. Beckles and Mr. Murphy, requesting Deed Number. No reply to date. Reminder on August 8, 2003

*Written Answer to Question*

*Tuesday, March 15, 2005*

No.	File Reference	Name	Subject	Area	Remarks
66.	LA 0/15/23 SF 2	Edward Holder (deceased)	Acquisition of land at Britton Hill, Roxborough, Tobago for road development	93.829 sm	Unable to contact owner/claimants. Referred to THA.
67.	LA 0/15/23 SF 3	Lancey Clarke	Acquisition of land at Britton Hill, Roxborough, Tobago for road development	68.748 sm	Unable to contact owner.
68.	LA 0/15/23 SF 3	Ernest Lewis	Acquisition of land at Britton Hill, Roxborough, Tobago for road development	729.287 sm	Unable to contact owner.
69.	LA 0/15/23 SF 3	Lord	Acquisition of land at Britton Hill, Roxborough, Tobago for road development	20.253 sm	Unable to contact owner.
70.	LA 0/15/23 SF 7	Volney Caruth	Acquisition of land at Britton Hill, Roxborough, Tobago for road development	1239.373 sm	Awaiting advice from Chief State Solicitor re: persons to be compensated.
71.	LA 0/15/23 SF 8	Isaac Jerry	Acquisition of land at Britton Hill, Roxborough, Tobago for road development	232.262 sm	Owner cannot be located
72.	LA 0/15/23 SF 9	Brooke	Acquisition of land at Britton Hill, Roxborough, Tobago for road development	167.222 sm	Letter to Mr. Brooke dated 17/9/87 returned. Referred to THA for assistance.
73.	LA 0/15/23 SF 10	John Emtage	Acquisition of land at Britton Hill, Roxborough, Tobago for road development	378.763 sm	Letter to Mr. Emtage dated 17/9/87 returned. Referred to THA for assistance
74.	LA 0/15/23 SF 11	Eric Wells	Acquisition of land at Britton Hill, Roxborough, Tobago for road development	134.334 sm	Letter to Mr. Wells dated 13/6/88 requesting Deed No. and claim for compensation.

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No.	File Reference	Name	Subject	Area	Remarks
75.	LA 0/15/23 SF 12	B & M Douglas	Acquisition of land at Britton Hill, Roxborough, Tobago for road development	254.836 sm	Awaiting CSS's advice indicating person to be compensated.
76.	LA 0/15/23 SF 6	Theodore Beckles (Deceased)	Acquisition of land at Britton Hill, Roxborough, Tobago for road development	20.253 sm	Awaiting Chief Solicitor indicating compensation to be compensated.
77.	LA 0/15/25	Prescott Jack	Acquisition of land for the development of Taka Trace, Delaford, Tobago	0.503 A	COV advice dated 29/6/90 received. Awaiting communication from owners.
78.	LA 0/15/25	William Gardener	Acquisition of land for the development of Taka Trace, Delaford, Tobago	0.116A	COV advice dated 29/6/90 received. Awaiting claim from owners.
79.	LA 0/15/26	Keneth & Gloria Douglas	Acquisition of land at Patience Hill Tobago for the Development of Cunningham Crown Trace	190 sm	Awaiting COV's report re compensation (1983)
80.	LA 0/15/26 SF 2	Alberto Francois	Acquisition of land at Patience Hill Tobago for the Development of Cunningham Crown Trace	36 sm	Acquired on 2/7/82; Sections 6 and 8 notices served on 23/8/82. Claim to be submitted by owner.
81.	LA 0/15/26 SF 4	Heirs of E. Guy	Acquisition of land at Patience Hill Tobago for the development of Cunningham Crown Trace	107 sm	No claim submitted
82.	LA 0/15/26 SF 3	R & K Edwards	Acquisition of land at Les Coteaux for road development	0.413 Acres	No claim submitted

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No.	File Reference	Name	Subject	Area	Remarks
83.	LA 0/15/27 SF 4	Arthur Anthony	Acquisition of land at Les Coteaux for road development	0.024 Acres	No claim submitted. Survey order 14/02 outstanding.
84.	LA 0/15/27 SF 5	B. Trim	Acquisition of land at Les Coteaux for road development	0.367 Acres	Section 5 published on October 4, 1979. Owner notified by letter dated 3/9/86 of formal acquisition and requested to submit title and claim; no claim submitted to date.
85.	LA 0/15/28	S. Chapman	Acquisition of land for the diversion of the Crown Point Airport Road	0A 0R 12P	No claim submitted
86.	LA 0/15/28 Ph1 SF2	A. C. Fung & Frank Allum Poon	Acquisition of land for the diversion of the Crown Point Airport Road	0A 0R 17P	Awaiting response from Frank Allum Poon.
87.	LA 0/15/28	W. Mc Kay	Acquisition of land for the diversion of the Crown Point Airport Road	0A 0R 35P	No claim submitted
88.	LA 0/15/29	Veronica Sylvester Piggot	Acquisition of land situated at Northside Road, Tobago for road improvement	6A 2R 6P	Tendering process initiated. New survey order to be issued.
89.	LA 0/15/28 SF 2	Frank Allan Poon	Acquisition of land at Crown Point for diversion of Crown Point Airport, Rd. Tobago	17 P	No claim submitted
90.	LA 0/15/28 SF 5 PH2	Jocelyn George	Acquisition of land at Crown Point for diversion of Crown Point Airport, Rd. Tobago	5,735 sf	Awaiting advice from CSS

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No.	File Reference	Name	Subject	Area	Remarks
91.	LA 0/15/28 SF 10 Ph2	Nathaniel Nelson	Acquisition of land for road development at Crown Point, Tobago	404.4 sm	Cheque representing additional interest was not collected
92.	LA 0/15/28 SF 12	Providence Cox	Acquisition of land for road development at Crown Point, Tobago	587.6 sm	No claim submitted
93.	LA 0/15/29	Hilda Ferguson	Acquisition of land at Bloody Bay – Parlatuvier for road improvement	3A 3R 37P	Tendering process initiated. New survey order to be issued.
94.	LA 0/15/29 SF 2	James T. Charles	Acquisition of land at Bloody Bay – Parlatuvier for road improvement	-	Tendering process initiated. New survey order to be issued.
95.	LA 0/15/29 SF 5	Alfred Smart	Acquisition of land at Bloody Bay – Parlatuvier for road improvement	-	Tendering process initiated. New survey order to be issued.
96.	LA 0/15/29 SF6	Ivy Quow	Acquisition of land at Bloody Bay – Parlatuvier for road improvement	2.0614 Ha	Tendering process initiated. New survey order to be issued.
97.	LA 0/15/31 SF 1	Gloria Morales	Acquisition of land at Wilson Road for road improvement	9 Acres	No claim submitted
98.	LA 0/15/32	Diamond Estate	Acquisition of land at Auchenskeoch for Road Construction	6 Acres	Survey Ourtstanding.
99.	LA 0/15/35	Zena Stewart	Acquisition of land at Connector Road, Lambeau for road improvement	-	New survey order issued 2001; plans not yet submitted.

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No.	File Reference	Name	Subject	Area	Remarks
100.	LA 0/15/36	Ivy Elder	Acquisition of land at Spring Hill Orphan Road for road access	3223 sf	Awaiting documents from Ms Ivy Elder. No response.
101.	LA 0/15/37	Benjamin Mapp	Acquisition of land at George Street, Glamorgan for public purpose	600 sf	Survey plan outstanding
102.	LA 0/15/46 SF 4	Enid Holder	Acquisition of land at Plymouth Road Tobago for road improvement	5,000 sf	Advice of CSS to be sought.
103.	LA 0/15/46 SF 6	Johanthan Andrews	Acquisition of land at Darrel Spring Rd for road access	0.0169 Ha	Awaiting CSS's advice indicating person to be compensated re settlement. COV advice received.
104.	LA 0/15/46 SF 8	George Leopold	Acquisition of land for the widening of the Wilson Road	-	Awaiting acquisition survey
105.	LA 0/15/46 SF 9	William James	Acquisition of land for the improvement of the Plymouth/Wilson Road	9 Acres	Awaiting acquisition survey
106.	LA 0/15/47	Jacob Walters	Acquisition of land at Old Market Piggot Street for a Connector Road	35.5 sm/ 740.3 sm	Awaiting COV's report regarding settlement
107.	LA 0/15/47 SF 4	J.N. Harriman	Acquisition of land for widening of Northside Connector Road	-	Acquisition survey outstanding.
108.	LA 0/15/47 SF 9	Lennox Phillips	Acquisition of land for widening of Northside Connector Road		Awaiting survey to determine amount of land to be acquired.



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No.	File Reference	Name	Subject	Area	Remarks
109.	LA 0/15/86	TATECO	Acquisition of land at Storebay Road for road improvement	116.9 sm	Awaiting CSS's & COV's advice
110.	LA 0/15/87	Krotelle Crooks	Acquisition of land at Mason Hall and Hope Road for road improvement	-	Claim received.
111.	LA 0/15/88	Jenny Elliot	Acquisition of land at Lambeau Road, Tobago for road improvement	-	Awaiting response from Chief Secretary THA whether land was utilized for project.
112.	LA 0/15/90	Theodore Crooks	Acquisition of land at Castara Bay Road for road improvement	-	Awaiting response from Private Land Surveyor Hugo Somarsingh. Request for advice on payment of Ex-gratia awaited from COV
113.	LA 0/16/24	Alfred Mendes	Acquisition of land for beach facilities Little Bacolet Bay Tobago	1.2 Ha	Survey outstanding. Title to be updated.
114.	LA 0/15/25	Culloden Estate	Acquisition of land at Culloden for the establishment of fishing facilities	10,000 sf	Awaiting acquisition survey
115.	LA 0/16/31	Reginald Morsehead	Acquisition of land at Indian Walk Estate Tobago for the management and protection of the Courland Water Shed	305 Acres	Awaiting publication of Section 4 and acquisition survey.
116.	LA 0/16/32	Marianne De Freitas	Acquisition of land for the implementation of coastal protection	3550 sm	Awaiting response from Chief Secretary, THA

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No.	File Reference	Name	Subject	Area	Remarks
117.	LA 0/15/69	Lestelle C.S. Dove	Acquisition of land at Sangster's Hill Tobago for widening of road	5,400 sf	Awaiting acquisition survey
118.	LA 0/15/79	George Leacock	Acquisition of Land at Hamilton Street, Scarborough for road development	564.8 sm	Awaiting response from Technical Officer THA who was requested to obtain Minister's approval for acquisition.
119.	LA 0/15/84 A	Elinore King	Acquisition of land for improvement to road alignment for bridge construction B 1/5 Northside Tobago	236.0 sm	Survey Order issued.