

SENATE*Friday, August 26, 2005*

The Senate met at 1.30 p.m.

PRAYERS[MR. VICE-PRESIDENT *in the Chair*]**ANTI-TERRORISM BILL****Special Select Committee Report
(Presentation)**

The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano): Mr. Vice-President, I have the honour to present the Report of the Special Select Committee appointed to consider and report on a Bill entitled, "An Act to criminalize terrorism, to provide for the detection, prevention, prosecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists' assets".

According to the provisions of Standing Order 75(5) of the Senate, I wish to advise that there is a Minority Report signed and submitted by a member of the Committee.

ORAL ANSWERS TO QUESTIONS

Sen. Wade Mark: Mr. Vice-President, before I put my question to the hon. Minister may I remind you that you had indicated yesterday that you would give some advice on the questions for written response.

**Substance in Water Tank
(Identification of)**

96. Sen. Wade Mark asked the hon. Minister of National Security:

With respect to the forensic analysis report which stated that a total weight of 433.6 grammes of cocaine was identified within the contents of the six black plastic parcels found in the water tank of Sadiq Baksh, could the Minister inform the Senate of:

- (i) the name(s) of any other substance(s) identified in each of the six black plastic parcels;
- (ii) the weight of each substance other than cocaine found in the parcels; and
- (iii) the status of the investigation in relation to this incident?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, the Director of the Trinidad and Tobago Forensic Science Centre has advised that sodium bicarbonate was also identified within the cream solid substance in each of the six black plastic parcels submitted in the blue knapsack submitted to the centre on July 18, 2002.

The Director of the centre has also indicated that the total weight of sodium bicarbonate in the six black plastic parcels was approximately 3.44 kilogrammes.

According to information provided by the Commissioner of Police investigations are still being conducted into the matter to determine who was responsible for placing the articles in the water tank of Sen. Baksh.

**Substance in Water Tank
(Foreign Expert Assistance)**

97. Sen. Wade Mark asked the Minister of National Security:

- A. With respect to the investigation into the discovery of mortar bombs and cocaine in the water tank of Sen. Sadiq Baksh, could the Minister inform the Senate whether his Ministry has sought the assistance of any foreign investigative agency in an attempt to bring the investigation to a closure?
- B. If the answer to (A) is in the affirmative, could the Minister provide the name(s) of the foreign agency/agencies; and
- C. If the answer to (A) is in the negative, could the Minister advise the Senate why no foreign expert help has been sought?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, according to the information provided by the Commissioner of Police, the Trinidad and Tobago Police Service sought foreign assistance in attempting to bring to closure the discovery of mortar bombs and cocaine in the water tank of Sen. Sadiq Baksh.

The Commissioner of Police sought the assistance of Interpol, Washington and the Venezuelan authorities in the matter.

Part C is not applicable.

Sen. Mark: Mr. Vice-President, through you, in light of the international assistance provided to the local police, where are the investigations at this time? Would the Minister indicate what time frame he anticipates for bringing closure to this matter which has been outstanding for over three years?

Sen. The Hon. M. Joseph: Mr. Vice-President, unfortunately, I am not in a position to indicate. In anticipation of the question as a supplemental, I asked the Commissioner of Police whether he was in a position to indicate and he was not in a position to indicate to me how soon he expects closure to be brought to this investigation.

Sen. Mark: Through you, is it the intention of the Ministry of National Security and the Commissioner of Police to seek any further foreign assistance, including Scotland Yard or the FBI, in trying to have this matter expedited given the snail pace nature of the current investigation?

Sen. The Hon. M. Joseph: I expect that if the Commissioner of Police feels he needs for the ministry and by extension the Government of Trinidad and Tobago to seek any additional foreign assistance that would be sought. I would be out of place if I request or instruct him to advise us to seek foreign assistance. The Commissioner will have to say that they are asking the Government to engage additional international support in this matter. At this point in time he has not.

Let me indicate that because of the importance of this matter—I do not wait for a question to be asked. The question about the control of investigations is in the domain of the police. I am sure that if I try to interfere with that Sen. Mark would be the first one to accuse me of political interference in the operations of the police service. I await such time that the Commissioner so informs. The matter is important and we need to keep reminding him of the status of this matter.

Sen. Mark: In light of the importance of this particular investigation and the fact that it involves a sitting Member of the Parliament of the Republic of Trinidad and Tobago, is the Minister not concerned with the slow pace of this investigation? Is he prepared as Minister of National Security to exert some more influence on the Commissioner of Police to have this matter speedily concluded and is he satisfied with the state of affairs?

Sen. The Hon. M. Joseph: I have to be careful about how I respond to the supplemental because the next thing you hear is that the Minister is criticizing the Commissioner of Police as it relates to the handling of this matter. I praise in public and criticize in private. I hear what the Senator has requested and I take note.

Sen. R. Montano: Mr. Vice-President, is the Minister aware that the missile in question came from the Guardia Nacional? If the answer is yes, what steps has he taken to trace that missile? If the answer is no, why has he not been in touch with the Venezuelan authorities?

Sen. The Hon. M. Joseph: I am sorry that the Senator came late. He would have heard the response to the question. I do not want to say that it is not a supplemental but I responded to the same question that the Senator is now asking.

CHILD WELFARE LEAGUE (INC'N.) BILL
Special Select Committee Report
(Adoption)

The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo): Mr. Vice-President, I beg to move the following Motion standing in my name.

Be it resolved that the Senate adopt the Report of the Special Select Committee appointed to consider and report on a private Bill entitled, "An Act for the Incorporation of the Child Welfare League of Trinidad and Tobago and matters incidental thereto".

In accordance with Standing Order 76 of the Senate the Child Welfare League met all the requirements and on April 27, 2004, was granted leave to proceed with the introduction of a Bill to repeal and replace Ordinance No. 11 of 1949 in keeping with the established practice. A copy was passed to the Chief Parliamentary Counsel (CPC) who guided us through this process. The Senate has been presented with the report of this Committee. This Bill was submitted for review by the Committee and submissions were quite simple. The constitution of the 1949 league contained certain provisions.

The Committee that was comprised of Mr. Mustapha Abdul-Hamid, Mr. Satish Ramroop, Mr. Roy Augustus and Mr. Basharat Ali met on three occasions. We considered this private Bill and on the support and advice of the CPC we made the following recommendations.

Mrs. Merle Gay, President, and Mrs. Marjorie Baptiste from the league made presentations to us. We also reviewed the audited financial statements for 1998 to 2002.

The amendments took one of the more important considerations to make the Bill less public in nature. One of the major considerations was the definition of "a young person". For the purposes of this Bill it included all persons up to a

maximum of 25 years. As we know, a young person by definition is up to 18 years.

We did some small modifications to the Preamble. This first Bill is from 1949 and there was a small amendment to the constitution in 2000. One of the most important issues was the nature of it being a public body. We took care of that by making the necessary amendments in the revised Bill.

I think that everyone has a copy of the report. As I said, the amendments were quite simple. Based on that very short summary, I beg to move.

Seconded by Sen. M. Abdul-Hamid.

Question proposed.

Sen. Wade Mark: Mr. Vice-President, the Child Welfare League is very well established in Trinidad and Tobago. Because of the fact that we participated in this particular select committee, we do not have any objections to accepting the report of the Committee to have this Bill incorporated. We support the Bill.

Thank you.

Sen. Dr. Eastlyn Mc Kenzie: Mr. Vice-President, we know the value of the non governmental organizations (NGOs) and the Child Welfare League is one of our oldest NGOs that has really performed a great service to the young people of the nation especially our young children. This is a voluntary organization where members give their services free. We know that they have been doing a tremendous job. The recommendation for the incorporation is not an initial one but a revised incorporation. It is timely because from 1949 to now they have been operating in an old environment. This is a new environment and the fact that they have seen the need to adjust to it, I commend them.

I commend the Members of the Committee for taking the time to go through the constitution. I know what the process is like. You have to call these people and examine their books. It is nice to know that we have someone as Sen. Sahadeo on the committee to go through the reports to ensure everything is right. It gives us some comfort to know that when the Government makes allocations in the budget to these organizations, we can say that the Child Welfare League justifies what it gets because their records are kept and they are clean. We can feel assured that support for them is put in good stead. I support the Bill and congratulate the Committee for working so hard and quickly in coming up with a very clean report.

Thank you.

Child Welfare League Bill

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Question put and agreed to.

Report adopted.

**ANTI-TERRORISM BILL
First Interim Report
(Adoption)**

The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano): Mr. Vice-President, I beg to move the following Motion standing in my name:

Be It Resolved that the Senate adopt the First Interim Report of the Special Select Committee of the Senate appointed to consider and report on a Bill entitled, "The Anti-Terrorism Bill, 2004".

This is a procedural motion in accordance with Standing Order 51(2). Select committees of the Senate are required to report every 21 days and we are doing so. As I indicated earlier in the proceedings the final report is complete and has been laid in this honourable Chamber.

Without wasting any further time, I beg to move.

Question proposed.

Sen. Wade Mark: Mr. Vice-President, it is just a procedural matter.

Question put and agreed to.

Report adopted.

**COMMITTEE OF PRIVILEGES REPORT
(Adoption)**

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, I beg to move the following Motion standing in my name:

Be It Resolved that the Senate adopt the Report of the Committee of Privileges of the Senate on a Matter of Privilege raised by Prof. Deosaran.

The Committee of Privileges was required to investigate a matter brought to its attention on Tuesday, March 08, 2005, when the Vice-President had the matter referred to the Committee of Privileges. The Committee met on three occasions as the report indicated on Friday, April 15; Friday, May 20 and Friday, May 27, 2005.

The Committee took into consideration the relevant circumstances under which this matter was referred to it. The Committee sought to determine whether or not there was contempt and as a result consulted Erskine May's *Parliamentary Practice* on contempt and looked at the matters that could easily be qualified as contempt. The Committee was satisfied that while the behaviour of Dr. Phillip Ayoung Chee was in poor taste, it did not meet the acid test of contempt. The Committee unanimously agreed that no breach of privilege or contempt had been committed.

The Committee strongly suggested that Dr. Phillip Ayoung Chee should be written to informing him that the Senate frowns on the type of communication sent to Sen. Prof. Deosaran which is not acceptable in a civilized society. This is the gist of the deliberations of the Committee of Privileges and the findings. Thank you.

Question proposed.

Sen. Dr. Eastlyn Mc Kenzie: Mr. Vice-President, I read the report and I understood the research that went into the use of May's *Parliamentary Practice* and all the information given at the front of the report that influenced the type of result that the Committee arrived at. While I am not questioning the result I have no query about the result, I was a bit taken aback by the process in that I thought that if we were going to have an investigation, we would have needed more than just the letters from Sen. Prof. Deosaran and Dr. Ayoung Chee.

I thought that there could have been a call for both persons probably not together, but at some stage of the Committee's meetings where Members of the Committee would have met face to face with both persons. That is my query with it. I am not querrying the result. I would have felt better to know that Sen. Prof. Deosaran and Dr. Ayoung Chee were called to face the Committee and probably explain and say what they had to say. A letter at times does not give you everything such as the emotions. Probably Dr. Ayoung Chee might have said, "It was just a joke I was making with him because he and I are real buddies".

To arrive at the decision without calling both persons, I was disappointed with that. I go along with the findings because I have read them. I still would have liked to know—there must be a valid reason why the gentlemen were not called.

2.00 p.m.

I hope that the hon. Minister would enlighten us and, probably, it is a learning exercise for some of us because I note that the Committee really had some legal minds on it and those minds would have put their knowledge and information in place and caused them to curtail the summoning of both gentlemen.

Thank you, Mr. Vice-President.

Sen. Robin Montano: Mr. Vice-President, I rise as a Member of that Committee that signed the report. I have heard what has fallen from my friend's lips. I was the first Senator to stand when Sen. Prof. Deosaran made his initial report, and based on what the Senator had said, I felt and supported the view that the matter should be referred to the Privileges Committee. However, it is a legal truth that just because a matter is referred to a Committee whether like ours, which sits in a quasi-judicial capacity or in a complete judicial capacity such as a High Court or anything like it, it does not necessarily follow just because there has been a referral that it means that whoever did whatever is alleged to have been done, that the action of itself was an offence, that is to say, was a contempt of Parliament.

When the Committee met the feeling in the Committee was that this letter/email from Dr. Ayoung Chee was awful, that it was rude, it bordered on the vulgar and most certainly, from the point of view of a civilized society it was not acceptable. However, the Committee of Privileges was not called upon and is not called upon to decide whether a matter is rude, it is not called upon to decide whether a matter is vulgar, it is not called upon to decide whether the person who has done something has behaved in a manner that is not befitting a civilized human being.

The Committee is called upon to decide whether or not on the face of it there has been a contempt. If there has been a contempt of Parliament or if on the face of the correspondence there was a contempt of Parliament, then the next step would have been to summon both Sen. Prof. Deosaran and Dr. Ayoung Chee to go through whatever they had to say about the matter. For example, in the High Court of Justice contempts are very often purged by an apology and the judge will not commit an individual to jail if he apologizes. Sometimes he will, or alternatively, he will fine him but there are various ways of dealing with contempt in any case.

The law of contempt is fairly clear, and it is also clear that if it has been decided that a contempt on the face of it has been committed, most certainly what needs to happen is that the relevant parties be called. It may have been that we would not have needed to call assuming but not accepting, if we had decided that on the face of it Dr. Ayoung Chee was in contempt—it is my personal view and I am expressing the view because it was never discussed in the Committee—we would not necessarily have needed to call Prof. Deosaran. On the face of it, it was clear we were dealing with documents; we were not dealing with a conversation. However, when we looked at the correspondence and when we looked at the law and the learning—I say the law loosely but it is the law, Erskine May is the “bible” and it has the force of law—when we looked at the rules, if you like, concerning contempt, and we looked at all the various precedents we felt that the case was borderline but not quite over the line. In other words, the doctor in our opinion had come right up to the line but had not crossed it. It was in these circumstances and in these circumstances alone that the Committee took the decision that it was not necessary to call either Dr. Ayoung Chee or Sen. Prof. Deosaran. In fact, no contempt had been committed, and I am certain that the Minister would back me on this. It was felt by each Member of the Committee that the doctor was wrong in what he had done, that he was terribly rude, that he was vulgar, he was crass and most certainly uncivilized.

Hon. Minister, through you, Mr. Vice-President, please interrupt me if I am saying anything that this Committee did not believe. We were, all of us to a man and to a woman, most concerned and most upset by what can only be termed the crass vulgarity of Dr. Ayoung Chee’s letter. However, the fact of the matter is and the learning on the point is clear: Dr. Ayoung Chee did not commit a contempt.

Mr. Vice-President, the power of contempt in Parliament is a serious power. If this Committee had decided that Dr. Ayoung Chee was in contempt the Committee of itself has no power to punish Dr. Ayoung Chee but it would have been recommended that Dr. Ayoung Chee be brought before the bar of the Senate and it is there that the debate would take place and it is there that the Committee and the Senate would have had the power to send Dr. Ayoung Chee to jail for one day, one month, or one year as it pleased the Senate.

I personally am grateful that Sen. Prof. Deosaran brought this matter, because even though Dr. Ayoung Chee has not been found guilty of a contempt, I think that it is a salutary lesson to all citizens of the power that the Senate has, and of the respect that is necessarily due to a Member of Parliament, not as an individual—you may not like me personally, that is all right, but you must respect

my office at all times. I personally do not think very much of the present holder of the office of Prime Minister of Trinidad and Tobago but I will stand every time he enters the room so long as he is Prime Minister because I respect the office.

The point of the matter is that the office of a Member of Parliament, the office of Senator is a high one. Individuals such as Dr. Ayoung Chee must understand that. The fact that in this case the individual did not commit a contempt, that is okay, that is all right but Dr. Ayoung Chee must know that he came very close and the Senate, at least the Committee disapproves, because the Senate has not yet accepted the report.

Assuming that the Senate accepts the report, the acceptance of the report will show that the Senate of the proud Republic of Trinidad and Tobago disapprove strongly of this type of behaviour. As I said, had we found him in contempt and he was brought here, we could have in our collective wisdom, sent him to jail and there would have been no appeal from that: We are the final court of this land. Let everybody understand that.

Mr. Vice-President, I, along with my fellow Senators signed this report and I signed the report knowing full well and understanding full well what had taken place. I am pleased, speaking for myself, and I hope for the other Members of the Committee, that Sen. Prof. Deosaran referred the matter to us. It was a matter that ought to have been referred. I think that it was right to refer it, and I think that we did the right thing. It is in these circumstances and hopefully having answered Sen. Dr. McKenzie, that I urge the Senate to adopt the report.

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, on few occasions I agree totally with my colleague except for one thing. It was not Sen. Prof. Deosaran who referred it to us—

Sen. R. Montano: Mr. Vice-President, may I say yes, it was you and I apologize for that. I hope you understood what I was trying to say. I apologize. Sen. Prof. Deosaran referred it to you and you referred it to us. I believe that your decision to refer it to us was right.

Sen. The Hon. M. Joseph: I think Sen. R. Montano adequately summarized the thinking and the deliberations of Members of the Committee of Privileges, and I think he also underscored the importance of the necessary respect that needs to be given to Members of the Senate.

Mr. Vice-President, I wish to place also, for the attention of hon. Members, the findings, and in a way, a recommendation that says that Dr. Ayoung Chee

should be written to informing him that the Senate frowns at the type of communication sent to Prof. Deosaran which is not acceptable in a civilized society, and with that I beg to move.

Question put and agreed to.

Report adopted.

ARRANGEMENT OF BUSINESS

The Attorney General (Sen. The Hon. John Jeremie): Mr. Vice-President, I seek the leave of the Senate to return to Government Business, Motions

Agreed to.

SUMMARY COURTS (SERVICE OF SUMMONS) (FAMILY COURT) ORDER

The Attorney General (Sen. The Hon. John Jeremie): Mr. Vice-President, I beg to move the following Motion standing in my name:

Whereas it is provided by section 47(1) of the Summary Courts, Act, that every summons shall be served by an authorized officer:

And Whereas it is provided *inter alia* by section 47(3) of the said Act, that “authorized officer” means any person whom the Minister may by Order, subject to affirmative resolution of Parliament authorize for the purpose of this section:

And Whereas the Summary Courts (Service of Summons) (Family Court) Order has been made under section 47(3) of the said Act:

Be it resolved that this Senate do now approve the Summary Courts (Service of Summons) (Family Court) Order, 2005.

Mr. Vice-President, the purpose of this Motion is straightforward. Hon. Members would recall that the pilot project for the establishment of the Family Court was launched several months ago after this Senate in concert with the House, established the legislative basis for the pilot project.

The Family Court pilot project has proved to be a resounding success. All of us would appreciate the attempt which is made in the new scheme of things to move away from a system of the winner-takes-all, which is the philosophy which applies with respect to divorce proceedings in the courts at present. The pilot project is premised on the ideal of alternative dispute resolutions. The principles which govern the operations of the court are that of attempting to have families work out their differences when they are in crisis.

Summary Courts Order
[SEN. THE HON. J. JEREMIE]

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Mr. Vice-President, the project has, however, come up against an unforeseen difficulty, and, it is this. The difficulty lies in the service of summons. Summonses at present must be serviced by police officers. The result of the heavy workload of police officers given what is going on in the country, has meant that there is an increasing backlog in the caseload of the court because of summonses not having been served. So that the Order before us seeks to empower marshals, deputy marshals, second deputy marshals and bailiffs in the employ of the State to be authorized officers for the purpose of serving summons in respect of matters in the magisterial jurisdiction of the Family Court.

Mr. Vice-President, with these few words, I beg to move.

Question proposed.

Sen. Robin Montano: Mr. Vice-President, this particular Motion is something that I would urge this honourable Senate to accept.

In the Summary Courts there has always been a problem to have certain summons served. You have to find the policeman and then the policeman will take the summons and then he goes off duty or he goes on vacation or he gets sick or transferred to Cedros or Tobago as the case may be; he goes all over the place and untoward delays can result but really are not necessary.

The objective of this is to allow an authorized person—an authorized person is clearly somebody employed in the Magistrates' Courts so that the relevant officer can hand X, Y or Z or as the case may be, the summons to take. This is something that is modern, it will help in the process and it is something that does not require debate really. I urge hon. Senators to accept the Motion.

The Attorney General (Sen. The Hon. John Jeremie): Mr. Vice-President, I beg to move.

Question put and agreed.

Resolved:

That this Senate do now approve the Summary Courts (Service of Summons) (Family Court) Order, 2005 .

Sen. The Hon. J. Jeremie: Mr. Vice-President, if you would allow me a few words. I should like to thank the Opposition and the Independent Benches for supporting what is really a sensible approach to dealing with a problem which all of us face as a territory. Thank you.

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**CARONI (1975) LIMITED
ORANGE GROVE NATIONAL COMPANY LIMITED
(DIVESTMENT AND BUSINESS DEVELOPMENT) BILL**

**Special Select Committee Report
(Adoption)**

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Mr. Vice-President, I beg to move the following Motion standing in my name:

Be It Resolved:

That the Senate adopt the Report of the Special Select Committee to consider and report on a Bill entitled, "The Caroni (1975) Limited and Orange Grove National Company Limited (Divestment and Business Development) Bill, (No. 2) 2004."

Mr. Vice-President, I wish to state that this Bill was sent to a Select Committee of the Senate. The Committee comprised Mr. John Jeremie, Mr. Danny Montano, Ms. Christine Kangaloo, Mrs. Christine Sahadeo, Dr. Jennifer Kernahan, Mrs. Carolyn Seepersad-Bachan, Prof. Kenneth Ramchand and Miss Dana Seetahal.

Of the 10 Members, I wish to report that the Bill before the Senate was signed by seven Members of the Committee: Mr. John Jeremie, Mr. Danny Montano, Ms. Christine Kangaloo, Mrs. Christine Sahadeo, Prof. Kenneth Ramchand, Miss Dana Seetahal and myself as Chairman.

A minority report was submitted by Dr. Jennifer Kernahan and Mrs. Carolyn Seepersad-Bachan.

First of all, I thank all the Members of the Committee for the work which they had done. As you know, the intent of the Bill was to vest the real estate undertakings of Caroni (1975) Limited and Orange Grove National Company Limited in the State, to provide for the management and the development of those lands through the establishment of industrial light and heavy manufacturing, housing, commercial and agricultural activities, and to vest the undertakings of Caroni (1975) Limited and the Sugar Manufacturing Company Limited.

The Committee had 10 meetings, and let me thank those who assisted us and who have given us secretarial assistance: Miss Jean Sandy, Parliamentary Clerk II and Ms. Vernice Alleyne, Parliamentary Clerk I. Ms. Claire Blake, the Chief Parliamentary Counsel always gave us tremendous assistance with the drafting of

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[SEN. THE HON. J. YUILLE-WILLIAMS]

the revised clauses. The Committee would also like to thank Mr. Trevor Murray, Permanent Secretary, Ministry of Agriculture, Land and Marine Resources; Mrs. Stephanie Elder-Alexander, Commissioner of State Lands and Mr. Jerry Hospedales, Chairman, Caroni (1975) Limited.

The Committee invited memoranda from the public. Ms. Wendy Lee Yuen, president of the Agricultural Society of Trinidad and Tobago and Prof. John Spence, a former colleague of ours appeared before the Committee. We had written submissions coming from the Association of Professional Agricultural Scientists of Trinidad and Tobago, the Tableland Syndicate Limited and the Federation of Independent Trade Unions and Non-Governmental Organizations.

Mr. Vice-President, as you are well aware, a major concern was expressed before the assigning of responsibility of the management of the 76,000 acres of land to the Estate Management Development Company. There were some other matters raised but I wish to state that we were quite satisfied that at the end of our ten meetings we had reached some type of consensus, albeit a minority report was submitted.

I think, from what we have seen and what we have done, that this Senate should be able to accept the findings of the Committee.

Mr. Vice-President, with that, I beg to move.

Question proposed.

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, I was a Member of the Committee that prepared this report. I have to say it was a pleasure working with the Chairman and other Members, and that we did arrive at considerable consensus on the major issues like the role of the manager.

Larger questions about the need for a blueprint for planning and development of land and the need for an overall agricultural plan of Trinidad and Tobago did get a hearing in the Committee, but did not seem to be specifically relevant to the Bill.

I did sign the Report with certain caveats and I sincerely hope that the Chairman of our Committee would not consider it an act of betrayal that I now bring a motion in accordance with provisions of Standing Order 57(3). I bring this motion, not because I want to repudiate the whole report and, as I said, I hope the Chairman and the other Members would not consider it an act of bad faith on my part.

I am really deeply concerned that what has been called the residue in earlier versions of the report should be clearly earmarked for agricultural purposes. I think that the report and the Bill ought to say in the clearest possible terms that a certain portion of the Caroni/Orange Grove lands are reserved for agricultural purposes and that any wish to deviate from that should come for debate in Parliament with a case being made. To ensure that is so, I move that the Motion be amended in accordance with the provisions of Standing Order 57(3) by adding the words “subject to the re-committal of clauses 10, 11 and the schedule to a Committee of the whole Senate” at the end of the Motion.

Mr. Vice-President: Could you repeat that please?

Sen. Prof. K. Ramchand: That the motion be amended in accordance with the provisions of Standing Order 57(3) by adding the words, “subject to the re-committal of clauses 10, 11 and the schedule to a Committee of the whole Senate” at the end of the Motion.

Seconded by Sen. Dr. Eastlyn McKenzie.

Question, on amendment, proposed.

2.30 p.m.

Mr. Vice-President: Is there anybody wishing to comment on the amendment?

Sen. Ali: Mr. Vice-President, this report was given to us yesterday and, really, I do not know how many people have had a chance to study it. I certainly have not. I did not know it was coming up today. I thought that today we were doing the Pilotage Bill. I think it is not fair to us that it is coming now to be debated or approved. For that reason, I support Sen. Prof. Kenneth Ramchand's amendment.

Sen. Prof. Ramchand: Now that the Motion is before the Senate, I would like to speak in some detail about why I have put it. I do not know where we go from here.

Mr. Vice-President: There seems to be a bit of confusion because the report was with some people quite a while before.

Sen. Prof. Ramchand: Why is that a source of confusion?

Mr. Vice-President: Sen. Ali is saying that he got it yesterday.

Sen. Mark: Mr. Vice-President, may I just seek some clarification? You had ruled yesterday that when we are presenting these select committee reports, we need one clear day to debate the report.

First of all, I was not a member of the committee and we have only received the report yesterday and are debating it now. You had ruled that the Senate needs one clear day to deliberate on the report before we commence debate. That is the point that Sen. Basharat Ali is making. As Members of the Senate who were not on the committee, we did not have the privilege of studying the report as we would have liked to.

While we are at this stage, I would like the hon. Minister to consider the fact that the Standing Orders are explicit that we need one clear day's notice. Because it was tabled only yesterday, we cannot really debate this matter based on a reading of the report. Would the hon. Minister who has moved the Motion be inclined to allow the Senate another 24 hours to deliberate on this report, particularly those members who have not been given adequate time to study the report and maybe at the next sitting of the Senate we would deliberate the matter? [*Consultation with Vice-President*]

Having regard to the uncertainties here, may I again suggest, with your leave, that we suspend for 15 minutes to confer among ourselves on this issue. I put that to you because there appears to be a little uncertainty as to where we go from here, unless, you want to rule accordingly, Mr. Vice-President. If we can suspend for at least half an hour, we would be able to meet with the Leader of Government Business and the Independents to clear the air on this matter.

Mr. Vice-President: Hon. Senators, I have looked at the situation and, as Sen. Prof. Ramchand proposed, the amendment would come at the end of the Motion. The Motion, having been presented yesterday, we would go ahead and, at the end, do what is necessary according to his proposal.

Question proposed.

Sen. Dr. Jennifer Kernahan: Mr. Vice-President, thank you for the opportunity to contribute to this Motion. It was a privilege to serve on this select committee of Parliament and to have the opportunity to interact with eminent citizens who took the time and the trouble to present memoranda to the committee and to appear before it to clarify the issues raised by the vesting Bill.

The importance of this issue is the fact that we in this generation owe subsequent generations the privilege of inheriting an environment in which they can enjoy food security, one of our primary interests, as was expressed by many contributors to this vesting Bill. Given the fact that we are a land poor country, the lands of the former Caroni (1975) Limited constitute 25 per cent of the arable lands of the country. We have lost a lot of agricultural lands over the years and it is our duty not to repeat the mistakes of the past.

I would like to identify the major contributors to this vesting Bill that came before the special select committee. They are: the representatives of the Agricultural Society of Trinidad and Tobago, Miss Wendy Lee Yuen; Prof. John Spence, the Permanent Secretary of the Ministry of Agriculture, Land and Marine Resources and the Commissioner of State Lands.

We had the opportunity to listen to all these presentations and the concerns of the citizens and, at the end of the proceedings, two members on this side of the Senate submitted a minority report. I would like to go through the concerns our contributors have expressed and then show how that is linked to our minority report in terms of expressing and reinforcing those concerns.

I refer to page 6 of the report of the Special Select Committee, where, at the very outset, I presented a number of concerns to the select committee. These were our concerns as well as the concerns of eminent professors at the University of the West Indies, who wrote voluminously on how to proceed with respect to Caroni's lands—77,000 acres of agricultural lands—so important to our national development and food security.

At the very outset, I established some parameters, that:

- “(1) Government prepares and publishes a comprehensive plan detailing how it intends to restructure Caroni (1975) Limited.”

This is also the view of the UWI document. Unfortunately most of these conditions have not been met. We still do not have a comprehensive plan detailing how Government intends to restructure Caroni (1975) Limited.

- “(2) Government institutes a national consultation on Caroni (1975) Limited and on the published plan.”

We are yet to get some response from the Government on the question of a national consultation on Caroni's resources and a published plan. This is one of the major areas of divergence between us on this side, the stakeholders who have expressed these views, and the Government.

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There is no real commitment to consultation to arrive at a policy framework and we think this is basic to any type of meaningful development. We must have motivation of people. We need people for development and in order to motivate people for any development programme, we must get them on board; we must consult, listen to their views and take them into our ideas for policy development.

- “(3) In respect of the use of Caroni lands, any departure from the National Physical Development Plan—the substantive legal document framed to govern land use in Trinidad and Tobago—must be done through the legally-stipulated process which includes bringing amendments to the plan before Parliament.”

This is still an outstanding issue and this is a major issue because we see all these development plans for the lands of Caroni and yet we do not have any policy overview or policy framework within which to place the future use and development of these lands.

We have also talked in this document about lands for commercial and industrial development and yet we have no clear idea of what the policy framework is for the overall development of lands in Trinidad and Tobago generally and Caroni’s lands in particular.

- “(4) All conditions for the lease and tenure of Caroni’s lands be published to meet the requirement of transparency.”

This is extremely important. It is one of the major concerns of Tablelands Limited, which contributed to this document by submitting memoranda, that the conditions of tenure of the lease of Caroni’s lands are not available to the public. There are organizations and individuals who have a vested interest in understanding the conditions of tenure of the lease.

Later we will see the question of root of title reserves, certain oil and mineral rights in previous owners of Caroni’s lands. These stakeholders feel that this could be jeopardized if they are not very clear on what the conditions of tenure of the lease are. There are many stakeholders who are out there, who are very anxious that we are not able to secure copies of the lease. I myself have tried and have been unsuccessful in obtaining any idea of what the lease contains. I was told that they are still being prepared.

- “(5) Government establishes a mechanism for consultation and information gathering with the Caroni workers in order to determine their skills, experience, intentions, disposition so that a

detailed and authentic skills bank could be created, and that their skills are taken into account in the transformation process so that they may have choices in how they might be integrated into future planned enterprises.”

Mr. Vice-President, to a great extent that is water under the bridge because, as we know, 10,000 Caroni workers were unceremoniously axed and deprived of their livelihood and they had to make do as they could. Many of them are in serious financial, economic and psychological difficulty because of the traumatic manner in which they were deprived of their livelihood.

“(6) An independent committee be appointed to screen potential investors who seek Caroni's lands as their location of business.”

This is an extremely important demand that has been made by the stakeholders and which we support because it is in the interest of transparency. There will not be fingers pointed later on that this or that potential investor was able to acquire lands without due process. Therefore, the question of an independent committee to screen potential investors has serious implications for good governance and transparency, something that this Government touts as the basis of their policies, but which many stakeholders are not convinced of since suggestions such as these are not taken on board.

“(7) The Ministry of Agriculture, Land and Marine Resources establishes an independent authority charged with the implementation of plans for the agricultural industry.”

That has to do with a suggestion made by the Permanent Secretary of the Ministry of Agriculture, Land and Marine Resources, which I will discuss later when I discuss the contribution to the select committee by the Permanent Secretary of the Ministry.

“(8) Government establishes a comprehensive system of water control on Caroni's lands to facilitate irrigation.”

This question of a comprehensive system of water control is fundamental to the development of an agricultural process. In many areas of Trinidad and Tobago, people depend on rain-fed agriculture and, in order to boost agricultural production, we have to look at the question of comprehensive systems of irrigation. This is a very important concern.

These are the concerns of ordinary members of the community. These are the concerns of professionals in the University of the West Indies who looked at the

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whole question of the future of Caroni's lands. These were the major concerns that they had and all these concerns have not yet been addressed.

At a meeting of the special select committee on June 21, 2005 we had the pleasure of welcoming Miss Wendy Lee Yuen, who brought her concerns to the committee on behalf of the Agricultural Society of Trinidad and Tobago. I would like here to enlighten members of the Senate with respect to the issues raised. I quote:

“The Society of Trinidad and Tobago is in agreement with the vesting of the lands of Caroni (1975) Limited and the Orange Grove National Company Limited in the State however, the Ministry of Agriculture, Land and Marine Resources should be involved in the preparation of the leases.”

Mr. Vice-President, this was in direct contradiction, as you would recall, to clause 10 of the previous Bill, where it was implied that the Estate Management and Business Development Company Limited would somehow be involved in the preparation and disbursement of leases. This is a major concern of the stakeholders.

The second concern was that the role of the Estate Management and Business Development Company Limited should be—

Sen. D. Montano: Mr. Vice-President, on a point of order, if the Senator would give way, we are here to discuss the report and the amendments. What is taking place is a rehash of the initial debate and we are not here to do that. We are here to discuss the contents of the report and the amendments and we must confine our comments to that. If we do not do that, we will start the entire debate all over. That is outside the Standing Orders.

Sen. Dr. J. Kernahan: Mr. Vice-President, I am reading from the report. I am not debating anything. I am bringing the views of the contributors to the Special Select Committee. That is what I understood my role to be here.

Mr. Vice-President: Hon. Senator, yes you are reading from the report, but we are seeking to adopt the report. You are a member of the committee dealing with this, is that not so?

Sen. Dr. J. Kernahan: Yes.

Mr. Vice-President: Therefore, you would know what is here and you are going over a lot of stuff that you did go through in the debate. I would prefer if you get to the point very quickly so that we could proceed.

Sen. Dr. J. Kernahan: All I was trying to do was to enlighten Senators of the views expressed by the stakeholders—these are not my views—and then go on to show how this relates to our minority report because our minority report is based on the acceptance of the views of the stakeholders.

The view of the Agricultural Society of Trinidad and Tobago—and it was accepted by the select committee—was that the role of the Estate Management and Business Development Company Limited (EMBDC) should be restricted to the management of 8,000 acres identified for construction, since it does not have the capacity and the technical expertise in the agricultural area.

Another of the contributors was Prof. John Spence, whose views were very well accepted by the committee and which views were the basis of our minority report. Prof. Spence raised the issue of the desirability of the vesting of state lands, but he had a question with regard to the lands' use that would occur subsequent to that.

Prof. Spence raised the issue of careful planning being undertaken on the future development of Caroni's lands. He had a concern that agricultural lots and residential homes be in close proximity to maximize praedial larceny. He also had a concern about the distribution of the 2-acre plots to former Caroni workers, that they should encourage the production of high-priced crops. Prof. Spence also agreed with the member of the Agricultural Society of Trinidad and Tobago that the EMBDC did not have the proper expertise to enable proper agricultural development and that this should be left to the Ministry of Agriculture, Land and Marine Resources. This view was subsequently taken on board in the redrafting of clause 10 of the Bill.

3.00 p.m.

We also said in the minority report that in the interest of transparency and good governance, that this government should make available to Parliament, the Inter-Agency Land Use Plan, which was produced by an Inter-Agency Land Use Planning team appointed by the Ministerial team responsible for the restructuring of the sugar industry to determine land capability and land use in respect of Caroni Lands. This document apparently was used as the basis for the land use and development projects of Caroni's lands but has yet to be laid in Parliament or publicized for public comments. We feel that in the context of what is happening now, the distribution of lands and land development that is taking place, at the very least, this particular document should be submitted to Parliament and put in the public domain.

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I spoke of the State Land Management Authority as promoted by the Permanent Secretary. We believe that this proposal should be given urgent consideration, given significant land use changes and development that are taking place presently outside of any legal framework. We believe that this is vital to the preservation of agricultural lands and the food security of present and future generations.

Our next item was on the question of protection of agricultural lands. This document refers to clause 10(1)(4), but it really should be 10(1)(3). Clause 10(1)(3) in the Bill reads:

“The real estate undertakings vested in the State under this Act, that are not distributed for residential commercial or industrial purposes shall be utilised in accordance with the State Lands Act or any other written law on the subject of land use.”

In our minority report we have the reservation that this clause should read as follows:

“The real estate undertakings vested in the State under this Act, which are not distributed for residential, commercial or industrial purposes shall be utilized for agricultural purposes in accordance with the State Lands Act or any other written law on the subject of land use.”

We were very concerned that this clause should be more specific with respect to the protection of agricultural lands and with respect to the use of agricultural lands for other purposes, without the consent of Parliament. We feel that this is necessary given the several cases of arbitrary changes in land use, with respect to agricultural lands.

The question of land distribution was also a part of the minority report, the distribution of lands to former Caroni (1975) Limited workers. We felt very strongly that it was a prime example of the cart before the horse syndrome whereby lands have been recently distributed and are in the process of being distributed to Caroni (1975) Limited's workers, two years after these workers were deprived of their livelihood. They have been given the VSEP packages in some instances, which have been withered to almost nothing at this point.

We quoted very extensively Prof. Spence, where he indicated that the University of the West Indies had produced an extensive report on Orange Grove lands for agriculture. In order to promote agricultural development and develop any sizable acreages of land, a lot of work must be done by the experts and

professionals in order to understand that you will get the outcome that you expect. Issues that have to be addressed in these studies include flooding and availability of water for irrigation, the feasibility of crops and livestock enterprise including marketing, post-harvest handling storage, including prospects for agri-processing and the economic analysis of farm size and cost benefit analysis of proposed projects. These are not easy to determine, as you would imagine. We are concerned that even after two years there is no stated or published plan by this Government with respect to how 14,000 acres of agricultural lands, which are distributed to the farmers, and which are going to constitute an important sub-sector of the agricultural sector—there is no clear plan on how the lands will be managed, handled, what is the technical infrastructure that is going to support this sector and what sort of analyses have been made. We are very, very concerned.

Prof. Spence was also concerned because he said:

“any extensive development of Caroni Lands for agricultural activity other than the growing of sugar cane should not be contemplated without a similar detailed study....there seems to be the belief than one only needs to give out land and hey presto! A diversified agricultural sector will arise. Nothing can be further from reality.”

We felt that the Government has embarked on this programme of development of this subsector without any clear published plan. We have not seen any. We do not know what studies were done. We do not know how farmers will function in that environment, where 7,000 farmers are going to be farming at the same time, probably the same crops, what marketing plans and what plans there are for processing and export. Everything, all the comments made by the Government's spokespersons about this are very, very vague. They mentioned NAMDEVCO and that the Government will help. They mentioned all sorts of things but no concrete proposals or plans, which alarms the professionals in the field and it also alarms us.

Mr. Vice-President, in conclusion we said in this report that we fully support Prof. Spence's view on the need for comprehensive planning and we urge the Government to act responsibly with a view to promoting food security now and for future generations to come and that they proceed along the path of planned development and land use within the legal framework established, and within accepted policy framework. I thank you.

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, as I intimated earlier, the proceedings of the committee were conducted in full knowledge that we do

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not have a blueprint for the planning and development of land; and, secondly, that we do not have a policy for agriculture in the whole country. These were very severe limitations, but I think that the committee managed to work within them and I think all members of the committee became convinced that the two items I have mentioned: a planning and development of land blueprint and overall agricultural policy, are necessities that have to be worked upon post-haste.

The Bill that we were looking at was originally called, or it was a divestment and business development Bill. The short title of the amended Bill simply refers to it as “Divestment Bill”. One of the major processes to which this Bill was subjected was—[*Interruption*]

Sen. Yuille-Williams: I want to offer a point of order. I want to know whether or not Sen. Prof. Ramchand speaks now, or when you move the Motion, what is the way in which this part is taken? I just ask.

Sen. Mark: May I? If we have a Motion or an amendment to the particular report, do we not take the amendment along with the report and anyone, at anytime, during his or her contribution must debate those amendments? I cannot see how we can say—[*Interruption*]

Sen. Yuille-Williams: Mr. Vice-President—

Sen. Mark: No, I am just clarifying and asking similarly. An amendment is an amendment and it must be debated during the period that I am speaking. I cannot wait after the report is debated and come back to speak on an amendment, so he can speak on his amendment now! We cannot wait until after the debate, Mr. Vice-President. That is wrong and I think the Minister is well aware of that.

Sen. Yuille-Williams: Mr. Vice-President, this is a Parliament and we are just asking a question and I ask for guidance. I did not ask Sen. Wade Mark for any guidance. I spoke to the Vice-President. I am asking it so that as a Parliament we do what is correct. That is why I asked you. I came to you and asked you and I am still asking again. Unfortunately, Mr. Jaggassar, the Clerk who would guide accordingly is not here. We do not want at the end of the day to hear that we sat here and we did not do things according to the way the Parliament should be run. I just asked a question and I do not have any thanks to give to Sen. Mark.

Mr. Vice-President: Hon. Senators, my view is that Sen. Prof. Ramchand rose and proposed an amendment to the Motion, which we would take at the end of the Motion. That is all he did at that time. Now he is making a contribution to the debate, as was proposed.

Sen. Prof. K. Ramchand: Mr. Vice-President, I think you understand me very well. What I am doing is speaking on the Motion to accept the report and I am speaking about the report. The first point I made was that our work was conducted in the absence of the planning and development of land blueprint and in the absence of an overall agricultural policy for Trinidad and Tobago, and these lacks made our work quite difficult and sensitive. I was saying that by way of preface.

Then I was noting that in the amended Bill we have done a lot to remove the implication of business development, which was very strong in the original. I regard that as a major shift and, to me, a very good one effected by the committee.

The second change that I noticed and anybody would notice, between the original and the present Bill is that the overweening power of the manager and the chairman, I believe his name is Mr. Rao, I cannot remember, of that business development company called the "manager" has been considerably reduced. To me, that is also a comfort. I go along with these two major changes effected by the committee and reflected in the amended Bill that is before the Senate.

While I am happy about the limit placed on the role of manager, at present, it is clearly stated that his work is limited to the lands in the Third Schedule. If you look at the Third Schedule on page 14 it states:

"Land Assigned to the Manager".

There are 22 items listed. The Third Schedule limits the actions of the manager to these items stated here. I am happy with that but there seems to me to be a certain ambiguity in our report. We have a First Schedule which lists all the real estate undertakings of Caroni (1975) Limited and Orange Grove combined. That is fine. We have a Second Schedule that lists the operational undertakings, that is, the factories and mills.

If I may digress on a matter of national importance, it is my understanding that some of the items in the operational undertakings are being dispersed and stolen and these items which mark and commemorate the whole history of sugar in this country are part of the heritage and a part of any agriculture or sugar museum that we may decide to construct. I am very anxious to have assurances from the relevant Ministers, the Minister responsible for culture and the Minister of Agriculture, Land and Marine Resources that steps are being taken to make sure that these items do not disappear.

Sen. Yuille-Williams: Mr. Vice-President, thank you for giving way. Sen. Prof. Ramchand asked about that yesterday and immediately I sent for the information concerning it. If you permit me, I can give part of what has been sent.

“All equipment belonging to Caroni (1975) Limited have been secured since the closure in August 2003. Caroni (1975) Limited has been disposing of the equipment on the premises through a number of options and there are only a few pieces still remaining on their premises. Based on Government's instruction Caroni (1975) Limited has farmed out their best equipment to approximately 150 sugarcane farmers to be used for the cultivation of their crop on Caroni Lands. These equipment are to be returned by the farmers to Caroni (1975) Limited, by September 2005 to be auctioned off.

At the closure, Caroni (1975) Limited had approximately 1,000 pieces of equipment and as far as is known only one piece had not been brought back in 2003.”

There is a footnote:

“ Sometimes when members of the public see persons using Caroni (1975) Limited's equipment they automatically presume that it is stolen when it is not.”

I got that assurance for you since yesterday. Unfortunately we did not have the time to talk about it. I hope that gives you some comfort.

Sen. Prof. K. Ramchand: I thank you very much, hon. Minister. That satisfies me about the equipment. I just hope that the mills and factories and the historic pieces will remain intact.

Sen. Yuille-Williams: Let me tell you again. As you know, my curator is Mr. Vell Lewis. The sugar museum has been passed to the Ministry of Community Development, Culture and Gender Affairs. Mr. Vell Lewis has been working there. They have gone on site and have been identifying pieces of equipment and work has started. Before this started, Mr. Lewis went to Guadeloupe to look at the sugar museum there and with that enthusiasm, I think it is in good hands.

Sen. Prof. K. Ramchand: I thank you very much, Minister. I think you know that I also spoke to Mr. Lewis a long time ago. It is good to know that these things are being preserved and protected.

The Second Schedule lists the operational undertakings. The Third Schedule, which we have already talked about, is the land assigned to the manager. These include the lots that are being allocated at the present time to the workers. Here some uncertainty enters my mind. If you look at clause 10(1)(a)(ii) of the amended Bill:

“Notwithstanding the State Lands Act, the Manager shall be responsible for—
the development of the real estate undertakings prescribed in the Third Schedule and the real estate undertakings for commercial and industrial use, as prescribed by Order of the President on the advice of the Minister with the responsibility for town and country planning;”

I do not know if that is a blank cheque, or whether the lands prescribed for commercial and industrial use, whether the description has already been given. If you read the document called *Post Caroni (1975) Limited—A Comprehensive and Integrated Development Plan* what you will see on page 8 section 35 is that the Government agreed that based on these five criteria, about which I will not speak today but have a lot to say, it was considered that approximately 32,000 acres, or 42 per cent of Caroni (1975) Limited lands were suitable for built development. Does 10(1)(a)(ii) refer to those 32,000 acres? I do not know.

On page 13 of the same document, we are told that—there is a kind of summary statement:

“With Caroni (1975) Limited laying claim to 76,608 acres, the reconfiguration, subsequent to the proposed usage for built development would result in 8,009 acres or 10.5 per cent for built development.”

On page 8, we are told that 42 per cent is suitable for built development. We are told on page 13 that 8,009 acres are to be reserved for built development. I want to know whether the thing that we are referring to in clause 10(1)(a)(ii) is the 8,009 acres in the interim, or the whole 32,000 acres? If it is the 32,000 acres, I am vexed because I do not agree with the criteria by which it was decided that 42 per cent of Caroni (1975) Limited lands is suitable for built development. That same 42 per cent; in fact 99 per cent of Caroni (1975) Limited land is suitable for built development, so what. Where did they get the 42 per cent from? What criterion is needed for built development that the Government cut it down to 42 per cent? You can take almost any piece of land and have built development. It does not help me very much to be told—in fact what the Government is telling me is that it is going to seize 42 per cent of Caroni lands for built development. I am very unhappy that I am not told in 10(1)(a)(ii) what we are referring to. If we are

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going with Post-Caroni (1975) Limited then I want those 8,009 acres listed in a schedule.

We have Schedule One, Schedule Two and Schedule Three. Now we are told that the manager is responsible for the real estate undertakings prescribed in the Third Schedule. If you are telling me he is responsible for commercial and industrial use, tell me, as listed in Schedule Four. List them for me. Do not give the Cabinet an open cheque that they can sign anytime they like; one set of blank cheques, “as prescribed by order of the President on the advice”. So, although we seem to have effected a reduction in the powers of the manager, there is a loophole there—I do not think anybody is trying to trick us—which would allow 42 per cent of Caroni (1975) Limited lands to be put in the charge of the manager. If that is the intention, put it in the Schedule and then we will fight about it, if not, list the 8,009 acres.

The same problem of the lack of a Schedule—I feel this really mars our work as a committee. I am reporting on the effectiveness of our work as a committee and I find we have done a lot. I feel these are gaps or loopholes that it would not cost us a great deal to close. I am particularly concerned about 10(3). Note we have not provided a Schedule for 10(1)(a)(ii) and I feel we need it. We also have not provided a Schedule for 10(3), which states:

“The real estate undertakings vested in the State under this Act, that are not distributed for residential, commercial or industrial purposes shall be utilised in accordance with the State Lands Act or any other written law on the subject of land use.”

In the original stages of this Bill, these lands were referred to as the residual lands and we were told that they were for agricultural purposes. We stopped calling them residual lands and we stopped saying that they are for agricultural purposes. This came up for a lot of debate in the committee. The committee made a lot of concessions by changing “may” to “shall” and by insisting upon “with the State Lands Act or any other written law on the subject of land use”. I wanted more. We came to a compromise and this is where I do feel a bit funny that I seem to have accepted this is committee but I went away and did my research to find out whether what I accepted—but, of course, if I tell a girl I want to marry you and have engagement party and before I marry I find out “umh, umh”, I do not want to do it, I cannot marry and be miserable, I have to come and say well is true “ah” promise and is true we had the party—[*Interruption*]

Sen. Sahadeo: Next time do not promise.

Sen. Prof. K. Ramchand: Sometimes the little lipstick does fool “yuh” and “yuh” promise but if you find out in time, it is better to back out in time than to go along. I can sympathize with the Chairman's feeling that I waited too long to back out but we only finalized this about one week ago. [*Interruptions*] I signed with caveats. By the time the report came to be signed I inserted my caveats and said: “with reservations about this, that and that.” I do not feel it is a dastardly act, I feel I am really trying to defend the interests of the people of Trinidad and Tobago.

That is why I have to ask that 10(3)—that is why when the Motion comes up I will argue that we insert the words “for agricultural purposes”. If we do not say that, there is another thing we have to do. We have to have the Schedule Four that says clearly what are the undertakings for commercial and industrial use. If we do not restrict that then the real estate undertakings that are not distributed for residential, commercial or industrial purposes can go up and up and up. We have to state that we have decided that so much per cent is reserved for agricultural uses. We have to specify in a schedule what are the acreages reserved for agricultural purposes. That is not cast in iron and stone. If we say that, it is perfectly possible for any government to come to Parliament and say our Act says so and so, but circumstances have changed and we now find it necessary—either in accordance with our development and planning of land blueprint or in following our agricultural policy—to ask this honourable Parliament to allow us to make some changes. What is wrong with that? It allows people to argue their case; it allows people to argue against; and it allows for the arrival of consensus. It makes for transparency. It makes everybody happy. We have some laws and sometimes we have to change them. Man was not made for the Sabbath, the Sabbath was made for man. If there are laws that we have made, which worked for us for a certain period and then we find we have to change them, come back to Parliament and change them.

I am quite happy with the report. I think we did a lot of good work, but I feel that we would perfect the report by making certain changes. When we come to discuss the amendments I have proposed, I would go into greater detail. I just want to close with a warning that this Bill has to be seen in relation to the sense of community and human settlement and the happiness of people in our country. It has to be seen in relation to what is becoming a greater and greater issue in our lives, and that is food.

Mr. Vice-President, our food import bill keeps rising and rising. People are leaving agriculture. People are leaving the land and coming into the cities and they are learning. Because we have money flashing around we are becoming more

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and more a consumer society. We are depending on other people to feed us; to produce the food that we are going to eat. We are assuming two things; that we will always have the money to buy it; we are all also assuming that they would not get stupid like us and stop producing the food, too. I am not talking about wars, conflicts, airline disasters and the problems about shipping and increasing costs. I am not talking about that yet. We are becoming a nation of consumers of imported foods and we are consuming what other people produce and we feel money is not a problem, we could always buy. That is not true. The gas and oil is going to run out. If the multi-nationals do not steal more of it than they are stealing now, it will still run out and other countries may not produce. They may just decide we are producing less, because we can feed ourselves and we would export a little, but we are going into other kinds of production. The countries that we depend upon to produce food for us may change their patterns of production and our money, which is getting less and less, will be chasing less and less food. Here we have a fertile country that is capable of feeding itself. With the right agricultural science, we can feed ourselves.

Again and again I come to this Senate and I tell people about the Wheat Bill. It is perfectly possible to mix 50 per cent yam flour with 50 per cent wheat for the time being and it would not taste any different from the present wheat. You can tell farmers who are given the two acres: "Listen, we are buying one thousand pounds of yam from you at so much a pound. Every year you can bank on it. We are buying the yam, tomatoes, water melon and bhagi from you. We guarantee you the price. We are ensuring the drainage. We are making sure there are no floods." If you want to export, there is a market in the world for organically produced crops. If you do not want to only feed yourself, or if you also want to feed yourself, those 5-acre farms can be used for all kinds of organic farming to produce a healthier nation and we will command the export market.

That was a little digression which tries to—they are interested in it, because nobody showed the blue book. That was just a digression to account for when we come to discuss the Motion. I am going to insist on the insertion of certain clauses and the creation of the Schedule.

I end on the report by saying that I enjoyed working on it. I think it has achieved a great deal, but there are two or three imperfections which I feel we can remedy to make it a document that will make our children and our children's children proud of us. Mr. Vice-President, thank you.

Sen. Basharat Ali: Mr. Vice-President, I intend to make a very short contribution on the report and it relates primarily to the minority report. I have

looked at 2.0, the National Physical Development Plan. I have always maintained that, where are we in terms of planning. I think I mentioned not too long ago—I am not a lawyer so I do not know whether we are doing anything illegal with a plan, which seems to have expired in 2004—that my concern there—I have shared the concern of the members who signed the minority report—is that really, we may have no plan at all and this substitute plan for the National Physical Development Plan, is what is supposed to be the National Strategic Sustainable Development Plan for Trinidad and Tobago.

Coincidentally, the request for proposals for that have come, and today is the closing day for bids, Friday, August 26, 2005, at 2.00 p.m. It is already closed on bids for presenting requests for proposals; contrary to another report, the Inter-Agency Task Force Report, which was talking about 2006; when we were going to have a new National Physical Development Plan. I wonder when this is going to be, if we are now going to evaluate proposals and select a bidder and go through this whole process. It looks like we are in for a few years work. I am sympathetic to the view expressed in the minority report here with respect to the National Physical Development Plan. I do not know whether it is a legal requirement binding on the Minister of Planning and Development, who is yet to comply with the law. I cannot say, but somebody else should say whether that is so or not. The item 3.0 of the minority report speaks about the Inter Agency Land Use Plan. In my original contribution—I am not going to talk about it, I did say that I had access to that plan—I spoke at length on that, in terms of what the terms of reference of that plan were. The minority report says that they are of the view that it is imperative, in the interest of transparency and good governance, that the Government makes available to the Parliament the report of the Inter Agency Land use Planning Team.

I understand, looking at the minutes, that the report was made available to the members of the team. I noted that in a minute that Minister Sahadeo had made available to the members of the team. It is a report which has so much content in it that it may make sense at least to lay it in Parliament and have it debated here, if not on a public basis because a lot of what is in that plan may be contrary to what Prof. Spence and Miss Lee Yuen said. Some of it may be contrary to what they are proposing. I endorse that that report should have come to Parliament. It was endorsed by Cabinet, according to Minister Sahadeo, when she presented the original Bill, so should it not come to the whole Parliament and be debated, so that we tie it up with 2.0, the National Physical Development Plan? We do not know what the status of that is.

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This is my brief contribution and this is why I have reservations on this report, where the main report is procedural and where one person, my fellow Senator, had these reservations. If I were him, I would have in fact put in another minority report which stated exactly why I would have signed this report, so that they would have counted my signature as an endorsement or vote on the whole thing. This is how I feel about it and this is why I said I want to support Sen. Prof. Ramchand's amendment to the Motion earlier on. Thank you very much.

Sen. Dr. Tim Gopeesingh: Mr. Vice-President, there are just a few comments that we on this side would like to make, through me, on the amendments to the Caroni (1975) Limited Vesting Bill. If we look at that on page two:

“7 as renumbered

Delete and substitute the following.

‘7. As from the appointed day, this Act shall be deemed to be a good root of title to the real estate undertakings, so that any lease granted in furtherance of this Act, shall be conclusive evidence that the person named in such lease is seized of or possessed of or entitled to such land for the estate or interest therein specified’.”

There are a number of companies and persons who hold oil and mineral rights. The term “good root of title” is a term of art in conveyancing but it is wiping out the rights of persons who, at this moment, own the oil and mineral rights from the land which Caroni (1975) Limited has acquired from them. When this is done, if we leave the good root of title at clause 7 as it is, it will be effectively depriving people of their constitutional right to own property under section 4 of the Constitution. You are wiping out the rights of individuals and companies who have sold their land to Caroni (1975) Limited. By clause 7 of this amended Bill, you are depriving those citizens of their constitutional right to own the mineral and oil rights. When they sold to Caroni (1975) Limited, they kept their oil and mineral rights. You know that there might be thousands of acres and hundreds of people who own these oil and mineral rights. Thousands of acres are involved. Trinidad and Tobago is an oil-rich country. One day, there might be oil in Caroni (1975) Limited land. The original sugar area might be an oil-rich area. One never knows.

Sen. Seetahal: I just want to find out why the Senator is saying that clause 7 deprives the stakeholders or the people whom it affects in a way that you say, specifically. It says:

“As from the appointed day, this Act shall be deemed to be a good root of title to the real estate undertakings, so that any lease granted in furtherance of this Act, shall be conclusive evidence that the person named in such lease is seized of or possessed of or entitled to such land for the estate or interest therein specified.”

I imagine that means that it will be a good root of title and it replaces to the extent that they replaced before. What you are saying is that it replaced it to a greater extent. I do not know why you are saying that. I just want to know why you are saying that.

Sen. Dr. T. Gopeesingh: A good root of title is a jumping off point in land conveyancing; it does not really cure the defect. It is a term of art, and with the greatest of respect to the Chief Parliamentary Counsel, we on this side believe that she is wrong because this side consulted a gentleman who has 40 years of senior conveyancing practice. With the greatest of respect, Sen. Seetahal, he has been a conveyancer in one of the largest countries’ law firms and he has shown—
[*Interruption*]

Sen. Jeremie: Would you just give way for a second? I think it is unfair to the Chief Parliamentary Counsel to assume, which is the underlying assumption, that you consulted with someone with 40 years experience and the Chief Parliamentary Counsel would not have done so. The Chief Parliamentary Counsel drafted this Act in consultation with a very experienced conveyancer of similar repute, I am certain.

Sen. Dr. T. Gopeesingh: Mr. Attorney General, you come from a large law firm as well. Your father was in a large law firm and people differ in law. I may differ from my colleague entirely, but there is someone we consulted on this. Sen. R. Montano will probably back me up on this. I will give way to him on this.

Sen. R. Montano: Maybe I can explain. Let me try to assist the Senator. Conveyancing law is governed by the Conveyancing Law of Property Act.

Sen. Jeremie: It is not an Act, it is an Ordinance.

Sen. R. Montano: Ordinance. In the law, as exists on our statute books, the law defines good root of title. Basically, a good root of title begins with a deed of conveyance, a mortgage or a will that—
[*Interruption*]

Sen. Jeremie: A will is not.

Sen. R. Montano: Not a will, but a conveyance under a will.

Sen. Jeremie: A deed of assent.

Sen. R. Montano: A deed of assent, thank you. He is right. It is a deed of assent. I am suffering from a senior moment. The point of the matter is this; when you have a good root of title, when you go back and you go to a good root of title, you begin your searches and you go forward. You do not go back. I have seen in the report where the Chief Parliamentary Counsel said section 4 of the Bill takes care of the issue in section 7. With the greatest of respect, let me find section 4 of the amended Bill. It is the same. It states:

“The real estate undertakings are hereby transferred to and vested in the State to the intent that the State shall succeed to the real estate undertakings...”

Clause 7(1) states:

“As from the appointed day this Act shall be deemed to be a good root of title to the real estate undertakings,...”

The root of title begins, therefore, from the date of assent of this Act. If somebody for example, at the present time, is the owner of the oil and mineral rights and is entitled to the beneficial ownership of the oil and mineral rights, clause 7 wipes that away with one fell swoop, because clause 7 says that it is a good root of title and what will happen is that where a new lease is granted to X—

Sen. Sahadeo: If I can just interject for one second. Those rights will be vested in Caroni at this point in time. It means the right of any mineral, et cetera, would reside in Caroni (1975) Limited and that right is what we are saying will now not be vested in the State.

Sen. R. Montano: This is a conveyancing point, Minister. This thing can be fixed. It is not that it cannot be fixed. If you are agreeing that we do not want to wipe away the oil and mineral rights of persons and companies that own them—*[Interruption]* Yes, but Caroni does not own them. Caroni owns it. Right now, as it stands, Caroni owns the land subject to—Certain lands are owned by Caroni (1975) Limited and were sold to Caroni (1975) Limited, subject to the oil and mineral rights.

Hon. Senators: No.

Sen. R. Montano: Yes, and that is the point. What we on this side are arguing, is, whether we want to preserve the individual rights of these citizens. We want them preserved; we do not want them wiped way. If you are in

agreement with me, that we do not want the oil and mineral rights, when the amended Bill hits committee stage, I will make proposals to you that will preserve that. That is the point that we are on, if you do it the way that you are doing it now, through inadvertence, by a simple stroke of the pen, you would wipe away the oil and mineral rights of people who own them. That cannot be right. You will then find that this Bill will require a constitutional majority, which it does not have and will not get if this is there. Deal with it. Do not argue about it, because it would seem to me that we are all on the same side.

The argument is that this, as is drafted, will wipe out the oil and mineral rights of persons, firms and corporations that own the oil and mineral rights. Hopefully, I have assisted. Thank you.

Sen. Dr. T. Gopeesingh: Thank you very much, Robin. I gave way to the attorneys. If you look at the First Schedule on page 14 you would see, for example, 9 states:

“ALL AND SINGULAR the lands...Save and except any mines and minerals reserved.”

Sen. Seetahal: They are in Nos. 9, 13, 19, 22 and 32. They are stated in the Schedule as subject to, or save and except any mines and mineral rights. My understanding of a good root of title was that you could have a good root of title even if the residual is to somebody else. My property, the residual is to whoever sold it to me but I have a good root of title otherwise. That is all I—

Sen. R. Montano: If I might assist once more. [*Interruption*] Yes, but let us take for example, I bought a house 30 years ago and when I bought the house there was a negative covenant which runs with the land which says that I cannot put more than one house on the land, but through inadvertence or negligence the conveyancer who prepares my deed does not put in that negative covenant, that is to say, that I cannot build more than one house on the land. The result now is that I sell my house to you and you are neighbour to, let us say, Sen. Dana Seetahal. Sen. Dana Seetahal has enjoyed over the years, the benefit of the negative covenant, but because I have owned my house for more than 30 years, and the deed—which your conveyancer goes to is that 30-year-old deed by which I bought my house 30 years ago—has the mistake of the negative covenant not being in there. Therefore, you as the purchaser will not be bound by the negative covenant, which ought to have been there, and, therefore—[*Interruption*] let me just finish and then I will give way—I am getting myself confused with who is the neighbour. If Sen. Seetahal was the neighbour and you were the buyer you can tell

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Sen. Seetahal: “Look, I am not bound; my deed has no negative covenant.” Effectively, the negative covenant is extinguished. That is the point. But—

Sen. Jeremie: Would you take me now?

Sen. R. Montano: All right, because I am not finished.

Sen. Jeremie: The example you gave—First of all to go to Sen. Seetahal's point. All that the Act seeks to do is to vest what Caroni (1975) Limited owns. If Caroni (1975) Limited owns what we lawyers would describe as the fee simple, then that is vested. If Caroni (1975) Limited owns the fee simple, subject to some caveat—again that is vested because no one can vest what he does not have. That is the straightforward point.

In relation to the negative covenant for example, that, too, is flawed because even if the negative covenant is not mentioned, a fundamental principle of land law is that a negative covenant runs with the land. It affects people in perpetuity.

Sen. R. Montano: Except that the buyer is buying without the benefit of the negative covenant, because he now has a good root. In any event, as you can see there are diverse legal opinions. But why should we bother to argue about the law when we can make it quite simple and we can make it quite clear? This is the point. As I understand what the Attorney General is trying to say, the intention is not to deprive the owners of the oil and mineral rights. If that is the case, a very simple amendment to clause 7 will make this absolutely clear and we will be passing good law. This is the argument. Even assuming, but not accepting, you do not accept the submissions that I have made on the law, at least, I beg let us be clear. It seems to me if you are agreeing with me that you do not want to deprive them, then there should be no argument that we make it crystal clear.

Sen. Jeremie: I thought that it was. The advice I have and as I understand the Bill it is crystal clear; it is if you convey something subject to. There is no way it could be made clearer than that in conveyancing.

Sen. R. Montano: With the greatest of respect, it is not clear. What do you want, that lawyer A says it is clear and lawyer B says it is not clear? What are we doing here in the Senate? We are now going to say: “Well all right, I accept the Attorney General's advisors.” You know, I almost said M’Lord. Mr. Vice-President, the truth is that when—there is an old joke in my profession—there is only one lawyer in town, he is poor. When there are two lawyers in town, both of them are rich. Why create a situation whereby you have the potential for conflict? I am personally and genuinely of the view that in this Bill, as amended, the rights

of the people who own the oil and mineral rights will be extinguished by clause 7. Surely, it is not too much to ask, because everybody seems to be at the same mind. We do not want the oil and minerals rights of persons extinguished.

4.00 p.m.

Therefore, what is the difficulty? Surely, out of an abundance of caution we could make it absolutely clear, so there can be no lawyer like me, to stand up afterwards and say hey, this is wrong, and there can be no case going to the High Court; the Court of Appeal; Privy Council or wherever. We do not want the legal arguments.

So, let us be clear, and even if you say; "I do not think it is necessary", there is an old expression: "humour me". It is no victory for me, for you to put this in, but it is a victory for commonsense and it will make the people—who have these rights—feel better. Why do we not do it? It costs us nothing, but it could cost the citizen an awful lot of money downstream, and if the State loses, it could cost the State a lot of money. Why are we bothering to have potential litigation when we can cure it? That is all, Mr. Vice-President.

Mr. Vice-President: I just want us to remember that it was your contribution. [*Laughter*]

Sen. Dr. T. Gopeesingh: I do not have very much to speak about, but it is important. [*Crosstalk*] It is all right, I would not need much time again.

Sen. Mark: Claim it back. Injury, injury.

Sen. Dr. T. Gopeesingh: I just want to carry us through to our minority report. But before doing that I just want to support Sen. Montano's and Sen. Seetahal's statement that we need to really make this clear and avoid litigation in the end.

Sen. Seetahal: I did not say that. I merely want to make it clear. Could you give way? I did not say that. I asked a question and I still have not gotten an answer, if I may say. My second question was, can you not have a good root of title subject to lands and minerals? As far as I know every single deed that I have seen is always subject to lands and minerals. That was my question. So, I am not agreeing. I think section 4 is clear, in my view.

Sen. Dr. T. Gopeesingh: In any case there are a number of citizens and companies who have the oil and mineral rights reserved under the first schedule, division 1, which was sold over to Caroni, so we really need to do something at committee stage on this issue. If you look at 9, 13, 19, 22, et cetera, a number of companies and individuals.

I just want to make a few comments on our minority report, which my colleague, Sen. Dr. Kernahan spoke about a while ago. There are certain things that need to be spoken of a little more. First of all, if you look at pages 24 and 25 of one of the minutes of the meetings, you would see a presentation by the Permanent Secretary, Ministry of Agriculture, Land and Marine Resources, who spoke of in subsection iv.

“With respect to the agricultural reform programme, a study conducted by the University of Wisconsin contains recommendations for the setting up of such an authority.”

So if you we go back to our submission on our minority report, we are asking for the inter-agency land use plan to have a wider consultation. And if we adopt that approach—I think a copy of that is in the library here and many people would have looked at this previously—for a wider consultation, the use of the land could be a better basis for a national physical development plan. If we look at that and we have a national discussion on that, we may be able to come to some common understanding nationally on what we do with our land in the context of a national physical development plan. So we want to urge that and this is why this was put in our minority report.

The point I was making about the State Lands Management Authority; the management of all State lands suggested by the University of Wisconsin should have an authority. We must have an oversight authority to look at the management of all State lands, and this was suggested by the Permanent Secretary in the Ministry of Agriculture, Land and Marine Resources. So we would like to suggest that you consider carefully an oversight authority which will look at State lands. So a State Lands Management Authority, we advise, should be set up.

The next point on protection of agricultural lands. Mr. Vice-President, this is our submission in our minority report. If we turn and refer just for a short while to the *Post Caroni (1975) Limited—A Comprehensive and Integrated Development Plan*, on page 13, you would see that 8,000 acres or 10.5 per cent of all the Caroni lands is for built development, and 68,000 acres or 89 per cent would remain or be available for agricultural purposes, of which 14,000 is for former employees;

54,000 acres would be available for agricultural activity and they indicated what would be available for pasture, citrus and so on. The residual 31,872 acres, which are presently under sugar cane previously cultivated by Caroni, could be available for future agricultural uses.

Sen. Prof. Kenneth Ramchand was speaking a bit about what we are doing about this land. We want to protect our agricultural lands, and Caroni has almost 31,000 acres which were presently under sugar cultivation, which could be further available for agricultural use. So we have a vast amount of land, 31,000 acres in Caroni which we are not sure about what is going to happen to it, and therefore this is why we are saying, we need to protect our agricultural lands, and I want to re-emphasize this point, that those 31,000 acres must be looked at very carefully. We know that the State has given 14,000 acres of land to the former employees, and this is what I want to come to for a short while, on the land distribution.

Out of that, the 14,000 or 18.5 per cent of all Caroni lands would be used for agricultural activity driven by former employees. I was having a little private discussion on the corridor with Sen. Christine Sahadeo recently and I indicated to her our concern that you have given 14,000 acres of land to the Caroni workers.

First of all, you have given—I am speaking about our report, land distribution, so I do not think that I am out of context in terms of discussing this— 14,000 acres of land and we said that you have put the cart before the horse, because what are these people going to do with it? A case in point is that no infrastructural development process has taken place as far as these 14,000 acres.

Sen. Sahadeo: Senator, if you would give way, please.

Sen. Dr. T. Gopeesingh: Christine, yes.

Sen. Sahadeo: Mr. Vice-President, I think I have said on many platforms and also in this honourable Senate, that in the first instance when we did the land use—

Sen. Dr. T. Gopeesingh: Not a platform; this Senate.

Sen. Sahadeo: Sorry. Land use and capability survey. What we did and we did designs out, we outlined and arranged just over 7,000 plots—I do not want to take up too much of your time so I would be brief. What we also indicated as these were allocated to the various farmers, because Caroni in itself has a lot of agricultural access roads, et cetera, the land is now available to be put to agricultural use.

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What we have promised and we have commenced would be the development, put in the infrastructural facilities. I have personally made that commitment on behalf of the Government of Trinidad and Tobago and this is in the process of occurring. What we indicated and what we have submitted is that while this infrastructural work begins, many of these acreages can be put to productive use, particularly in a time when we are all concerned in terms of these farmers; in terms of they being able to earn a livelihood and certainly having a larger supply of vegetables, et cetera. So that is very much in the making.

Sen. Dr. T. Gopeesingh: It is important that the Minister indicates what they are trying to do at the moment. With the distribution to these 37,000 farmers of two acres, we would have really liked to see what plan they had; a marketing plan; a marketing strategy; what products; what livestock that they are going to assist these farmers with in terms of where are the markets for these produce, and so on.

Now that you have given the land, now you are coming to find a way of trying to tell them, well look, we need to come together and decide where we are going with this, meanwhile it would take some time. It is a bit slow in the process. They had done this for a long time, take over Caroni property to give back to the people, but all of this should have been done. What we are saying is that you should have been looking at the availability for irrigation; this is what former Sen. Spence spoke about in his contribution to the Special Select Committee of the Senate. The issues he identified were flooding and the availability of water for irrigation; 7,000 people, where are they getting irrigation for their produce? Feasibility of crops and livestock? Is it really necessary in Trinidad for us to produce livestock? Where is the feasibility study on this? Post-harvest handling storage; we all know the company NAMDEVCO. The National Agricultural Marketing Development Corporation (NAMDEVCO) has been a failure. Where are these people going to market their produce, and what is the economic analysis of farm size? Is the money that you will be spending on two acres going to be economically viable? Why did we not give them five-acre plots, rather than two-acre plots? What can somebody do with two acres that is economically viable?

All these are the questions that we on this side have been asking about. Why could 7,000 people not get five acres more? Why could the State not have a better agricultural development plan, because we know the agricultural sector is failing in Trinidad and Tobago? So this is what we suggested in our minority report, in terms of the land distribution.

We on this side have tremendous difficulties. The State had indicated that they were doing a lot of training and retraining of employees. You have distributed 7,000 former employees two acres of land, but what you trained them to do? What did you train them in? Out of the 680 former monthly-paid employees:

Academic/Professional Training	248
Computer literacy	203

Does that really equip them for dealing with the two acres of land? So this thing really becomes a farce, and this is why we felt very strongly to put in a minority report, because this whole agricultural takeover of the Caroni land by the State has really been a farcical thing. They did not have a plan about what they wanted to do; they are now saying that they are giving back the former employees two acres, but they do not have a contextual framework in which those two acres would be put to use, and we feel very strongly that the people are going to continue to suffer for a long time.

It is in this context, Mr. Vice-President, that we ended our minority report with the statement that:

"It is clear that the Government finds it expedient, placatory and diversionary to distribute land without detailed studies, plans or a vision for the development, support or sustainability of the agricultural sector."

These are not just small words that we are making out here. This lackadaisical, non-scientific approach towards the management of the agricultural lands which have been taken away from the 10,000 workers, reflects very badly upon the Government at the moment, because you have acres of land wasting at the moment.

You took away citrus, livestock, everything; all these things have gone to rot and waste, even what we said the operational machinery is now being auctioned; millions of dollars went with that; and yet still today, the people are—what you trained them in, computer literacy and other things; professional and academic training. Now these people have been trained—if I am a doctor trained in medicine, why am I going outside of medicine? These people have been agricultural workers and this is what forced us to submit our minority report. We felt very strongly that the State has not taken this thing very seriously at all, and it has failed this nation; it has failed the 100,000 people's lives who were in the agricultural sector; it has failed a major part of this population, and I think it is no

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excuse whatsoever, for this Government to adopt this type of approach and say that they are doing something for agriculture.

We need some comprehensive planning in this agricultural sector. We need some comprehensive planning about land use; national land use development programme. We need an authority to look after land use, and this thing is too *vaille que vaille* all over Trinidad and Tobago. You have land in Palo Seco; you have land in Petrotrin. Where is the overall national physical development plan which I was alluding to yesterday when we were speaking about housing settlements?

So, Mr. Vice-President, this leaves a lot to be desired. Although this Bill has been brought in and wants to vest certain things to certain companies, and so on, we say that the overall scenario and the overall picture leaves a lot to be desired. You vest it; you carry it over to somebody; you have a manager to manage a certain number of acres of land, but what are they doing with it? Here it is we have private contractors, private farmers making sugar cultivation and we have to import sugar from Guyana to be refined in Trinidad. That is an abominable disgrace, where we were producing sugar which we could have refined in Trinidad, and people are making millions now from having to import sugar from Guyana to Trinidad for refining; people are making millions as the importers of this.

All these things are very unsatisfactory. You have taken the livelihood of people away and this is why I am discussing it in the context of our minority submission. Although it is three pages; it is very deep, because it reflects the heart and soul of what we are thinking. One hundred thousand lives have been involved in this and you have done nothing whatsoever to help these 100,000 people. You trained them in computer literacy. Are you going to take a 60-year-old man and say you are now going into computer work? No, Mr. Vice-President. It is terrible and we would really like the Government to take our minority report very strongly, although we would not be discussing this in committee stage, but take it to your heart and take it into your conscience, and work towards alleviating the plight and the poverty of a number of these people whose retrenchment money has been going out of their pocket, and they are literally starving; they cannot even educate their children. I see them every day and it is very, very sad. So, although we may pass this Bill and we come to committee stage and we discuss the legal technicalities of this Bill, and you have an agricultural bill; it means nothing to the 100,000 people's lives.

This is emotion; I am really speaking from my heart on this. It is a very emotional thing that you have destroyed a community and here it is we want to talk about vesting this and vesting that, and you have really made an abominable shame of approximately 70,000 acres of land and the lives of about 100,000 people.

With that, Mr. Vice-President, I would like to appeal to the conscience of this Government to do something to make the lives of these people meaningful again. Because when people's lives are meaningless—I did some psychiatry in my medicine training—people go towards committing suicide; people do all sorts of things and some of these people live in Central Trinidad—we must transform our lives, not only in the Port of Spain area and the East-West Corridor—go down to Central Trinidad and see how these people live. There is poverty and when we spoke about 50 per cent poverty, people earning less than US \$2.00 per day, we mean those are the people, 100,000; and there are many people in the East-West Corridor as well; and even in South Trinidad.

So we have put in three pages of a minority report in this report, and we are making laws and legislation while people are starving and people are in the process of feeling their lives are empty; is meaningless; they cannot educate their children; they have nothing to go with and you have destroyed them. So, Mr. Vice-President, I leave that to the conscience of this Government.

Thank you very much.

The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo): Thank you, Mr. Vice-President. You know, when we came here to take a second look at what has been put before us, I did not expect any praises to be sung, but at least I expected some level of honesty. When I just heard the Senator talking about the lives of these Caroni people, I want to confess that I have attended every function that I have been invited to, at least make myself and asked to be invited to ensure that I am present to be with the people, discuss their concerns, and, most importantly, ensure that we really work with the former Caroni workers and deliver to them on our commitments.

When we see headlines in the *Sunday Express*: "Smooth sailing as ex-Caroni workers get the promised land", this must have bothered some of the Senators on the opposite side. I am really deeply disturbed to hear the goodly Senator talk about training. Only two days ago we spoke of the importance of training and I think he even participated in some of the training courses I myself have been to.

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So when I hear statistics—and I think I was corrected somewhere about what is statistics—it is really disconcerting to note that people would pull out certain statistics and say them very loudly at the appropriate time when in front of the cameras to mislead the public. My biggest issue I take with this whole Caroni Bill has been the misrepresentation on so many issues. When we commenced the training programmes for the various Caroni workers, it was for both the permanent administrative staff who worked in the office and the agricultural staff.

Sen. Dr. Gopeesingh: Mr. Vice-President, through you, just a matter of clarification. I just wanted to show the goodly Senator what is on this document; what is on the report. I just wanted to refer her to page 15 of the report:

“Composition of Training—December 31, 2004”.

What the table showed:

“As at December 31, 2004, 218 former monthly paid employees, or 32.1 per cent had completed their monthly training needs while 220 former monthly-paid employees or 32.4 per cent were enrolled in various programmes:

<u>Programme</u>	<u>No. of Persons</u> <u>Percentage</u>	
Agriculture	39	5.7
Technical skills	79	11.6
Academic/Professional	248	36.5
Safety, Health & Environment	85	12.5
Computer Literacy	203	29.9”

That is what I was alluding to and I was not fooling anybody before the cameras; I was stating simple facts from the report. Thank you, Mr. Vice-President.

Sen. The Hon. C. Sahadeo: Mr. Vice-President, I referred to the development plan, which was laid in this Parliament here. I referred to Appendix 12, which clearly outlined as of December 31, 2004 the various training programmes. Actually this is one segment of the commitment and the reformation, which I am proud of; and I have congratulated Caroni and its staff in terms of implementing the various training programmes.

As we indicated, we decided that when these people got training, should we just leave them solely in agriculture; and does agriculture mean just tilling the

soil? Are these people entitled to understand a better way of life? Are they entitled to understand the use of computers and access to the Internet; and therefore all the various opportunities that await them? In all our training programmes we also included life skills.

So, let me say very clearly and I refer this honourable Senate here to Appendix 12, which clearly stated the types of courses that we offered. Let me also add in this same document, if the goodly Senator would look at it, certainly I would make a copy available to him because I am certain he does not have a copy. We have here, as of December 31, 2004, over 1,600 persons had accepted and completed the agricultural courses. When I spoke last week at the distribution or the allocation of the agricultural lands, it was in the vicinity of 2,500 persons have completed. As a matter of fact, next week Friday, I think—the following Friday—we have another graduation where we have an additional cohort of former employees who are graduating from additional agricultural programmes. So, I feel it is my responsibility not to justify, but rather to clarify that the terms of training certainly was in vegetable production, cocoa and coffee beans; livestock agri-business; aqua culture; budding and grafting; poultry; tropical fruits, legume production; there were so many.

Let me also clarify, when we first gave out and asked for letters from the former Caroni workers to indicate the lands that they would like to access, subsequently we gave another letter, and I have made this point time and again. As we went through the very many training programmes and we did more detailed studies, we listed the various types of agricultural produce that would be available by the various sites. When we came up with the 17 sites at that time, what we did, we listed the preferred agricultural activity; so therefore, it meant when these former employees decided to put their order of preference and they would be able to take the various training courses, their names would be put down to a location which would offer them the agricultural activity of their choice.

I will agree that we have to do much more—and NAMDEVCO has a lot more work to be done, certainly it needs a whole fundamental turnaround there at NAMDEVCO. We agree we have a responsibility as a government and we have indicated in the last budget that we must implement and set up here in Trinidad and Tobago a food processing facility. We agree we must provide these former workers with a lot of support; in that regard the Senator is totally correct, and we intend to do so and we will deliver. We have given the commitment that we will be working with the former employees and giving them guidance. You are correct, we need to do this; we have a responsibility to them and to ourselves.

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Again, I want to reassure this honourable Senate that all these procedures; we are working very closely with the Ministry of Agriculture, Land and Marine Resources. Therefore, it means that these former employees, we would be working very, very closely giving them guidance in terms of the various vegetable crops; in terms of suggestions in quantities; the demand side, to ensure on the supply side, we match it and therefore hoping that pricing would be fair and competitive. In the long run, it means that the former workers would have a sustainable income to take them through.

I know that was a mouthful, but I feel very, very strongly on the issue of training. I believe it is one area we have focused a lot on and we have given the commitment time and again, we would continue with the training programmes. As a matter of fact, there is a food committee looking at consumer prices, et cetera, and a lot of effort is being put in terms of input from the Ministry of Agriculture, Land and Marine Resources; in terms of the way forward.

Mr. Vice-President, a lot has been said before by the various members who were on that committee in terms of the fundamental shifts that we made in terms of coming here with this revised Bill. I think all of us on that committee, we attended meetings, we had five written submissions and two oral presentations. To be honest with you, it was a very interesting experience, albeit this afternoon, we are seeing, I would not say reneging but some shifting backwards by an individual; but that is life as I have been told. It is unfortunate though, because if we had distillation at the committee stage, probably we would have been able to move forward a lot faster.

It has been said before, and I just really want to bring it very crystal clear, the revised Bill changes in a fundamental manner the managerial architecture of Caroni and Orange Grove lands. I think everybody here is very, very pleased with that and the Third Schedule is very, very clear in terms of what falls under the purview of the Estate Management Business Development Company or what we refer to as the manager. These sites, these are the residential.

Mr. Vice-President: Senator, I have to ask you to continue following the tea break. We are going to take the tea break now and return at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.03 p.m.: *Sitting resumed.*

Sen. The Hon. C. Sahadeo: Thank you, Mr. Vice-President. I was at the point where I indicated that the revised Bill changes in a fundamental manner the

managerial architecture for the Caroni and Orange Grove lands. This was a fundamental shift and by and large all members of the committee and all Members of this honourable Senate are very pleased. As I said, in the Third Schedule it spells out very clearly what comes under the management and development of the manager, which is just over 1,200 odd acres.

Mr. Vice-President, we also looked in terms and we have just discussed the definition of a good root title. What this revised Bill has sought to do is even give a wider definition of the root title because in the first instance the root title really dealt with vesting of all the real estate in the State. That took it a step further—this revised Bill—where it meant in respect of leases issued it would also give a good root title; that would also help in terms of the assignment of leases.

Mr. Vice-President, we also talked about the Commissioner of State Lands responsible for all the lands except those which have been assigned to the EMBD. Again, let me say that the concern was raised that by and large the land should really remain and reside under the control of the Ministry of Agriculture, Land and Marine Resources. As a result we again have made that fundamental change in clause 10(3).

Mr. Vice-President, as I indicated, I think I already mentioned clause 3. We also have the case where the Commissioner of State Lands is to negotiate and manage all leases, because again this was a lot of concern to the Members in this honourable Senate and I think much debate went into that issue. What we have here now is that albeit we have the manager will be responsible for the development of the assigned land that is, as per the Third Schedule and the development, we have also that these leases would really be under the purview of the Commissioner of State Lands.

Mr. Vice-President, I know what seemed to be a big issue here was clause 10(3) which is:

“The real estate undertakings vested in the State under this Act, that are not distributed for residential, commercial or industrial purposes shall be utilised in accordance with the State Lands Act or any other written law on the subject of land use.”

Again we had so much debate on that and we thought we had reached a concessionary arrangement where we indicated that the State Lands Act and any other law would certainly guide the distribution of these lands.

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Moreover what seems to be of concern is the real estate undertakings for commercial and industrial use as prescribed by order of the President on the advice of the Minister with responsibility for town and country planning. What this clause sought to do would allow a small level of flexibility in terms of what can be done in order to propagate or support the increase or enhancement in the area of commerce and industry. Again because of the development plan we clearly outline—it was just about 8,000 acres.

During the course of our 10 sessions there had been much debate and I want to say publicly, certainly it was a learning experience and it was really a lot of sharing of ideas and discussions. Certainly we all walked away much more aware and much more knowledgeable.

Mr. Vice-President, I want to bring to the fore some issues that were discussed by the previous presenters. I am really saddened that Sen. Dr. Gopeesingh is not here but I know his friends on that side would certainly inform him. We have heard so much in terms of the two-acre plots—only two-acre plots which were assigned or leased to the former Caroni workers. On one side I am defending in terms of: “Why did you give Caroni workers so much”? Then on the other hand you have others say that we gave them too little.

Let me add, Mr. Vice-President, that in the whole process we have been fair and not to mention transparent. I have not heard any comment about this document which was widely published: “Keeping the promise Caroni begins the process Land for Agriculture to be allocated”. Some people said they have never seen their name in the newspaper before, and certainly it is now history that all the 7,000 former employees who are entitled, we have really outlined each of their names by the area in terms of their preference.

Mr. Vice-President, the whole approach has been totally scientific; in other words, what we did was we gave the former employees an opportunity to determine which was their preferred location. We had 17 locations during the process, and during the discussion phase we recognized that Todds Road was 188 acres and Mora Valley we decided not to give out two-acre plots in these areas because with citrus and cocoa it was not feasible to assign two-acre plots. What remained was 15 areas and what we did, based on their requests and the plots available, we allocated. It meant there was some mismatching; as you would appreciate everybody could not be assigned the location of their choice. What ended up happening, we had a few where they did not have an allocation.

As a matter of fact, our first presentation was made actually on August 19, 2005 and we had the media present; we had the various people from the agricultural society and the various unions, et cetera present. What we did, was walk through the process in order that everyone would understand, and clear up once and for all the process that was used in the assignment of land.

We heard Members of the Opposition made statements on the news, on the radio, the day before as: “Some people are going to get and others will not get.” Let me make the statement again: Everyone who applied for agricultural land, all the former employees who were under the VSEP option, their names have been listed and are entitled to the priority access to the agricultural lands. All 7,000 names are listed in this document, it is also listed by location, and it is also listed by the date on which these allocations are going to be made. As a matter of fact, we have already done four days in terms of allocation.

Mr. Vice-President, I am going to elaborate a bit further—the whole process was that if there were 121 requests in Orange Grove and we only had 104 plots available, it meant that we had a deficiency of 17 plots. All the plots from 1 to 121—104 were put in there with 17 blanks; it meant therefore that 17 people would not have gotten assignment at Orange Grove. They were then referred to the next location which, I think, was Caroni; then it meant they would have gone into Caroni and pulled a number—a random draw. I suppose we really erred a bit and said lottery. In this community, when they hear lottery you think win or lose. We have to take some responsibility, probably for using a word which was probably not as appropriate as it should have been. By and large, what we have seen and when we have walked through, it meant that every employee would have gotten a location that is most suitable; most cases it would have been closer to their location.

Mr. Vice-President, in the issue of two acres as opposed to five acres, 10 acres or 20 acres; let me outline to you here what are the acreages at Caroni (1975) Limited—the land still resides there. I think you would remember not long ago one of the Members on that side indicated 79.9 per cent of the total land of the 76,000 acres really, is being put to agricultural use, that is, 61,226 acres. The former VSEP employees, that is the agriculture lands, the two acres by seven is not 14,000—arithmetically it is—but there will be roads, et cetera. The total acreage for this assignment is 18,338 acres.

Mr. Vice-President, in a previous submission I indicated that we have rice, citrus and dairy; we have transferred these assets in the quantum of 8,227 acres. The aquaculture project is 125 acres; existing agricultural tenants and squatters,

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which we must honour, occupy another 16,083 acres. The residual land is 18,453 acres. If we were to do further arithmetic, if we were to divide that by 7,000 it would mean just about an additional, if so much, 2,000 acres over the seven. In our determination of the two acres, it was based on the concept that on two acres you can practise sustainable farming. What remains is that anyone desirous of having more agricultural land can apply to the Ministry of Agriculture, Land and Marine Resources and therefore get it. What this two-acres meant is without submitting any details, except being a former Caroni worker who accepted the VSEP offer you got that two acres.

Mr. Vice-President, I hope this will now be put to rest in terms of that statement being made on a continuous basis, that the two acres first are not sustainable. Let me again add, Prof. Spence and I met, and he met with the committee. He has indicated that two acres can be sustainable, but as was said by my colleagues on the other side—which I agreed with, we must provide guidance and support and make sure that we guide the process through in terms of what would be the crops. By and large, let me say again that certainly the two-acre concept, a lot of thought went into it and certainly we are convinced—we will work with the farmers—and we believe it is going to be put into productive use and we will be reaping those rewards.

Mr. Vice-President, a lot has been said in terms of the minority report by the Members of the Opposition. Let me say again, we distributed the Inter-Agency Land Use plan for the committee's review. I would invite anyone in this Chamber to visit my office to see the number of documents we have on Caroni and the whole divestment. It is really quite a lot of data and every issue we bring up we can say there is a supporting document for it. It was not to hide anything at all because we would not have submitted it to the committee for review. What we tried to do in the development plan, is to ensure that we put as much data as possible into it.

I think we have given the commitment that the national infrastructure development plan—the Ministry of Planning and Development has indicated that that plan is due for delivery in 2006. What we should be doing is holding ourselves accountable for ensuring that national physical development plan is in fact laid before this Parliament at this time. In terms of the protection of agricultural land, the biggest issue I have is really ensuring that the agricultural land is put to productive use. One of the biggest issues we continue to have is that agricultural land is assigned for agricultural use and at the end of the day it is not put for non-agricultural use.

That is why we have, actually, in clause 13(1) retained that clause that:

“Subject to subsection (2), from the appointed day the Agricultural Small Holdings Tenure Act, the Land Tenants (Security of Tenure) Act and the State Lands (Regularization of Tenure) Act, shall not apply to the real estate undertakings vested in the State.”

Mr. Vice-President, we do not want to pat ourselves on our backs. We may have done a lot of work and we may have put a lot of effort into it. The important thing is that we took time; we are making sure that the system is fair and the system is transparent. [*Desk thumping*] We will continue to give support to the Caroni workers to ensure that their dreams come true.

We also have the issue in terms of the pensions which are being finalized. We met with the actuaries only two days ago where they have indicated to us that they are in the process of coming to a finality on it. As everyone would know by now, in the monthly paid pension there was a surplus and that remains for those who are in that pension. In the daily paid pension there has been a deficiency in excess of \$350 million. We also have included their minimum pension which has to be finalized with Cabinet, so I really prefer not to call the quantum at this time. The deficiency is in excess of \$350 million and this Government has indicated that we will in fact be honouring that commitment in terms of the pension.

Mr. Vice-President, regarding the residential land, let me also assure Members of this Senate that the same process will be used in terms of the allocation of the residential plots. [*Interruption*] As you know we have indicated here that we have 22 locations and we have a total of 7,235 lots. We have completed the design, and let me add again we did not do this *vaille-que-vaille*. We had a land-use capability survey and we went through the process—I know two years sound like a lot of time but I want to add that we have a lot of people of high repute here who have been in the business of development and if we were to ask them honestly or outside of Parliament, they would say: “Christine congratulations”. I am sure they will tell me that, but in this Chamber I suppose we will have a problem in saying—

There is something in politics that I never understand: why you cannot sit on one side and congratulate a Member on the other side? [*Desk thumping*] People say probably you have to be a politician to behave so. I disagree fundamentally, and I hope the day will come when we will change all of that and be able to be magnanimous enough to say a job well done.

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Mr. Vice-President, when we talked about the residential lots, I indicated we have 22 lots and before the end of this year we will be similarly putting in various newspapers—we want everybody to see it, it is transparent—when we would have these former employees allocated to these plots. The same process will be used where these former employees in the presence of an esteemed auditor will go through the same process where they themselves will, through the random process, select the plot and it will be assigned to them.

We are looking at delivery in 2005 and in this case we can only deliver a completed unit, it is not like the agricultural land where you can have access to it almost immediately. In the case of residential we know that all the infrastructure must be completed before these leases are executed and therefore it means by the end of 2005 we have the commitment of just over 1,100 plots; at the end of 2006, 3,200 residential plots and the balance of just about 2,400 in 2007.

As I was saying before and let me just go back a bit in terms of the agricultural land, because I think my colleague, Sen. Dr. Kernahan had some concerns in terms of the leases for these agricultural lands. Let me assure everyone in this honourable Chamber that we have said time and again that all agricultural leases would be what you call sound agricultural leases. In other words, the Ministry of Agriculture, Land and Marine Resources will be arranging and ensuring that these leases are prepared in conformity with what is given on a normal basis; in other words, it will be sound agricultural leases where in the first instance you have 30 years with an option to renew for another 30 years. The only significant point here is, we continue to insist that these lands are put to productive use, and that is why I made mention of clause 13 where it means that we must, in fact, put these to productive use.

Mr. Vice-President, I am really very comfortable and confident that as we put these lands to productive use, by and large everyone would benefit, including the former employees of Caroni (1975) Limited and the people of Trinidad and Tobago; where we would see certainly, a reduction in food prices. A lot has been said by my colleagues on the other side and certainly I have made an attempt to try to clarify some of the misconceptions and some of the misinformation which continue to persist as regards Caroni (1975) Limited. [*Interruption*]

Mr. Vice-President, in concluding, what we must agree on is the fundamental shift regarding clause 10. Probably we spent most of our time in deliberating over the contents of clause 10. As you can see, it is quite a pretty large clause which has eight subclauses; a lot of effort went into dealing with each one of these, seeking clarification and therefore coming back in terms of a revised Bill. As I

said earlier, you could appreciate it is quite disconcerting therefore to have to take a lot of time in this Chamber to go through again the entire clause 10, but respectfully so, if that is the wish here; but certainly let me note the amount of effort that went into that. We also got much support from the Chief Parliamentary Counsel who took time to answer the questions and concerns of all of the issues regarding clauses 10 and 11.

Mr. Vice-President, I believe certainly and I want to take the opportunity to thank everyone who made an effort to, first of all, submit their various recommendations. Many people called us; they took time to talk to us. There were many Members right here who from time to time sought clarification of various aspects of the Bill. You know what it brought home to us? That we all, really, are very caring people; we are all very patriotic and certainly to me that in itself was something most interesting. The experience was difficult, interesting and it, certainly, was a learning experience.

Let me say a special thank you to everyone who gave us their time, effort and energy in moving forward with this Bill.

I thank you. [*Desk thumping*]

Sen. Sadiq Baksh: Thank you very much, Mr. Vice-President. I am moved by the contribution of the last speaker, to speak on this particular report. I unhesitantly compliment the Chairman of the Special Select Committee of the Senate appointed to consider and report on the Bill in terms of Caroni (1975) Limited. I think that the chairman—I have said in the past that if I had to allocate funds for the Government, I would allocate all to her Ministry because I could see where the money goes.

Mr. Vice-President, I am sure that the chairperson of this committee did a fine job in terms of trying to resolve a number of issues. No amount of hard work could make a bad decision good and it was a bad decision to close down Caroni (1975) Limited. [*Desk thumping*] I am convinced that the Minister with the responsibility for Caroni also did a fine job in looking at providing training opportunities in redirecting the labour into different directions, notwithstanding making lands available for those displaced workers to get involved in agriculture.

Mr. Vice-President, you will recall that in earlier discussions, before the need for this report, that we advised the Government that they should have conducted a proper manpower study as to all the employees and then develop the plans, programmes and policies that would have seen a seamless transfer from the closing down of Caroni to where we are today. In other words those same lands

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that are now being made available to the former workers of Caroni (1975) Limited as part of a partial settlement for their voluntary separation package would have been done in such a way that those same farmers would have gotten land that was already in production so that they could have produced a crop, whether it was in the second ratoon, third ratoon, fourth ratoon or fifth ratoon and then move in to other areas of agriculture.

It is even worse now that we have reached the stage from the report that you are actually making available to the 7,000-plus employees two acres of land that have been abandoned for two years and now expect production to take place overnight. In the report I know that efforts were made to identify a method of production. Allocating land by measurement, and not by title, will create further problems. That is why I support the minority report.

5.30 p.m.

Mr. Vice-President, we must remember that in this very Senate we passed the Praedial Larceny Bill that made it unlawful for any citizen to go to the marketplace and sell produce unless he or she is a registered farmer. The prerequisite to becoming a registered farmer is to have a valid lease, freehold ownership, title in other words, or rental, none of which these workers now have unless, of course, the report took into consideration a mechanism that would now guarantee the Ministry of Agriculture, Land and Marine Resources that these are bona fide farmers. We had a case recently where a farmer in Chaguanas en route from his plantation, a piece of land which he did not own, so he was not registered as a farmer, was charged for having produce that he was not entitled to have to take to the marketplace.

It is even compounded, in that, on smaller agricultural holdings, especially side by side, one person might choose to go into goat rearing or sheep farming and another one, just contiguous to that plot, might go into a crop that both animals love to have. Without the basic infrastructure in place, it will create another set of problems.

I have looked at this from the practical implementation of the conversion of 7,000 employees, some who would have been electricians, fitters or plumbers, moving into a transition of farmers having now had the benefit of having these lands, albeit with title at this time. The cost of beginning a crop of any type is an expensive proposition, especially with fertilizer, seeds, garden implements and everything else. I would have thought that the report would have taken into

consideration seed capital, start up capital or support for converting those lands.
[*Interruption*]

Sen. Sahadeo: I am sorry for taking up the Senator's time; but when you look at a bill you do not go into very small areas. I give the assurance here that those items are under active consideration. You do not legislate on those areas. In my contribution it was remiss of me, so I just wanted to add that for clarification.

Sen. S. Baksh: I thank the hon. Senator and I have no reason to doubt her sincerity in terms of trying to make all those things available. I have no doubt that the Government would also love to have all those things in place and see a smooth and seamless transition from the day it makes these lands available to citizens, whether they have titles, leases or not and would hope to get them into that kind of area, but the proof of the pudding is in the eating. Let me draw an example from the past: all leases for State lands in Trinidad and Tobago that were made available to citizens for the production of agricultural production state as part of that lease arrangement by the Ministry of Agriculture, Land and Marine Resources a provision that it must be kept under agricultural production otherwise the lease would be reverted to the State.

I submit to you and this honourable Senate that in 99 per cent of the cases of State lands being made available to citizens including those at Wallerfield, Carlsen Field and all the other areas, they are now out of agricultural production and still not reverted to the State. I am not making a case for them to be reverted to the State; I am making a case for the support necessary to keep the lands in agricultural production. [*Interruption*]

Sen. Sahadeo: That is why I spent so much time talking about clause 13, where it says specifically that it will not be exempted from the Land Tenure Act, et cetera, which means that they will have reversionary interest back to the State if these lands are not put to productive use. So the Senator is correct, but I just wanted to clarify that every effort is being made to ensure that these lands are being put to productive use.

Sen. S. Baksh: Again, I "doh" have a problem with that and I do not doubt the sincerity of the Minister, but since State lands were made available to citizens over the past decades, those were the same clauses available, but they have never been implemented and that is the point I am making. So what gives me now the assurance that will take place? In any case, I am not making a case to have them reverted to the State. I am making a case for support for these people to make sure that the lands remain, that they are encouraged and that every opportunity the

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Government has in preparing a proper programme will be used to ensure that we remain in agricultural production.

The Minister made the very interesting point that we will now be able to have cheaper, competitive food prices. "I all right" with that; cheaper, competitive, "I okay" with that. The key to it is that farmers really need support, not only financial but technical and they also need to be guided in a particular direction so that you do not have an undue amount of oversupply and then you have prices coming down acting as a deterrent to people getting involved and continuing in agriculture.

Mr. Vice-President, we had a classic example two years ago when Caroni (1975) Limited was closed down and the entire citrus production came on the market and not by the proper route; all the prices of citrus dropped and people did not go back to the fields. The prices of citrus are now much higher and people have been able to go back to work their fields, because they were uncertain. That is what it is about, creating a kind of certainty. I never advocated guaranteed prices, but I know that we need to look at mechanisms by which we can encourage farmers to produce. Maybe it would be very interesting to learn what took place in Israel when they decided to convert the desert into arable lands and get into agricultural production. They made transport available, looked for markets and then started to get the production up.

I did not come this afternoon to go into a long discourse on agricultural production, but merely to say that in supporting the minority report by my colleagues and recognizing the amount of fine work by the committee, we needed to have some more assurance. We needed to make sure that we would be able to have a smooth transition from the closure of Caroni (1975) Limited, if that is at all possible, to the conversion of the existing 14,000 acres of land made available to the employees into proper agricultural production. More importantly, reserving all the remainder of those lands for agricultural production, excluding the lands for built development and getting the Government to develop a clear agricultural policy.

I have no doubt that if we are successful, I give assurance to this honourable Senate that we on this side will support an agricultural policy that will see the utilization of all the remaining lands of Caroni (1975) Limited, except those earmarked for built development, and to work in a comprehensive way, because the future platform on which the economy of Trinidad and Tobago will rest will be that of agriculture, as we diversity the economy of Trinidad and Tobago.

I give the assurance that we on this side will support a proper agricultural policy that will see us self-sufficient, in the first instance, and becoming a net exporter of agricultural products to the ethnic markets in Toronto, New York and London and then looking to develop new taste for local exotic foods and products.

Thank you, Mr. Vice-President.

Sen. Brother Noble S. A. Khan: Mr. Vice-President, thank you for allowing me these moments to add my few cents to this report. Firstly, from what we have here, obviously quite a bit of work has gone into the preparation of this report, even moreso on coming to the decisions in the report and, particularly, to the minority report and some of the caveats lodged by Sen. Prof. Ramchand.

Indeed, we are at a stage in our history where an era is passing. We are setting up a framework, which this report evidences here, to deal with something that has guided our country for many centuries. I must say that this will be met by many different types of feelings that will emerge. It is to this end that there is this whole question of something passing and looking at what is coming and what have you. So far we are dealing in a highly complex area; a substantial number of our people are involved. The very existence of our nation, as such, is involved, when we think in terms of the vastness of the acreage we are dealing with and how it is going to be dealt with, because we are a twin-island State with limited space. This is very important when you consider what is before us. That is why I find that the question of the planning process, which the major report did not deal with sufficiently and which was taken up by the minority report, is one we ought to have given much consideration. I am sure all of us are aware of the importance of the planning process, particularly when we think in terms of management, because this law and this report deals with that: the management of the land, the people and the resources. There are certain areas that come to my mind, which I would like to share.

We have heard some statements made on the division of the land based on arithmetic; that might all well be good. Much has been said about agriculture, but there are so many different sectors to it. Our last speaker, Sen. Baksh, touched on it when he brought the example of the three pieces of land. In the middle might be vegetables and on the other two might be ruminants like sheep and goat. He did make mention of other areas like Carlsen Field and Wallerfield when it came to that.

It is possible to make a good living out of the Wallerfield experience. I know that from the personal experience of people who are very close to me; they did

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well. They survived and they raised their children who have all grown big. I must say that there is no one on that land now; the children have all gone their way. Many of them, if not all, are not even in Trinidad. They have gone overseas to seek other forms of livelihood and the parents have gone to the great beyond. That is what emerged out of it. There was, apparently, not a continuation as far as agriculture as a vocation or as a way of life.

I strongly suspect what is very evident here, that what has emerged is a sort of helter-skelter approach to it. You speak about two acres and Prof. Spence saying that was possible, but for the person getting it, one wonders how that possibility could bear fruition; that is not clear. It seems to me too that what we are heading for is total chaos. We are legislating for that; we are putting it on that footing. The report before us speaks about the lack of planning, by the very entrance of the minority report seeking to have planning as a very strong input. It is important, particularly with a small island State and the whole question of what has been referred to within recent times—and to which our country is committed—the physical environment: the trees, the animals that we still have remaining, almost to the point of extinction, and so on. What about that? Even with all the planning, where are the forest areas or the green areas, so to speak in this whole thing? The need for the planning process is crying out more.

The Minister has said, and I respect her for it, that though there will be 7,000 persons being allocated agricultural lands—it could be less or more—what is the structure of that? What is the backward integration, as far as the marketing processes are concerned? If we were to plant the whole of Trinidad with pumpkin or even peppers according to the proper specification, as far as fertilizers, insecticides and pesticides are concerned, and export all of that to America or to the North, there is a market for it. At least they could receive it, but exactly how? What have we in place for that? I know we have exports taking place, but these are all small initiatives and I guess this is part of the entrepreneurial spirit that emerges out of people at times.

I know to some extent in certain areas that we have attempts being made by the Government, and rightly so, with some success at times, to build and foster that cadre of people, but how do we see this going back into agriculture? This is specifically what we are about, though a great extent of land has been allocated for other than agriculture, as far as development is concerned. It might be saying what all of us know already, the question of feeding ourselves. I heard Sen. Baksh make reference to Israel. If we eat a zaboca or alligator pear and throw the seed outside the window of this building and it falls outside, a tree will grow. There is

a 90 per cent chance that it would grow and we would get zaboca from it. I understand that the Israelis had taken zaboca from here and cultivated big fields with export to Spain and other areas. I have seen wide fields of bananas. I have tasted of their other fruits and partook of their agricultural products; nice, beautiful fruits, et cetera. Of course, I will find that ours are much better, but there is the question here of the initiative, the support. Plenty talk, no action or implementation.

We are moving into an area where, apparently, the ground has been pulled from beneath quite a bit of people. One would expect that being Caribbean people, with the resilience that we have had for over centuries and centuries, we would be able to meet the challenge. These are some of the things that occupy my mind. In these modern days we hear so much about meeting contingencies and planning ahead; we are in a very fortunate circumstance, in that, God Almighty has favoured us with resources in great demands, which we could monetize. The question here is that there is precious little, but there is the human input: the will, the capacity, the ability and all the other things we could pull out of the university, and we have people here with that.

This report before us, even as so many other pieces of legislation that have come before us, spells of a certain voidness; a great big void to really motivate a people to even set this up, a major decision, that is, the closing down of Caroni (1975) Limited, the changing of the economic process. It seems that we really did not have a proper grasp of it and, to my mind, this law before us bears elements of that. We might pass this, even as the Bill we did yesterday; we could set up a framework and see how it would work. The Minister gave us a very beautiful example of a bottle and trying to put a pint into it; the leftovers we will throw somewhere else. Such was the thinking process that went into that, which was the permanent variable or the major variable as against—

Earlier today I was looking at some figures being shifted around and as this report is before us, they came to my mind. One could understand if all cannot be held in Orange Grove, the overflow would go here and so on, but when we look closely at what is taking place we run up against the planning processes. I do not know if it is study avoidance, an incapacity or what have you. I recall that Dr. Roodwan Ali went through the whole soil structure in agriculture, areas in the planning process of the past. It is also my view that even as a plan is finished you have to keep it going and massage it with the new techniques and new data coming.

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One wonders about the social fallout that has definitely come; if we are going to be supportive of the efforts to push forward, because there is need for that; you are dealing with people at the lower end. Some people would have had the opportunity to merge; I guess that is why all of us are inside here. Those who are inside here have come out of that historic pool to which I made allusion yesterday when I said that if you scratch any of us for three generations you would see what we are. This is not meant to be in a negative way; where we come from is where our strength lies.

To put all that against what is before us, I think even those who are not as fortunate as some of us, I think if they feel deceived, they might not be wrong; those whose sweat and blood have gone, those who have pushed our country forward possibly by being an intelligencia coming up. This seems to be a prescription for failure. Possibly I do not have much time to go again, but whatever remains I commit it to making our country a better place. I am sure all of us here are of like feeling. Insofar as what is before us, the question of the planning process is one we should definitely bring to bear.

When I think about planning, I go back to a school definition of it: not only writing up the book, but getting it approved and having the commitment to make it go. This is an important factor. I know we could use here as a talk shop and all of that, but it is important if we have to get things going, we must have that. I am sure we have it definitely; I would not like to think that we do not, but the evidence of planning was not an integral part of the document. Even when the debate was going on firstly, that caused the emergence of this committee—great work—there seems to be a big void.

So in summary, Mr. Vice-President, I do not want sound too dreary, but this is what has impressed me about what is before us and I am sure that somewhere along the line in some way so much more could be saved by what we do, because it is a slack. If we do not have it, mistakes would be made. There is a prescription for mistakes being made or being in-built into the termination of Caroni (1975) Limited's historic exercise, the company that we are seeing the demise of. A passing era; nothing is wrong with that. It is all well and good to say farewell. The road is clear; the sun is bright and we look forward to a better future, as far as that part of our history and country are concerned.

Thank you.

Sen. Wade Mark: Mr. Vice-President, I rise to make a few comments on the report of the Special Select Committee of the Senate. We submitted a minority

report, because we felt very strongly about the direction being proposed in the majority report. We felt that in spite of some concessions, particularly the removal of the Estate Management Business Development Company from the whole administration of the land process, there are still numerous loopholes in the majority report and, as such, we could not have supported that report.

I would like to ask the Chairman of this committee whether she is aware that while this Vesting Bill was before this honourable Parliament and this matter was being debated and deliberated upon at the level of the Joint Select Committee, lands were being distributed to certain elements. [*Interruption*]

Sen. Sahadeo: Mr. Vice-President, let me clarify that issue. During the tenure of Caroni (1975) Limited, several arrangements were in place by the previous administration, even during our time when you had leases. Arrangements were entered into, there were offers and acceptances and deposits were made for some lands. During that time, a few of those leases were completed for about 15-odd places. I assure this Senate that we entered into no new or additional transactions. What we would have done was to process those transactions that were in the making.

Sen. W. Mark: Was Gilbert Park part of that arrangement? [*Interruption*] I think the hon. Minister needs to investigate this matter. We left office a couple years ago, but just recently a huge steel structure on the Solomon Hochoy Highway was constructed on Caroni land. I know the name of the individual who did it and out of respect I would not, at this time, mention the name of that person. I do ask, through you, Mr. Vice-President, whether the Minister could investigate and submit a report to this Parliament on who gave authorization to W-Connection to take control of Gilbert Park. It did not happen under us, but they are now in charge of Gilbert Park. We would like to know why, because that would have taken place while the Vesting Bill was here. [*Interruption*]

Sen. Sahadeo: If you would give way. That is right in Point Lisas, is it not?

Sen. W. Mark: Yes.

Sen. Sahadeo: That arrangement was put in place to ensure that the facility was maintained and continued to be made available for the public to enjoy the various recreational facilities. They have no leases. As a matter of fact, it is a working arrangement where they maintain the facilities and they are available to the people of Trinidad and Tobago. So it is a win-win situation; in fact, more than a win-win, in that Gilbert Park was approved by Caroni (1975) Limited for them to continue managing it, but they get no remuneration for it. They keep the facility

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intact. I misunderstood the Senator's first statement, but that is the situation at hand.

Sen. W. Mark: Mr. Vice-President, I advise the Minister to provide this honourable Senate with a report, because I could go on to other names and then I would have to sit again, she would have to respond and she would have to detain my contribution. I would prefer if the Minister can make available to this Senate a report on all the arrangements that were in the pipeline when the UNC left office and all the arrangements that they have put into the pipeline since the UNC left. We have a lot of names and I would not want to detain you. I will give her an opportunity to bring a report. I say no more on that for now.

I heard the hon. Minister, my good friend, in her contribution talking almost loosely and glibly about agro-processing and the future of agricultural development in our country. I remember that yesterday the Attorney General, when I was making my contribution, said that I just pulled something from out of the air. [*Laughter*] I laughed, but I was wondering if the hon. Minister did not do the same thing, just plucked something out of the air. When I speak I come with evidence.

Sen. D. Montano: Never!

Sen. W. Mark: I am not addressing you; I am addressing Mr. Vice-President. I am calm this afternoon. I seek your protection, Mr. Vice-President, so I can continue in that good vein so I do not get unnecessarily interrupted from that side.

We were told about some agro-processing plant that the Minister or the Government was contemplating. That is like a pipe dream. That is like whistling in the dark; the Government has no plans for agriculture. In their so-called Vision 2020, there has not been any serious provision contained, as far as my reports go. In fact, we are yet to see any reports on this so-called Vision 2020. I understand that the Prime Minister might have certain elements of it contained in his 2005/2006 Budget, as he prepares to take the country to the polls in 2006 or, possibly early 2007. [*Interruption*] He dare not do that.

My friend has ambition and I cannot object, but the reality is there is a very powerful import food lobby in this society, where they believe in an era of globalization and trade liberalization, it is cheaper to import than to grow, not recognizing that in the last three years, 700 million new consumers came onto the world consumer market, the bulk of them coming from China and India. The same goods and services that you are demanding, as a middle-income person, they are also demanding. You have a supply and demand crisis arising therefrom. It is

incumbent upon all countries to take food security extremely seriously; focus on food production.

We are importing over \$3 billion in food and food products or related products, on an annual basis. The food import bill continues to rise on a yearly basis. So when my friend, the hon. Minister in the Ministry of Finance, speaks about food processing, I mean to say, it is almost laughable, because the Government of Trinidad and Tobago, in the last four years, has done nothing to address food production in this country. In fact, what the Government has done is to slaughter, virtually, agricultural development via their premeditated, calculated and well-planned execution strategy to close down Caroni (1975) Limited. All that we had there, in terms of progress, has come to a halt.

There are so many examples in the world, if you are seeking to bring about a transition. We are all aware that since the World Trade Organization (WTO) came into existence, the rules of the game changed and all countries today are demanding reciprocity. Regions are demanding reciprocity with other regions. The European Union is now telling the ACP countries, "We are equal and you must open your market if you want to access my market." When we look at what is taking place with Caroni, we all recognize that change had to come. In Cuba changes are taking place in the sugar industry. In Belize, it is the same. In St. Kitts/Nevis, it is the same. We had to do some restructuring and we were prepared to do such restructuring when we were there, but this Government chose to close down the industry. It is like blowing off the legs of the workers, providing them with a motorized wheelchair and then asking them to express their gratitude. This is what this regime did to the 10,000 workers and their families at Caroni (1975) Limited.

You see this report we are debating here, Mr. Vice-President, even though the Government has reluctantly agreed to certain concessions, I want to compliment the Independent Senators, because if not for them standing up for the national interest in this particular matter, I do not believe this Bill would have gone to a select committee of the Senate and come back with some changes and some concessions, as the hon. Minister alluded to earlier.

I am waiting with bated breath the submission to this Parliament of the National Physical Development Plan, which we are told will come in the year 2006. I do not know what preparatory work is being done. We are in the month of August, four months before the end of the year. Next year is 2006 and I would have thought that there would have been preliminary work being conducted, because national participation is called for, public participation is called for in

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these matters. I have not seen and I have not heard anything; maybe the Minister can inform us, when she is winding up, what is happening with this National Physical Development Plan.

The Government wishes to proceed to allocate, in accordance with clause 10(1) of the Bill that is an appendix to the report. I want to compliment Sen. Prof. Ramchand. I do not want him to be discomfited in any way by the remarks made by the hon. Minister in the Ministry of Finance. Only dead men do not change their minds. [*Laughter*] So if he signed the report and he came back with an amendment, maybe he had further consultation and he felt that he had to advance this particular amendment in the national interest. What is wrong with that? I compliment him. [*Sen. Prof. Ramchand stands*] I want to tell the hon. Prof. Ramchand—[*Interruption*]

Sen. Prof. Ramchand: I am glad for any kind of support. I want to make it clear that—[*Interruption*]

Sen. Dumas: You did not consult with the UNC.

Sen. Prof. Ramchand:—the changes I have proposed do not constitute a reversal. I am simply asking for certain things that are implicit in the Bill to be spelt out and firmed up; that is all I am doing. But I am glad that Sen. Mark spoke to the issue, because I really do not consider it as fair to say that I have backed down. [*Desk thumping*]

Sen. W. Mark: That is why I made reference to the fact, because my dear friend had indicated, in her contribution earlier, as if you had back-peddled. I just wanted to indicate that you had made a submission that is worthy of consideration. This is why under the National Physical Plan, as contained in the minority report, we want to support the amendment as proposed by Sen. Prof. Ramchand. [*Crosstalk*] Yes, I am going to quote it extensively, because I am aware of it. May I draw your attention to clause 10(1)(a)(ii) which reads:

“Notwithstanding the State Lands Act the Manager shall be responsible for—

(a) the development of—

- (ii) the real estate undertakings for commercial and industrial use, as prescribed by Order of the President on the advice of the Minister with responsibility for town and country planning;”

This is a very sensitive clause. This clause made reference to the fact that lands would be utilized for commercial and industrial purposes, when the initial policy document was tabled by my honourable friend. Nowhere in this legislation are the areas, estates, real holdings or the real estate undertakings for commercial and industrial outlined or scheduled.

Initially, it was the view coming out of the policy document that close to 42 per cent of Caroni lands would have been allocated for commercial and industrial use. Out of 77,000 acres of land, that could amount of 30,000 acres of land. We would want to support the measure as proposed by Sen. Prof. Ramchand to, at least, circumscribe that flexible arrangement as contained in clause 10(1)(a)(ii) in the instance.

PROCEDURAL MOTION

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Mr. Vice-President, I move that the Senate continue to sit until completion of the debate on the report before us.

Question put and agreed to.

**CARONI (1975) LIMITED
ORANGE GROVE NATIONAL COMPANY LIMITED
(DIVESTMENT AND BUSINESS DEVELOPMENT) BILL
Special Select Committee Report
(Adoption)**

Sen. W. Mark: Mr. Vice-President, it is our view and firm conviction that 90 per cent of the lands of Caroni should be reserved exclusively for agricultural use and development. [*Desk thumping*]

Sen. Seetahal: I agree with that.

Sen. W. Mark: Clause 10(1)(a)(ii) gives to the Cabinet and the Minister responsible for the lands of Caroni, the flexibility to utilize agricultural land for commercial and industrial purposes. That is why I compliment the hon. Senator for proposing the amendment. We want to go even further and advance that whatever use is going to be made of those lands must be done within the framework of our National Physical Development Plan. That is the adjustment we would like to make to the hon. Senator's amendment. We are seeking to amend his amendment to ensure, in the interest of this country, that we do not have prime, useful agricultural lands going into usage for commercial and industrial production.

Rum is in high demand. [*Crosstalk*] I do not drink much of it. [*Laughter*] No, I do not drink much. I was watching a particular news story recently out of Brazil and

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would you believe that tens of thousands of vehicles manufactured in Brazil today are being fueled by ethanol, gasohol they call it in the case of Brazil. In other words, Brazil is using it as a by-product from sugar production, cane to produce fuel; that is now generating motor vehicles in Brazil today. You buy new vehicles in Brazil and you go to the gas pump and you are not getting the ordinary gasoline, although it is made up for both normal gasoline and for ethanol or the new fuel, gasohol. You can fill up your tank with this ethanol fuel and it drives you to whichever destination point you desire. Do you know what? Environmentally, it is much friendlier.

But we have a visionless, clueless, directionless regime on the other side. They do not have the vision to recognize that they could have kept Caroni (1975) Limited alive and retrain the workers as Fidel Castro has done and continues to do in Cuba. Re-deploy your workers; do not slaughter them. Do not blow off their legs and give them a motorized wheelchair and then want them to say, "Thank you for blowing off my legs." That is what the hon. Minister would want us to believe or would like us to accept.

Sen. D. Montano: Which part of the report are you referring to?

Sen. W. Mark: I am referring to the National Physical Development Plan, which deals with our minority report.

Sen. D. Montano: That deals with legs?

Sen. W. Mark: I have to elaborate for your edification. All I am saying to my colleagues in this honourable Senate, is that there were so many possibilities available to this country to allow the sugar industry to live and develop, but this regime is clueless.

Mr. Vice-President, I want to tell you something. Do you remember that the PNM in Opposition when we were going to sell the rum division to CL Financial? *[Interruption]*

Sen. D. Montano: It is the same matter I raised earlier. We are here; we have debated this entire thing already; we are here now to confine ourselves to the report and the amendments. I do not know why we are going on and wasting anybody's time with this. We have heard it all already and everybody had a chance to say what he or she had to say. Now we have to debate the report and the amendments; let us try to confine it to that.

Mr. Vice-President: Sen. Mark, I have to agree that we should confine the discussions to the report and the amendment, please. We did go through this debate extensively.

Sen. D. Montano: Everybody spoke.

Sen. W. Mark: I think in our debate we left out the rum division. [*Laughter*] I was trying to do that, but I will be guided.

Let us go to the Interagency Land Use Plan, which is part of the minority report of the Opposition. I want to tell the hon. Minister that I feel cheated. I was not a member of this esteemed select committee. I do not have access to the information in accordance with the Standing Orders, because I am not a member of the committee. [*Interruption*]

Sen. Sahadeo: The library has a copy here and, therefore, you can have access to a copy.

Sen. W. Mark: I think you have gladdened my heart. [*Laughter*] [*Crosstalk*] I feel comforted that it is now available. [*Interruption*] I am glad to know that we have a copy of the Interagency Land Use Plan available for consumption within the Senate. I am very, very happy about that. I do not know how long it has been lodged there, but I am glad it did arrive. We were informed by the hon. Minister in the policy document. Everything surrounding the Bill before us was anchored in the context of a report of the interagency land use planning team. We wanted to find out from the hon. Minister, in the absence of a national physical development plan, is this plan legal? If the Government is basing its whole Caroni programme on an interagency land use plan—I have a copy of the last National Physical Development Plan of the Republic of Trinidad and Tobago; this was in 1984.

6.30 p.m.

Do you know that the only plan that can guide national development under the laws of this country is contained in the preface of this particular document that I have before me? I want to quote:

“The National Physical Development Plan must be submitted for the approval of Parliament by the Minister of Finance and Planning...”

—now the Minister of Planning and Development—

“in fulfilment of the requirement of the Town and Country Planning Act, Chap. 35:01 of the laws of Trinidad and Tobago.”

So I would like the hon. Minister to recognize, and particularly the chairman of this esteemed select committee of this Senate, that we have been misled as a Parliament, to employ a plan promoted by an interagency land use planning team,

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a team which does not have the authority of law in the laws of Trinidad and Tobago.

This is why we are very strong on this matter. We are saying that if you have an interagency land use plan, this cannot be a legal plan that is acceptable. But, again, the Government wishes to cut corners and in cutting corners they improvise conveniently and, therefore, we have a plan for Caroni (1975) Limited concocted by a group of technocrats with no legal basis. That is the law that is now before this honourable Senate and they wish us to support that law. We will be supporting an illegality, because the interagency land use plan has no legal basis, so how can that govern the overall physical development of 77,000 acres of our national heritage? How can that be? It cannot be right.

The hon. Minister in the Ministry of Finance supervised and guided this illegality and has now sought to foist it, not on her Ministry alone, but on the national Parliament of the Republic of Trinidad and Tobago, and they want us to accept an illegality. This interagency task team is a phantom team! Show me in any laws of Trinidad and Tobago, the authority of this team. Where did they arrive at that authority? But do you know what? They have planned for the distribution and physical development of 77,000 acres of Caroni land.

Where is the legal basis for it, when I have before me a National Physical Development Plan saying that the only authority that can approve a plan like this is the Parliament of this country? The interagency land use plan never came to this Parliament for approval! The Minister has now admitted that they have lodged a copy in the library. It never came to the Parliament for formal approval, because they cannot bring it! It has no legal basis! And they want us to accept this report and they want us to give effect to a Vesting Bill that is based on an illegal interagency land use plan. Do you see why we had to submit a minority report? We cannot support illegality.

I go on to another section of our minority report. It deals with the State Lands Management Authority. Petrotrin has plenty land in the country, and there are a number of state enterprises in possession of thousands of acres of state lands. The Government recognizes the existence of all these lands and the Ministry of Agriculture, Land and Marine Resources submitted to the Cabinet of this country in early 2004, a State Lands Management Authority policy document. That was early in 2004. We are now almost four months away from the end of 2005 and the Cabinet of Trinidad and Tobago has done nothing to approve and to give effect to the State Land Management Authority policy document. Why? This was an important document; it remains an important document. Why, for instance, has

the Government not accepted that report? Could we get an explanation from the hon. Minister? I do not know, but maybe she would provide us with one.

We, as the alternative government of the Republic of Trinidad and Tobago, are committed to the protection, preservation, development and transformation ultimately of our agricultural lands and given the history of the PNM where, in terms of national development, they have disrespected the soil; they have disrespected the land. We do not have faith in this regime to preserve the lands. This is why we are insisting that the Parliament look at the provisions advanced in our minority report. As I said, there are certain provisions in the amendments as proposed by Sen. Prof. Kenneth Ramchand which are consistent with our minority report—not all.

I want to tell the hon. Minister to go to the minority report on page 2, under section 5—the heading is: “Protection of Agricultural Lands”—and see what is the fundamental difference between what is being advanced in the amendment as proposed by Sen. Prof. Ramchand and what we have in our minority report. Go to what is called, clause 10(1)(4) and you will see where we are saying that the lands—[*Interruption*] That is section 5. I have gone to the Bill. I was referring to the protection of agricultural land and I am saying if you look at the amendment proposed, you will see it is our proposal here. That is the point I am making, because what Sen. Prof. Ramchand is calling for here is for lands to be preserved for agricultural purposes, and what we are saying here is that these lands, the real estate undertakings vested in the State under this Act, which are not distributed for residential, commercial or industrial purposes, shall be utilized for agricultural purposes in accordance with the State Lands Act or any other written law on the subject of land use. What the Government is seeking to do is to get a blank cheque, virtually, on this particular section.

Mr. Vice-President: Hon. Senators, the speaking time of the hon. Senator has expired.

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

Question put and agreed to.

Sen. W. Mark: Mr. Vice-President, thank you very much.

Mr. Vice-President: Sen. Mark, what I was pointing out was that you said clause 10(1)(4) and the presenter said clause 10(1)(3), was it?

Sen. W. Mark: I withdraw that. Sorry about that; I made an error and I am a very big person when it comes to admitting I made a wrong. I sincerely apologize to you and the honourable Senate. But the principle that I am advancing is consistent with the amendment as proposed by my honourable colleague, Sen. Prof. Kenneth Ramchand. So what we are submitting to this honourable Senate is that we should do everything in our power to ensure that the Government does nothing to utilize prime, secondary agricultural lands for commercial and industrial purposes. We have a lot of hawks waiting.

I was born in the western part of this country. My great-grandparents occupied lands of Chaguaramas—Staubles Bay—before the Yankees came and occupied Chaguaramas. I could have been a great landlord today because of the amount of land my family had, which we all lost when the Americans came and took over Chaguaramas. There are hundreds of citizens from the Carenage community who today have lost tens of thousands of acres of land in the Chaguaramas peninsula. Do you know what is sad, when I talk about the land grab? The people who now occupy prime agricultural lands in that part of the country are not the ordinary people of Carenage. All the prime seafront properties in the Carenage/Chaguaramas community are occupied by strangers. They were never born in that area. They came and stole our lands.

Sen. D. Montano: Mr. Vice-President, I am very much in agreement with what the Senator is saying but it is really quite irrelevant to the report and the amendments. I am very sympathetic, but it is completely irrelevant.

Mr. Vice-President: Sen. Mark, please get back to the report?

Sen. W. Mark: I was hoping, in his former incarnation, as Minister of Legal Affairs, I may have approached him to give us some legal advice as to how we should go about regaining our lands, but he has since gone on to greener pastures in the Ministry of Labour, Small and Micro Enterprise Development, so I missed the boat in that regard.

In closing—*[Interruption]* Yes, because I do not have much time, unless you want to give me an extension again. Prof. John Spence, a great citizen of this Republic, a great son of the soil, an outstanding Independent Senator, has laboured long and hard in the vineyard and he has been calling, crying, imploring and appealing. This could be his last stand—not meaning anything negative—in terms of these lands, because he has always said that we should use Caroni (1975) Limited lands for the purposes of agricultural development; not for housing; not for industrial and commercial development, but for agricultural purposes. Prof.

Spence has always said, and it is recorded in report after report, that 100 per cent of Caroni (1975) Limited lands must be used for agriculture:

Sen. Yuille-Williams: No, he did not say so.

Sen. W. Mark: Well, you could correct me if I am wrong.

Sen. Yuille-Williams: He did not say so.

Sen. W. Mark: He did not say so? Well, let me tell you what I am saying. If he did not say so, I withdraw it. The United National Congress is saying that 90 per cent of agricultural lands currently controlled by Caroni (1975) Limited must be preserved for the purposes of agriculture.

Sen. Dumas: That is not true. You said 100 per cent of all lands should be held.

Sen. W. Mark: No, I have reduced it by 10. I want to quote Prof. Spence, in closing:

“Vesting of lands of the former Caroni (1975) Limited in the State does not automatically guarantee good land use.”

That is the first quote I want to share with my colleagues. The second area that he made mention of was:

“Any extensive development of Caroni (1975) Limited lands for agricultural activity other than the growing of sugarcane should not be contemplated without a similar detailed study. There seems to be the belief that one only needs to give out land and, hey presto, a diversified agricultural sector will arise. Nothing could be further from reality.”

Mr. Vice-President, I commend this report to this honourable Senate. I call on the hon. Minister who chaired this committee to take cognizance of the recommendations and suggestions as advanced in this report and to see how we can incorporate our suggestions in the final document that will be ultimately passed in this Parliament, so that we can leave before the prorogation of Parliament and the starting of a new session; we can leave here collectively, because we have done very well so far today—very, very well—and I think we should leave on a high note this afternoon, until we return next Wednesday or Thursday.

I would like to ask the chairman, Hon. Joan Yuille-Williams, to consider the recommendations in the minority report and see to what extent we can have these recommendations, along with Sen. Prof. Ramchand’s, incorporated in the final

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document, so that we can have a consensus at the end of our deliberations and debate.

I thank you for allowing me to speak, Mr. Vice-President. [*Desk thumping*]

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Mr. Vice-President, I thank the hon. Senators for their contribution this evening, although I could not tell, myself, at what stage of the debate we are with this Bill. Really, I could not understand where we were at this stage. To me, it reached, as I told the hon. Senator, where we are just about to send it to a select committee of the Parliament. That was just where we ended the last day, and that is after 10 weeks in a select committee.

When other people had their break and were on vacation, we were in the select committee working on this, and I remember Sen. Seepersad-Bachan having to defer an important trip abroad to be there with us until we concluded. She stayed because she considered the work of the committee important, and we all thought it was. At the end she said: “Tell me what time the Bill will return to the Senate because I want to plan my schedule.” She had to reschedule her trip because she had faith in this parliamentary procedure called a select committee. I am beginning to wonder whether a select committee makes any difference to the proceedings here, if it helps us to get any closer to where we were, because if after 10 weeks you are just where you started, or even further backward—because of what I heard today, we almost want to restructure the entire thing; worse than anything else, go over the entire policy. This is where we ended on the last day, and I think at some time we have to be professional. We are politicians, but we have to be mature in what we are saying and at least understand that we need to move on. If we continue functioning like this we will do nothing, and I think some people probably do not want us to do anything; not even to get on with the job at hand. But we intend to get on with the job at hand.

As I said before, I am saddened this evening—

Sen. Jeremie: That is Wade Mark. He does not want us to go home.

Sen. The Hon. J. Yuille-Williams: It is not just going home. I am a member of the inter-ministerial committee on Caroni. I said this before. I think I was put there because of my interest in the people, because I always used to ask pertinent questions. I am no agriculturalist, although with due respect to Sen. Prof. Deosaran from the university, I did agricultural management, but I would put that aside. We all went there and did that little extra course to ensure that we had all bases covered. But at the same time, people were there and their lives were affected and I took an interest in it.

I was put on the committee and I think I am one of the persons who go quite regularly to the committee meetings and make my contribution. That is how, when the sugar museum was handed to us, I had my director work with Caroni on that project. Questions were asked about who was given land; housing, et cetera; I took part in all the debates. I looked at everything.

I want to compliment those who did this work. It is the first time I have gone to a committee and got such good documentation after all the proceedings, that is, the inter-ministerial committee. I want to compliment those from the secretariat of that committee. It was professionally done and it was the most transparent process I have seen. I am quite sure you have seen some of the documentation and you can read what happened from session to session; you can see how things progressed and hear what everybody said. I do not know how they do it—tirelessly. Every time we went to a meeting we received a whole booklet like this with all the details. Regardless of what you say, the process involved was very transparent and I think that is what knocked a lot of people out, the transparency of the whole process.

Therefore, we had reached a stage when we came here with this Bill—and let me just say, this Bill was just to vest some lands in the Government. Good grief; that is what it was. I was just telling my colleague, if we had just done that and not tell you what we intended to do otherwise, we would not have been here all this time. We did not have to divulge what other arrangements we were going to make. We could have just vested the land in the Government and gone merrily along, but we did not do that. We said how we were going to set up some management body; what we would do with some of the land. We put it on the table; we did not hide it and we thought that the Parliament would have appreciated our honesty.

Having seen the plan, some people made comments on it and said: “Well, we probably do not like that, let us see what best we can do with it” That is what brought us to this stage. You wonder now whether people appreciated transparency and honesty. We had a policy on what we would do with the restructuring of Caroni (1975) Limited. We took our policy forward; we did it. You cannot blame a government for doing something that it felt it should do. That is why we were put here. When they were here they had their own plans to fulfil; they did what they had to do. Now we are here, we said we are doing it and we did it and we brought things here before you. So that has been done and we kept our promise. As you are reading every day, we kept the promise and people are faithful to it. [*Desk thumping*]

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If you could only see how happy some of those people are. In fact, the problem in Trinidad and Tobago now is that a number of people wished they had worked at Caroni (1975) Limited, because they would have loved to be able to get two acres of land, plus residential lots, plus an enhanced VSEP, plus training. [*Desk thumping*] Do you know how many people wished they had that? You would hear everybody now telling you when they came, where their forefathers came from and why they should be part of it. That is what is happening now. So just be careful of what you are saying, because the people out there are extremely happy.

We are vesting the land and that is what we intended to do, so we had this select committee. Let me just say, thought we had faith in the committee. A committee is structured—Independent, Opposition Members and Government. So I was very surprised this evening when I heard one Senator say that he was not a Member of the committee and therefore probably he could not make his contribution. But that is not true. When I leave the select committee I go and talk with my colleagues. We discuss what we have to do and I come back with a position. When your colleagues who were there leave, why do you not talk with them? I did not know you had something between you. You do not have to tell us in the Parliament that you do not talk to each other. That is your private business! So when you come here with a whole new restructuring, which you felt should have gone into this, you had the opportunity to do so through your colleagues who were there. They represented you! Therefore do it! But do not come here to say that you did not have that opportunity.

Let me say that they were at the committee meetings and I want to congratulate your colleagues for the contributions that they made. They were very sincere contributions. They brought memoranda from groups that did not want to come forward to us. Let me tell you, if you think there were a lot of people out there willing to talk about this Vesting Bill, you would be disappointed. We only had about three people, as we said, coming forward and two or three pieces of memoranda. So that all this hype you are making here, that is all the committee had and we worked with it. Your colleagues also brought in part of it and gave their contribution. Then we had the Independent Senators who were there and who also made their contribution to the committee.

I am saying that you had an opportunity then, so to come here this evening and discuss how 90 per cent must go this way, it is too late and out of turn. That is not what we are talking about; that opportunity has passed. Do not keep us doing that at all at this time. So let us move on. I must say that I was a little disappointed because we had been very honest with the entire population and the Parliament.

One of the things that I noted, before we even left here, we knew that the management and the manager would cause a problem. I said it in the select committee. A lot had to do with the person as well. I do not know if somebody else filled that post, whether or not we would have been so nervous. But a lot had been said about it. I said in the committee, let us try not to think about who is in the position, let us think about the position and what was happening, and we definitely shifted and we ensured that what that body was going to do was defined. It is in the Bill. I do not think that anybody felt uncomfortable in the end. In fact, we had consensus where that was concerned.

Everybody talked about Prof. Spence. He came and left quite happy and he is still happy. Prof. Spence said: "The vesting of lands in the State is welcomed." That was the first thing he said. With respect to the management of land he said: "There is no difficulty with the land that is set aside for built development." Prof. Spence did not say everything was for agriculture. He said: "There was no difficulty with the land that is set aside for built development. There is no problem with the area set aside for the distribution to Caroni workers." The same Prof. Spence that they talked about said that. However, he cautioned careful planning should be undertaken on how the development should occur. That is wisdom coming from one as gracious as Prof. Spence.

Some people are complaining about two acres of land. The same Prof. Spence said: "The distribution of the two-acre plots to former Caroni workers would encourage the production of high-priced crops otherwise they may be no more than backyard gardens." He went on to say certain things as he talked about the EMBDC. He said they did not have the expertise and, therefore, we recognize that and we moved certain things away.

So as far as I am concerned, Prof. Spence was comfortable, to some extent, with what had happened. He also said that the management of the residue of the land should be under the Government and not a private enterprise. I am just saying that we went to that select committee; we spoke about it; he asked us about some of the schedules that should come in. If you look at the Bill now, we did not have these schedules. We took some time, and thanks to the secretariat of the Divestment Committee on Caroni (1975) Limited, we were able to get the schedules. So we worked for 10 weeks and we thought we had accomplished something. I thought we had some consensus. So I came here this evening to get final acceptance from Parliament to bring the report. Parliament had a chance. We went over the whole debate again.

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Of course, I know that Sen. Prof. Ramchand would have admitted already that I was a bit disappointed, but Sen. Baksh, I probably did not conceal my disappointment. But it happens and we needed to go on with it. The reason for that is that we sat there and I thought we had come to some kind of consensus. Unfortunately, the hon. Senator probably had second thoughts, or third, and he wanted something else as a matter of caution. But sometimes I wonder—

Sen. Prof. Ramchand: Mr. Vice-President, just to clarify. In the amendments that I myself have proposed, I did call for a certain specified number of acres to be reserved for agricultural purposes and in the amendments proposed by Prof. Spence, the same requirement was put forward, that he wanted a certain acreage to be reserved for agricultural purposes and he wanted a schedule. I do not think he has changed from that position and he and I are in constant conversation about it. We always wanted a schedule dealing with the acreages reserved for agricultural purposes. I have never changed my mind about that, and on the last day of the meeting when I knew we had to get a report in, I knew if I had stuck out and said, no, no, no, we must put in for agricultural purposes here, we would not have been able to put in the report. So I decided to let it go and put my caveat. But this is not a new thought or a second; it has always been my wish and it is a wish that Prof. Spence also has, since he is being quoted all the time, that a certain percentage of the land should be reserved for agriculture and there should be a schedule listing those.

Sen. Dumas: That is not how public policy is made.

Sen. The Hon. J. Yuille-Williams: The Professor also asked that we have another schedule in which we state the commercial industrial areas. Let me ask you something. You are making a schedule for commercial industrial areas, you do not have a government that can decide that a certain amount of land was reserved for that? You do not give the Government the opportunity to decide what is commercial and what is industrial? You are the same person, Sen. Prof. Ramchand, who said that you could put something in and then you could change it by law. Why not go through that? If you could admit in the Parliament that you could come here today, do what you have said, and then if you do not like it later on, change it, well let the Government try to do what it can do successfully. Give the Government a chance to do what it says. This is where the Government is now! Give us a chance to do it! [*Desk thumping*] Then somebody else could come and change it. Why do you not let us put what we want and then you change it? This third schedule is just being too restrictive.

Sen. Prof. Ramchand: I am quite willing to give up the notion of the schedules if I get “for agricultural purposes” and the schedule for agricultural

purposes. That is the key issue, that if we have the phrase “for agricultural purposes” and the schedule, I would still be worried about the other thing because the threat is stated in this post-Caroni document that 42 per cent of the land is suitable for built development. It is also stated in this document that in the interim 9.5 per cent is allocated for “built”.

Clearly, I am not asking them to go and reinvent anything; it has already been determined that 42,000 acres can be used for built development, and it has already been decided that for the time being, 8.5 per cent would be taken. So all I am saying is, tell us what you are doing so we will know if we have to fight. If you take the 8.5 per cent and when the National Physical Development Plan comes you decide, “well, we are going for more”—I am not saying every day you come and change a law. All laws change as situations change and it is admitted in all the Government documents, that we cannot really make a final determination until the National Physical Development Plan is completed.

So after that, come back and change the 8.5 if you like. [*Interruption*]

Sen. The Hon. J. Yuille-Williams: Mr. Vice-President, the one thing I would not do again is to be chairman of a select committee, especially when you take your work seriously and you take those who work with you seriously in the job that they do, because after all of that you wonder what happens at the end of it. We have gone through this—and I am not going to go through it again. We have talked about it; we have worked with it and there is now an opportunity for the Government at least to govern.

I just want to look at one area here, clause 10(3). As far as I know, the minority report asked us to put in “for agricultural purposes”. We had a long discussion on that and I am telling you the advice we got was that lands are graded from one to seven. You can quote me wrong if I did not hear that from the select committee. I think they said, six and seven were deemed unacceptable, and we were advised, if you put that in “for agricultural purposes shall be” it means from one to seven, we would have put into agriculture. I wonder if you understand. They said six and seven were unacceptable and if we demand that in this legislation, it means from one to seven—whether seven should be for forestry or whatever—we are saying that should be for agriculture. Therefore, what was done, that was not put in. The rest, “in accordance with the State Lands Act or”, and the “or” for any other thing that might be there that has to do with land use, “or any other written law on the subject of land use.” It was as wide as possible so we could not circumvent anything. That was the discussion when we sat there and we worked it out. Therefore, that is how it came up.

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“The real estate...vested in the State under this Act, that are not distributed for residential, commercial or industrial purposes shall be utilized in accordance with the State Lands Act or any other written law on the subject of land use.”

That is it. And you heard when we were advised by those in agriculture about this grading of one to seven, and that is why that was there.

So I wanted to tell you that we had some honest discussions there; we had some honest advice from people who know about agriculture, and that is what we came up with, and we really want to stay with it. We have worked hard; we have reached this far; we feel that we had done a service and there is nothing I see at this point that we need to do to change anything that we have already done.

Sen. Prof. Ramchand: Mr. Vice-President, just for the record, I want to state that when those classifications were forwarded, I was intemperate enough to call them bogus; that I disputed the criteria used by the inter-ministerial committee for arriving at the classifications, and I still do dispute that. So it is true that in the end I compromised but I always disputed—in fact I feel that one of the great needs in the country where people who really know about land and really know about drainage and really know about soils to form a committee to do a proper survey of the land to contribute to the land use plan. I never agreed that the people who did that had sufficient experience and qualifications to do it.

Sen. The Hon. J. Yuille-Williams: Mr. Vice-President, this is where we are at this time. This is where we have come. We have been satisfied. I have looked at all the people who signed the report; I felt that the committee had done a good job; an honest job. We tried our best to satisfy as many persons as we could, and I think the Government would really like to ask this Senate to support the Bill in the form in which it is at this point. I do not see any other areas which I would want to comment on at this point in time.

Therefore, I beg to move. [*Desk thumping*]

Mr. Vice-President: Hon. Senators, in going forward, I must first put the question on the amendment to the Motion and if the vote is in favour of the amendment, then we go to committee to examine the amendments and move forward. I want you to have that very clear, please.

Question, on amendment, put.

Ayes: 6

Noes 15

AYES

Mark, W.

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Baksh, S.

Kernahan, Dr. J.

Montano, R.

Gopeesingh, Dr. T.

Ramchand, Prof. K

NOES

Yuille-Williams, Hon. J.

Jeremie, Hon. J.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Gift, Hon. K.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Hackshaw-Marselin, Mrs. J.

Williams-Smith, Mrs. M.

Janniere, R.

De Silva, B.

Cropper, Mrs. A.

Sen. Prof. Ramesh Deosaran and Sen. Bro. Noble Khan abstained.

Amendment negatived.

Question put and agreed to.

Report adopted.

Question put and agreed to, That the Bill be now read the third time and passed.

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Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Mr. Vice-President, I beg to move that the Senate do now adjourn to Monday, August 29 at 1.30 p.m.

Sen. Mark: Mr. Vice-President, before you put that to the Senate, may I inform you that we have, on our side, two Motions outstanding in the name of Sen. Dr. Kernahan and one in the name of Sen. Sadiq Baksh. I would like to serve notice on the Government to have the relevant Ministers present for those particular matters on Monday because I understand Monday might be our last day. So I want to serve notice that we intend to pursue those three Motions on Monday, so they are bringing their Ministers to respond to our Motions.

Just one more thing. Hon. Acting Leader of Government Business, we were just wondering on our side why could we not choose, with your leave and support, Tuesday instead of Monday, because you know normally we have been going consecutively—Wednesday, Thursday and Friday. So we were suggesting to the hon. Minister, seeing that we normally meet on a Tuesday—we know Independence is on Wednesday, but we would like to suggest to the hon. Minister that we continue along with our Tuesday, because we have been here for a very long period.

Sen. The Hon. J. Yuille-Williams: Let me just tell you something. There are two reasons. Of course, Wednesday is the holiday and we might go until midnight on Tuesday night and we might have to say a “Happy Republic to everybody”, and we want to avoid that. But on a more serious note, the Parliament itself would have liked to close now because they want to do some extensive work. I think the library is flooded. In fact, we are a little saddened that we have to be here. We had hoped to vacate here today so that they could have started their work, and that is an overpowering reason and we wanted to bow to what they said.

Sen. Mark: So we are finishing on Monday then.

Sen. The Hon. J. Yuille-Williams: Yes.

Mr. Vice-President: Hon. Senators, in keeping with a promise that I made earlier in the week and I had to repeat it on another day after I made the first promise, I had decided to take a decision on the written answers to questions that were supposed to be circulated in the Senate. I have sought answers from every source and, in fact, the Presiding Officer does not have the authority to instruct

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that the answers be provided within any specific time. The Presiding Officer does not have that authority. I am sorry about that but that is how it is.

Sen. Mark: The honourable President of the Senate, Sen. Dr. Linda Baboolal, did rule, and it is in writing, according to the *Hansard* record, that 28 days—I ask you to get the record because when I raised it earlier she, in fact, specified a time frame for responses to written answers to questions—28 days. It is there. That is a ruling of the President. [*Interruption*] It is not a question about wrong; it is there on record. So I just ask, through the Clerk, if you can get the *Hansard* where the President of the Senate ruled that 28 days is given for written responses. I just want you to do the research and on Monday we can speak.

Sen. D. Montano: Mr. Vice-President, I have no such recollection and in any event the Standing Orders are very clear. If that is so, then the President, in fact, is in error and she would have been acting outside the Standing Orders. The Standing Orders are very clear and your ruling is quite accurate.

Mr. Vice-President: Hon. Senators, I would certainly like to go into it in more depth, even though it is for my own information.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.25 p.m.