

Leave of Absence

Tuesday November 02, 2010

SENATE

Tuesday, November 02, 2010

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Senators The Hon. Brig. John Sandy and Mary King and Sen. David Abdulah, who are all out of the country.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Professor George Maxwell Richards, T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MS. LYNETTE ABRAHAM

WHEREAS Senator Brigadier John C. E. Sandy is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, LYNETTE ABRAHAM, to be temporarily a member of the Senate, with effect from 2nd November, 2010 and continuing during the absence from Trinidad and Tobago of the said Senator Brigadier John C. E. Sandy.

Senators' Appointment
[MR. PRESIDENT]

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Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 1st day of November, 2010."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MR. SYLVESTER PETER RAMQUAR

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, SYLVESTER PETER RAMQUAR, to be temporarily a member of the Senate, with effect from 2nd November, 2010 and continuing during the absence from Trinidad and Tobago of the said Senator Mary Kathleen King.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 1st day of November, 2010."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MR. AKINS VIDALE

WHEREAS Senator David Abdulah is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, AKINS VIDALE, to be temporarily a member of the Senate, with effect from 2nd November, 2010 and continuing during the absence from Trinidad and Tobago of the said Senator David Abdulah.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 1st day of November, 2010."

REVOCATION OF APPOINTMENT

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: SENATOR TED ROOPNARINE

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President acting in accordance with the advice of the Leader of the Opposition, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, TED ROOPNARINE, to be vacant, with effect from 31st October, 2010.

Revocation of Appointment
[MR. PRESIDENT]

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Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 28th day of October, 2010."

SENATOR'S APPOINTMENT

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MR. TERRENCE DEYALSINGH

In exercise of the power vested in me by paragraph (b) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, TERRENCE DEYALSINGH, a Senator, with effect from 1st November, 2010.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 28th day of October, 2010."

OATH OF ALLEGIANCE

Senators Lynette Abraham, Sylvester Peter Ramquar, Akins Vidale and Terrence Deyalsingh took and subscribed the Oath of Allegiance as required by law.

**JOINT SELECT COMMITTEES
(APPOINTMENT OF)**

Mr. President: Hon. Senators, I have received the following correspondence from the Speaker of the House, Hon. Wade Mark, dated November 01, 2010:

JSC Appointment of

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“Appointment of a Joint Select Committee

At a sitting held on Friday October 29, 2010, the House of Representatives agreed to the following resolution:

‘BE IT RESOLVED that this House appoint the following six Members to serve with an equal number from the Senate on the Joint Select Committee on Parliamentary Accommodation established to consider essential guiding policies related to Member and staff accommodation during the Restoration of the Red House Project and report to both Houses from time to time:

Mr. Steven Cadiz, MP

Mr. Rudranath Indarsingh, MP

Ms. Ramona Ramdial, MP

Dr. Delmon Baker, MP

Dr. Keith Rowley, MP

Mr. Colm Imbert, MP’

Accordingly, I respectfully request you cause this matter to be placed before the Senate at the earliest convenience.

Respectfully,

Hon. Wade Mark, MP

Speaker of the House”

Another letter of November 01, 2010:

“Appointment of a Joint Select Committee.

At a sitting held on Friday, October 29, 2010, the House of Representatives agreed to the following resolution:

‘BE IT RESOLVED that this House appoint the following six members to serve with an equal number from the Senate on the Joint Select Committee established to consider and report on the Legislative Proposal to provide for public procurement and disposal of public property together with the Legislative Proposal to repeal and replace the Central Tenders Board Act:

JSC Appointment
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Mr. Prakash Ramadhar, MP

Dr. Tim Gopeesingh, MP

Mr. Herbert Volney, MP

Mr. Collin Partap, MP

Dr. Keith Rowley, MP

Mr. Colm Imbert, MP'

Accordingly, I respectfully request that you cause this matter to be placed before the Senate at the earliest convenience.

Respectfully,

Hon. Wade Mark, MP

Speaker of the House"

The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, I crave your indulgence to indicate that this matter will be dealt with later in the proceedings.

PAPERS LAID

1. Census (2011) Order, 2010. [*The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday)*]
2. Annual Report of the Teaching Service Commission for the year 2009. [*Sen. The Hon. S. Panday*]

1.45p.m.

ORAL ANSWERS TO QUESTIONS

Mega Farms (Details of)

1. Sen. Penelope Beckles-Robinson asked the hon. Minister of Food Production, Land and Marine Affairs:

Could the Minister indicate whether the Government will continue to operate the mega farms established by the last administration for the purpose of agricultural production and farmer training or whether the mega farms will be used for any other purpose?

The Minister of Food Production, Land and Marine Affairs (Sen. The Hon. Vasant Bharath): Thank you, Mr. President. The Government of the Republic of Trinidad and Tobago embarked on a programme of establishing 15 commercial (large) farms, under the Commercial (large) Farm Programme, more commonly referred to as the Mega Farm Programme, some years ago.

In the initial programme, as initiated by the previous government, the programme was originally configured to be as follows: 12 privately-funded, managed and operated commercial farms; two government-funded, managed and operated commercial farms; demonstration and training facilities and one privately-funded commercial demonstration farm with demonstration and training facilities. Upon assumption of duties, the hon. Minister of Food Production, Land and Marine Affairs undertook a review of the programme with the following objectives in mind; namely:

1. to ascertain whether the programme constituted was in alignment with the goals and policy objectives of the new administration;
2. to determine whether the programme should continue and, if so, in what form;
3. to determine whether the private agri-investors allocated these large farm sites were still interested in participating in the programme;
4. to determine the current status of progress of the programme;
5. to ensure that the large commercial farms do not in any way compete with and negatively impact or even result in the demise of small producers; and
6. to determine whether the Government-funded, managed and operated farms, with demonstration and training facilities, are the best investment options of the Government at this juncture.

In pursuit of the above, the hon. Minister of Food Production, Land and Marine Affairs met with all relevant stakeholders regarding the programme and also visited the Tucker Valley Farm project, the PCS Nitrogen model demonstration farm and also one of the privately-funded, managed and operated commercial farm sites. It is based on this assessment of the programme that the following was decided:

1. The Government will continue with the commercial (large) farm programme, but in a modified form.
2. The State/private sector partnership arrangement for the nine farm sites already allocated under the programme will continue.
3. The areas of focus for production on these farms had been agreed upon, based on the proposal submitted by the respective investors. Leases on these farm sites will be prepared so as to obligate the agri-investors to produce along the lines of their investment proposals, failing which the State will exercise its option to revoke the said leases forthwith. Any change in focus will require prior approval by the Ministry of Food Production, Land and Marine Affairs.
4. The Ministry of Food Production, Land and Marine Affairs will employ a system of continuous monitoring and evaluation of the operations on each farm. This will ensure that the types of commodities being produced and its levels of output are in keeping with the improved production plans and are of equal importance and are conducted with the requisite environmental and human health standard.
5. The four remaining unallocated (large) farm sites, namely Picton: 1, Picton: 2, Picton: 5 and La Gloria: 2 will be advertized for private agri-investors to partner with the Government in pursuing food production activities that are in tandem with the areas of focus with the Ministry of Food Production, Land and Marine Affairs.
6. The original plan for the two government-funded, managed and operated commercial farms with demonstration and training facility, namely the Tucker Valley and the Mon Jaloux Farms, is currently being revised. A decision would be made as to the approach to be pursued, with respect o these farms, November 30, 2010.
7. The privately-funded and operated PCS Nitrogen model demonstration farm will continue to provide farmers with training and demonstration in modern and sustainable approaches to food production.

Thank you.

**Family Court Pilot Project
(Details of)**

Sen. Penelope Beckles-Robinson asked the hon. Attorney General:

- A. Could the Hon. Attorney General indicate whether the Government will be continuing the Family Court Pilot Project?
- B. If the answer to A is in the affirmative, could the Attorney General indicate when will the legislation for the establishment of the Family Court be brought before Parliament?

The Attorney General (Sen. The Hon. Anand Ramlogan): Thank you very much, Mr. President. In response to the first question, the Family Court Pilot Project has come under review and scrutiny since its introduction in May 2004. In fact, the Chief Justice of the day had established the Family Court Monitoring Committee which had examined the operations of the court and reported on the many challenges and successes thus far.

The delivery of justice to all, the protection of fundamental rights of family units, particularly those women and children in the Republic of Trinidad and Tobago, are of paramount importance to this Government, and, as such, it is necessary to continue the Family Court Pilot Project until the court is properly established as a new division of the High Court of Trinidad and Tobago.

The pilot project has received strong support in the Judiciary and, as such, roll-out plans to expand the services currently offered at the Family Court in Port of Spain are well underway. This has been accomplished by the establishment of another Family Court, I am proud to say, in San Fernando and possibly and hopefully one in the near future thereafter in Tobago. The public has shown confidence in the court's ability to provide better access to justice and, hence, the Government will continue this pilot project.

In response to B, the Family Court Bill is an integral part of the roll-out plan of the Family Court Project. The Bill seeks to officially establish the Family Court by vesting jurisdiction for all family and juvenile matters in what would be a new division in the High Court of our country. The matter of how soon this legislation can be brought for the consideration of this honourable Chamber cannot, however, be answered in a vacuum. We must consider the meandering and unfortunate history of the development of this very important piece of legislation under the former administration.

It was the UNC administration that first brought the Family Court Bill to Parliament in 2001, as it was the vision of that administration to provide such a court for the protection of the rights of children and mothers in Trinidad and Tobago. This Bill was part of the original package of children legislation under that administration.

The 2001 Bill had lapsed in October of that year and was not brought back to the Parliament until some six years; that was later in 2007. This version of the Bill lapsed on September 28, 2007 and the Bill was again reintroduced in 2009. Once again, it was allowed to lapse in 2009, with no explanation being offered by the former administration as to why this important piece of legislation took some nine years since its inception and was yet to be enacted as part of the laws of Trinidad and Tobago.

The very nature of this piece of legislation warrants, as a matter of necessity, that all the relevant stakeholders be properly consulted before a Bill such as this is reintroduced in Parliament. The list of appropriate stakeholders would include the Judiciary; the Family Court Committee; the Family Court Monitoring Committee; the Board of Management of the Children's Authority; the Law Association, the Assembly of Southern Lawyers and many other interest groups with a stake in a matter such as the new Family Court.

With the various incarnations of this Bill, it had gone through from 2001—2009. During that eight-year period, there appears to be some apparent inconsistency and disparity in the versions that were meant to include the views of the aforementioned stakeholders in the administration of justice, and this would be in the 2009 Bill, after it was reintroduced, after it was allowed to lapse. Even after its reintroduction under the former administration, there were several fundamental flaws with this Bill. It is for that reason, I rather suspect, the Bill was allowed to silently lapse and mysteriously make its way out of this Parliament.

In fact, the Chairman of the Family Court Committee, Ms. Stephanie Daly, had written to the former Attorney General, my predecessor, on July 17, 2009. Ms. Daly expressed strong concerns of her committee, in relation to the version of the Bill that was being debated in the Senate in July 2009. The concerns expressed in her letter were, in fact, endorsed and supported by the Chairman of the Family Court Monitoring Committee and echoed by the members of the Board of Management of the Children's Authority. You may note that these are key stakeholders in such a Bill.

These concerns, to make matters worse, were also echoed and shared by the Judiciary. It is clear that the last version of this critical piece of legislation was, perhaps, rushed without the necessary proper stakeholder consultation.

The present administration, by no means, will take a slapdash approach and rush such an important piece of legislation, having regard to its long and unfortunate meandering history in this nation's Parliament. As such, the last three versions of this Bill, from 2007, 2008 and 2009, which were approved by two former Attorneys General in the past administration, must now be reexamined, with a sense of urgency and purpose, with proper consultation, in a manner that would reconcile it with all the submissions from the necessary stakeholders, so that a new legislation can be reintroduced to this nation's Parliament as a matter of extreme urgency.

It is, therefore, the intention of my Ministry to establish a Working Legislative Committee, comprising all relevant stakeholders, to review the underlying policy of the 2007, 2008 and, indeed, 2009 Bills and to finalize a Bill which would be in accordance with the objectives of the Judiciary and also the Government. May I say that this new Bill will receive the utmost priority and urgency that the matter deserves, having regard to what transpires in our society at present. This is a matter of fundamental importance to the administration of justice and the Family Court in Port of Spain has become a beacon of success.

Thank you very much.

**JOINT SELECT COMMITTEES
(APPOINTMENT OF)**

The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, I beg to move the following Motion:

Be it resolved that this Senate appoint the following six Members to serve with an equal number from the House on the Joint Select Committee established to consider the Legislative Proposal to provide for public procurement and disposal of public property together with the Legislative proposal to repeal and replace the Central Tenders Board Act:

Mr. Anand Ramlogan

Mr. Kevin Ramnarine

Mr. David Abdulah

Oral Answers to Questions
[SEN. THE HON. S. PANDAY]

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Mr. Faris Al-Rawi

Mr. Elton Prescott SC

Dr. James Armstrong

Question put and agreed to.

2.00 p.m.

Sen. The Hon. S. Panday: Mr. President, thank you very much. I beg to move the following Motion:

Be it resolved that this Senate appoint the following six Members to serve with an equal number from the House on the Joint Select Committee on Parliamentary Accommodation established to consider essential guiding policies related to Member and staff accommodation during the Restoration of the Red House Project and report to both Houses from time to time:

Mrs. Mary King

Mrs. Rudrawatee Nan Ramgoolam

Mr. Embau Moheni

Mr. Faris Al-Rawi

Mrs. Helen Drayton

Dr. Rolph Balgobin

Question put and agreed to.

LAND ACQUISITION

The Minister of Food Production, Land and Marine Affairs (Sen. The Hon. Vasant Bharath): Mr. President, I beg to move the following Motion on the Order Paper standing in my name:

Be it resolved that this Senate approve the decision of the President to acquire the lands described in Appendix I for the public purposes specified.

Mr. President, the People's Partnership manifesto laid out, very clearly, concisely and, in fact, lucidly, its initiatives and, indeed, its objectives, for a secure, prosperous and sustainable nation, guided by the underlining principle that the highest mission of a society is the development of its people. That means, as we leverage our resources and apply our best efforts and, indeed, as we put our

best feet forward, we do so in such a way that we produce more than we consume and, as we develop, we do so in full knowledge that we must protect our environment and that such development that we acquire, over a period of time, must always secure and never imperil the interests of our future generations.

Mr. President, sustainable development requires governments to provide public facilities and infrastructure that ensure safety and security; health and welfare; social and economic enhancement; and the protection and restoration of our natural environment. However, in order to provide these facilities, the Government must have access to lands to enable it to invest them into roads, bridges, schools, hospitals, health care centres, water and sewerage facilities and for the protection against flooding and watercourses.

In most cases, these lands belong to the State and we are, therefore, able to move with a degree of alacrity and speed in achieving the goals that we set out, and that we in the People's Partnership see for ourselves in the short, medium, and long term.

It has enabled, as an example, the People's Partnership Government, in the last 180 days, to erect several Bailey bridges across Trinidad and Tobago; to pave and to build several kilometres of road and repair roads; to dredge and to widen several watercourses; to provide lighting at over 20 recreational facilities in Trinidad and Tobago over the last 180 days; and to provide greater water supply across the country.

In fact, as I mentioned in the other place last week, with the kind permission and authority of the Ministry of Public Utilities, last week Thursday Cabinet approved the sum of \$1.3 billion for works to take place at WASA to improve the production from water sources, as well as to repair, replace and maintain transmission and distribution mains to allow WASA to be in a position to provide a better service to its customers on a daily basis. [*Desk thumping*]

The access to lands has also allowed us to continue our school building programmes. In agriculture, we are in the process of returning several thousand acres of arable, fertile agricultural lands for its primary purpose, which is, to grow food for the citizens of Trinidad and Tobago and to return us, hopefully, sometime soon, to a food secure nation. [*Desk thumping*]

Lands, I might add, that were nefariously earmarked for other purposes, it would have appeared under the previous regime—as I mention that matter, I just want to divert for a short moment, with your indulgence, on the issue of the

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EMBD, because I do not want it to be a troubling issue on the minds of people as to why certain contracts have been stopped at the EMBD.

As you know, and as this honourable Senate is aware, the EMBD was one of those special purpose companies set up under the previous regime, presumably, to fast-track certain projects, but, because of the lack of procurement procedures in place, the EMBD, like many other special purpose companies, has found themselves in trouble having bypassed regular procurement processes and, as a direct result, risk several billions of dollars of taxpayers' money.

The situation with the EMBD is this. The EMBD entered into 10 contracts with contractors across the country in the last 90 days leading up to the election date—after the election date was announced until the election date on May, 24, 2010—10 contracts totalling \$1.1 billion were entered into by the EMBD.

Now, I want to make it categorically clear that those contracts have not been stopped. They have been put on hold until the new board is put in place, which is imminent, for them to determine two things: the validity and legality of those contracts and, secondly, whether, in fact, it is the policy of the new Government to continue to utilize good, arable, fertile land for the purposes of putting down houses. Those are the reasons those contracts have been put on hold until the new board comes in.

I also want to let you know that, in the last four years, the EMBD engaged in several contracts that for one reason or another were stopped midway, costing the taxpayers millions of dollars. In fact, there is one at Woodland and one at Hermitage. Initially, the contract value was for \$14,973,739. Having expended \$14,366,079, which is almost all of the contract value, the contract was halted and stopped, and no work continued on that project and the project was abandoned.

Sen. Ramlogan: Where is that?

Sen. The Hon. V. Bharath: That is in Woodland.

Sen. Ramlogan: South?

Sen. The Hon. V. Bharath: South, yes.

Sen. Ramlogan: Oh my!

Sen. The Hon. V. Bharath: Another contract in Hermitage, where the value of the original contract sum was \$12,168,848.92, after having spent \$9,087,842 that contract was stopped and, again, no work was continued. So, those are just two examples of contracts which almost ran their full course before actually being

halted completely with no value to the consuming fact. Mr. President, \$32 million worth of work was actually halted as a direct result of that. So, hopefully, that clarifies the position on the EMBD and as to why those contracts have been put on hold until the new board comes in to make an assessment.

Coming back to the point I was making, access to land, as far as the State is concerned, also allows us to get involved in the infrastructural work that we need to do. As an example, in agriculture, we have plans to put in 100 retention ponds, starting in January, that would hopefully provide the necessary irrigation that the country requires for agriculture. [*Desk thumping*]

I have written personally to all Members of the House, including those on the other side—I hope they have received those communiqués—asking for information on access roads. Access to land allows us to put down access roads throughout the country that we require also for agricultural purposes, to allow farmers both to get into their lands to plant their crops as well as to get out of their land and to get their products out to market.

So, it is important that the Government has access to large patches of land, whether it is State land or otherwise. This is in keeping with the People's Partnership manifesto pledges of creating a sustainable environment and creating sustainable development in the long term for the people of Trinidad and Tobago.

In fact, in many countries across the globe, governments acquire land compulsorily for the purposes of agriculture, so that they can put more land into food production.

When we came into the Ministry, we found that large amounts of acreage of lands in Trinidad and Tobago across the country had been underutilized, and was not used principally for agriculture. In fact, many thousands of acres had been abandoned. Upon investigation, what we found was that, in the majority of cases, a number of persons were not cultivating their lands simply because they were not able to access the incentives offered by the Government to be able to cultivate their lands, because they were not registered farmers—they were not regularized—through no fault of their own.

In fact, in the Ministry, we have thousands of leases backlogged and backed up, and people are unable to be regularized and they are unable to get their leases. People have come to me having waited 30 and 40 years. Their great grandparents have passed away; their grandparents have passed away and their parents have passed away, and they are still awaiting the leases on these pieces of land. As a result of not having these leases, and as a result of not begin regularized, they are

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not able to access the incentives that the Government has always offered; whether it is incentives relating to agriculture; capital equipment; the ability to go to the Agricultural Development Bank to get soft loans; the ability to fund the tilling of the land or the preparation of the land and fertilizers. These incentives were not available to many persons, because they were not regularized tenants on their land nor did they have any tenure relating to those lands.

So, I want to announce to this honourable Senate that the Government, on seeing what was happening and understanding the problems—we could not certainly break the back within the last two months of this year—I want to announce to this honourable House, as I did elsewhere, that from January 01, 2011 we have now disentangled the whole issue of incentives from land tenure. So that every farmer and everyone who wishes to grow crops on their lands can now get the same incentives. They can go to the ADB and get the same soft loans as those who are regularized farmers. So, we have now opened up thousands of acres of land across Trinidad and Tobago to be able to be farmed from January 01, 2011. [*Desk thumping*]

2.15p.m.

Mr. President, although it is noteworthy that the State owns 53 per cent of the land mass in Trinidad and Tobago, there are instances where the State requires lands that do not belong to it and, in fact, the owner does not wish to voluntarily sell those lands. In such cases, the State is left with very little option but to acquire those lands by what is called compulsory acquisition.

Compulsory acquisition is the ability of the State to acquire these lands, to have rights in these lands, without the willing consent of the owner or occupant, in order to benefit society in some way. It is also a power referred to as eminent domain, expropriation, compulsory purchase and, in some quarters, as resumption. Unfortunately, compulsory acquisition is also a process that can be very easily abused. Unfair practices regarding the acquisition of land, as well as the inequitable compensation for its loss, can reduce land tenure security, can create antagonistic relations between government and its citizenry and it can reduce public confidence in the rule of law in the country in which it operates.

If you have unfair, unpredictable and unenforceable procedures, you can create opportunities for corruption. That is an argument, some say, that has occurred, to some extent, in our system in Trinidad and Tobago. Good governance is, therefore, required to ensure there is a balance between the need for a government to acquire these lands compulsorily and to ensure that the rights of the person from whom you are making the acquisition is protected at all costs.

The procedure for acquiring lands is relatively straightforward. It is governed by the Land Acquisition Act of 1994 and is a three-tiered process. Stage one involves section 3 of the Act, which is the publication of the intended acquisition in the Trinidad and Tobago *Gazette* and notification to the land owner. Stage two involves section 4 of the Act which stipulates publication of an order authorizing the Commissioner of State Lands to take possession of the land. Stage three involves section 5 of the Act, and this section deals with the formal acquisition by the State of the parcel of land, which entails the approval by Parliament of the President's decision to acquire the land. That is the stage at which we are at here for these 12 parcels of land before us.

The compulsory acquisition of land has always been and, I am sure we will all agree, will always be a delicate and sensitive matter, because although it brings significant benefits to society, it is also extremely disruptive and fraught with significant tension for those who are affected and whose lands are being acquired. When I was an elected Member of Parliament for the constituency of St. Augustine, I spent a considerable amount of my time trying to counsel, almost, a number of constituents who mostly came to me with issues of land matters, that either a relative or a neighbour took a foot of land from them, they put their fence in the wrong place or their drain was running in the wrong direction. So land actually, for us in Trinidad and Tobago, is a very sensitive issue; in fact, it is a very emotional issue.

Many of us believe that we have a piece of mother earth and it is something solid and tangible, and we hold on to it at all costs. [*Interruption*]

Sen. Ramlogan: “Land doh rotten.”

Sen. The Hon. V. Bharath: “Land doh rotten” as they say.

In many cases, particularly in certain cultures, it is perceived as something that is passed on from generation to generation. It is something that you inherit over a period of generations, from one to the next. Therefore, it is a very emotional issue and one that creates a lot of tension around this compulsory acquisition. It actually causes, in many instances, the displacement of whole families from villages and communities. It causes displacement of farmers from lands that they may have cultivated for many, many years, that their ancestors may have cultivated for hundreds of years. It creates dislocation for businesses that may have built up significant goodwill in a particular area, that are forced to move as a direct result of this compulsory acquisition. If handled insensitively, it

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leaves people with a sense of being dispossessed; it may leave them landless; it may leave them homeless, with a feeling that a grave injustice may have been perpetrated on them.

Therefore, it is very important that as a government we clearly understand that this issue has to be handled in a manner that leaves all parties to the transaction feeling a sense of equity and that a sense of fair play has prevailed. If the matter is handled properly, it leaves communities and people with a sense of what is required by the law, essentially, in most countries, in a position of equivalence where they are no better off or no worse off than had they stayed where they were; whilst, at the same time, providing the intended means of what is required, which is to provide a good to society and to benefit the society.

The records would show that, in many instances, the previous government handled this matter very insensitively. Their record is not a good one in terms of how people were dealt with when their lands were compulsorily acquired. For the most part, it was dealt with in a very callous and very inhumane manner, with little regard for people's inner or deepest feelings of insecurity and how and when they were going to be compensated over a period of time, leading many citizens to feel, rightly so, in a lot of cases, that their rights had been trampled upon. They had been dispossessed and were disgruntled with the government.

In fact, the records would show that, in most cases, very little consultation was undertaken with those whose lands were being acquired. Not only was little consultation undertaken, but having acquired or having made the decision to acquire the lands, it took sometimes several years for a survey to be initiated, let alone be completed. The record would also show that over the years the surveyors have made several significant mistakes in surveying the parcels of land and have not corrected their mistakes in a timely basis. So everything is up in the air until the surveyor goes back and sometimes that could be five, six, eight or 10 years, whilst the person whose land has been purchased compulsorily sits there and waits.

Mr. President, there are people in the system in Trinidad and Tobago who have been waiting for compensation since the Solomon Hochoy Highway was built in 1962. In fact, there are persons also in the system who have been waiting for compensation since the Claude Noel Highway was built in Tobago in 1973.

They are still waiting today, and I must remind this honourable House that valuation is actually done and undertaken at the time of entry onto the land and, effectively, at the time of acquisition, which could have been 25, 30, 40 years ago, in two of the instances I just mentioned. So when, effectively, the Government settles that matter, they are settling a matter on a valuation done 30 years ago.

Sen. Ramlogan: Highway robbery!

Sen. The Hon. V. Bharath: That is the predicament, unfortunately, that most people find themselves in, when their matter is not settled in a timely manner. I have been informed that there are over 300 matters of this nature sitting in the Ministry at this point in time, at various stages of development, amounting to several millions of dollars, probably well over \$100 million of value that has not been settled, for one reason or another, and I do not intend to get into that, at this point in time. Regardless of why it is, the fact is it exists.

So much so that I have been inundated by telephone calls, over the last two or three months, from persons who are in the system waiting to be compensated, not having heard anything from the Ministry for years, in many cases. In fact, I was approached by a genteel lady of 97 years in Lopinot, about three weeks ago, whose land was entered into and acquired in October of 1992 by the then government and who, essentially, has not had any compensation since that day. She is 97 years old; she is fortunate that God has given her good health to be still with us at that age, but on either side of the House I think we would all agree that situation is not a tenable one. I am certain that as my colleague, the Attorney General, is mentioning, many people may have already passed on while awaiting their compensation and hopefully that would then go to the estate.

Mr. President, it is, therefore, very obvious and evident that this process is heavily weighted in favour of the State, which I do not believe could have been the intention, at any point in time, that the State would be in a position to take advantage of its citizens. Therefore, it may be that this new people-centred Government would have to look at making the necessary amendments to this piece of legislation, although it was only enacted 15 or 16 years ago, making the necessary amendments to ensure we can correct some of these anomalies and biases in the existing legislation.

In fact, just as an example, there is an argument which says that if the State is unable to complete the transaction within a stipulated time, then it should be abandoned all together. If the State is not able to complete within a time that is

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stipulated, whether it is five or seven years, it means there is a possibility that the transaction could be abandoned. That is something we need to look at in determining how we proceed with this legislation.

There are many problems if this issue of compulsory acquisition is not handled appropriately. Some of the problems would be the reduced security of tenure, because people believe that they lack a security of tenure in land if government can acquire, willy-nilly or indiscriminately, their private lands, without following defined procedures and processes or offering proper compensation. Clearly people would get that feeling of insecurity with regard to tenure of land.

As a direct result of that lack of security of tenure, you have a situation where you may have reduced investments in the economy, because you have a situation where people may believe that there could be an arbitrary loss of land and the associated income which relates to that land. That might be a deterrent to both domestic and foreign investment in lands in Trinidad and Tobago.

You also have the possibility that, as a direct result of this insecurity of tenure, you may have weakened land markets where it may very well be that lands may not potentially be able to be used as collateral or it may not be acceptable in a number of instances to be used as collateral. It may discourage land transactions and it may discourage people from maintaining their lands in general, because they feel, at any given time, a government may walk in and acquire their lands.

2.30p.m.

As I mentioned before, it creates opportunities for corruption and the abuse of power. It may very well be that the very reason for which the Government is making the acquisition, which is, for the public good, for the public benefit to put up either a school or a hospital, these projects actually may be stalled in the system because the whole matter may be challenged and you may have appeals that can create, as I say, bottlenecks in the system, and, as a direct result, adding now to the eventual project cost that the Government is trying to acquire the lands for.

In many instances you have a situation where the moneys that are paid over in compensation, because it is so late in being paid can never really compensate, and people never really recover and are not able to continue in the lifestyle that they have been accustomed to. So that is really some of the issues relating to the acquisition of land and how it has been done in the past.

I want to move now to the actual Schedule and to the significant projects that the lands are being utilized for. The Government is presenting this Motion before this honourable Senate with regard to the projects for public purposes, five of which are in Trinidad and five in the sister isle of Tobago. The projects relevant to Trinidad are:

1. construction of a new fire station at Lady Hailes Avenue in San Fernando;
2. improvement works at the Uriah Butler Highway;
3. expansion of the Oxford Street Health Centre in Port of Spain;
4. construction of a secondary school at Newlands Village, Guayaguayare; and
5. expansion of the Barataria Health Centre.

The projects in Tobago are:

1. construction of the Claude Noel Highway;
2. management and protection of the Courland watershed;
3. construction of housing and government facilities in Plymouth;
4. widening of the junction at Bacolet Street and Claude Noel Highway; and
5. road development along Shirvan Road.

As you would appreciate, Mr. President, many of these have already been concluded a long time ago and are only now coming to this honourable Senate.

I will take them in the order in which they are presented on the Order Paper. The first is the widening of the junction at Bacolet Street and Claude Noel Highway. This honourable Senate has been asked to approve the decision of the President to acquire a parcel of land comprising 94.5 square metres or 1,017 square feet, situate at the south-western corner of Bacolet and Main Streets in Scarborough, Tobago, and said to belong, now or formerly, to Lennox Phillips. This parcel is more particularly described in the Schedule on the Order Paper under No. 1. It was utilized at the request of the Tobago House of Assembly for the public purpose of road works, the particular project being the widening of the junction at Bacolet Street and the Claude Noel Highway. This project has since been completed.

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Mr. President, investigations revealed that this parcel was not formally acquired at the time of its use; however, since the parcel of land was already in use, section 5 of the Land Acquisition Act was pursued, that is, the occupied area had to be surveyed and a valuation obtained so as to determine the quantum of compensation to be paid. The survey plan for this acquisition was not completed until June 2006 and was approved by the Director of Surveys in July 2006. In June 2008, the Commissioner of Valuations advised that the estimated value of the said land was in the sum of \$230,000; but a final valuation has not been completed, so no payments have yet been made on this particular project.

Item No. 2 is the expansion of the Barataria Health Centre. This honourable Senate is also being asked to approve the decision of the President to acquire a parcel of land comprising approximately 741 square metres or 7,976 square feet, belonging now or formerly to Trevor Benjamin, Rodney Benjamin and William Iton, situate at No. 77 Seventh Street in Barataria. This parcel is more particularly described in the Schedule on the Order Paper under No. 2.

This land was utilized for the public purpose of the expansion of the Barataria Health Centre to include facilities for the physically challenged and the wellness multipurpose centre for health promotion and education. This project has since been completed. The Commissioner of Valuations advised in July 2009 that agreement had been reached with the affected parties for full and final settlement of their claim in the amount of \$1,398,000. In accordance with section 22 of the Land Acquisition Act, Chap. 58:01, the parties were paid 80 per cent of their claim amounting to \$1,118,400. The residual amount is to be paid in the sum of \$279,600.

Item No. 3 is the construction of the Claude Noel Highway. This honourable Senate is being asked to approve the decision of the President to acquire a parcel of land comprising 3,367.1 square metres situate at Mount Pleasant, Tobago and said to belong, now or formerly, to Cicely McPherson-Shaw and Brian Victor McPherson. This parcel is more particularly described in the Schedule on the Order Paper under No. 3. This land was also utilized for the public purpose of the construction of the Claude Noel Highway. It should be noted that, although the highway was constructed, when the original survey for this project was done, several parcels of land, including the subject's parcel, were omitted.

The requisite survey for this parcel has since been carried out and was approved by the Director of Surveys in 2000. The Commissioner of Valuations has valued this parcel of land at \$891,274.34. No payment has yet been made thus

far, as we are still awaiting the advice of the Chief State Solicitor's Department with respect to title of the land.

Item No. 4, the construction of the Claude Noel Highway. This honourable Senate is being asked to approve the decision of the President to acquire a parcel of land comprising 1,920.1 square metres, situate at Lambeau, Tobago, and said to belong, now or formerly, to Cecilia Evans-Ojoe. This parcel is more particularly described in the Schedule on the Order Paper under No. 4. The parcel was utilized for the public purpose of the construction of the Claude Noel Highway. It should be noted that, although the subject's parcel of land was utilized for the construction of the Claude Noel Highway, it was not included in the previous surveys and was, therefore, omitted from the previous acquisitions. Upon discovery of the omission, the Director of Surveys issued survey order No. 20/2004 in January 2004 to rectify the matter and the requisite survey plan was approved on June 13, 2005.

The Commissioner of Valuations has indicated to the Commissioner of State Lands that agreement has been reached with the claimant for the sum of \$785,808.20. The Commissioner of State Lands has advised that 80 per cent of the payment, in the sum of \$628,646.56, was made to the claimant in June 2008. The residual sum to be paid is the sum of \$157,161.64. This sum will be paid after the Parliament formally approves the acquisition of this parcel of land under section 5 of the Act.

Item No. 5, the construction of housing and government facilities. This honourable Senate is being asked to approve the decision of the President to acquire four parcels of land together comprising 24.6998 hectares situated at Adventure Estate, Plymouth, Tobago, and said to belong, now or formerly, to Norman Martin Schneider, parcels one and two, and Chilo Rooplal Singh, parcels three and four. These parcels are more particularly described in the Schedule on the Order Paper under No. 5. These parcels were utilized for the public purpose of the construction of housing and government facilities. The construction of the relevant housing and government facilities has long been completed.

The two parcels of land, owned by Chilo Rooplalsingh, were valued at \$17,762,436. No advance payment has been made thus far as we are still awaiting the advice of the Chief State Solicitor regarding title to these parcels. The two parcels of land owned by Martin Schneider have been valued at \$10,310,400. To date, a portion of the land value has been paid in the amount of \$8,137,78.92 plus interest, in the amount of \$3,262,223.48. The total of what has been paid so far is \$11,403,302.40. The balance due, which includes interest, is \$3,086,767.85.

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Item No. 6, the construction of a secondary school at Newlands Village in Guayaguayare. This honourable Senate is also being asked to approve the decision of the President to acquire a parcel of land comprising 1.9256 hectares belonging now or formerly to David Timothy, situate at the end of Warwick Street, Newlands Village in the ward of Guayaguayare in the county of Mayaro.

This parcel is more particularly described in the Schedule on the Order Paper under No. 6. This land was utilized for the public purpose of the construction of the Guayaguayare Secondary School at the request of the Ministry of Education. The project has since been completed. The school was officially opened in August of 2004 and has been in operation for a little over six years. In September 2005 the Commissioner of Valuations advised that the estimated value of these parcels is in the amount of \$60,000. No payment has yet been made. We are awaiting the Commissioner of Valuations' advice in this matter.

Item No. 7, improvement works to the Uriah Butler Highway. This honourable Senate is being asked to approve the decision of the President to acquire two parcels of land comprising 1,480.7 square metres and 367.1 square metres, respectively, both situate at the western side of the Uriah Butler Highway immediately north of the Cunupia River Canal, Charlieville, in the borough of Chaguanas, County Caroni and said to belong now or formerly to Balgobin Rattan and Routee Rattan. These parcels are more particularly described in the Schedule on the Order Paper under number 7. This land has been utilized for the public purpose of road improvement along the Uriah Butler Highway and this project has since been completed.

It should be noted that these parcels are inadvertently not included in the original survey plans. In 1988 the subject parcels were acquired in accordance with the Land Acquisition Ordinance, Chap. 27:10 which had no provision for any advance payments of compensation. Under that Ordinance, no compensation was paid to a landowner before the land was formally vested in the State in accordance with section 5 of the said Ordinance.

In June 2009, the Commissioner of Valuations advised that the estimated value of the parcel is in the sum of \$126,000. It should also be noted that, in accordance with section 40 of the Land Acquisition Act, chap. 58:01 which deals with transitional matters, an advance payment of compensation in the sum of \$100,000 was paid to Balgobin and Routee Rattan, the registered owners. The balance due is still to be determined and negotiations are ongoing with the Commissioner of Valuations.

Item No. 8, the construction of the Claude Noel Highway. Again, this honourable Senate is being asked to approve the decision of the President to acquire three parcels of land together comprising 1,566.3 square metres situate at Lowlands, Tobago and said to belong now or formerly to Norman Anthony Bishop, parcel number 14 and the unnumbered parcel; and Merlyn Kennedy, parcel number 15. These parcels are more particularly described in the Schedule on the Order Paper under No. 8. These parcels were also utilized for the public purpose of the construction of the Claude Noel Highway.

We have been informed by the Commissioner of Valuations that these parcels have been valued at \$426,270.56 and no payment has been made on these yet.

2.45 p.m.

Item No. 9, the expansion of the Oxford Street Health Centre in Port of Spain. Again, this honourable House is being asked to approve the decision of the President to acquire two parcels of land together comprising 709.6 square metres situate and known as No. 67 and No. 69 Oxford Street, Port of Spain in the ward of St. Ann's, county of St. George and detailed as follows.

- (a) a parcel of land comprising 354.6 square metres situate at No. 67 Oxford Street, Port of Spain belonging now or formerly to the estate of Egber Ellis;
- (b) a parcel of land comprising 356 square metres situate at No. 69 Oxford Street, Port of Spain, belonging now or formerly to Sorzanoville Limited.

These parcels are more particularly described in the schedule in the Order Paper under No. 9. This land was utilized for the public purpose of the expansion of the Oxford Street Health Centre in Port of Spain at the request of the Ministry of Health. This project has long been completed and the facilities are currently in use.

In July 2009, the Commissioner of Valuations advised that the estimated value of these parcels is in the amount of \$845,000. A claim for compensation was submitted with respect to the parcel of land owned by the estate of Egber Ellis and negotiations are ongoing with the Commissioner of Valuations. No claim was submitted with respect to the second parcel owned by Sorzanoville Limited.

Item number 10, the construction of a new fire station at Lady Hailes Avenue in San Fernando. This honourable House is being asked to approve the decision of the President to acquire a parcel of land comprising 734.1 square metres, belonging now or formerly to Federal Tyre Services Company Limited situated at

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Lady Hailes Avenue in San Fernando. This parcel is more particularly described in the schedule on the Order Paper under No. 10. This land is required for the public purpose of the construction of a fire station at the request of the Ministry of National Security. This project has not yet commenced. As of March 2010, terms of reference for the construction of the fire station were still being developed. In March 2004, the Commissioner of Valuations advised that the estimated value of this parcel is in the amount of \$345,000. No claim has yet been made.

Item No. 11, the protection of the Courland watershed. This honourable House is being asked to approve the decision of the President to acquire one parcel of land comprising 305 acres, 3 roods and 24 perches, situate at Moriah, Tobago and said to belong now or formerly to Reginald Morshead.

This parcel is more particularly described in the Schedule on the Order Paper under No. 11. This parcel was utilized for the public purpose of the management and protection of the Courland watershed. No works were required to be done on the land as it was acquired to ensure that it remained in its natural state. The Commissioner of Valuations valued this property at \$11,156,229.60. To date, the sum of \$6,852,160 has been paid and the sum of \$4,304,139.60 remains outstanding until this acquisition is approved by the Parliament in accordance with section 5(3) of the Act.

Finally, Item No 12, road development along Shirvan Road. This honourable House is again being asked to approve the decision of the President to acquire a parcel of land comprising approximately 404 square metres or 4,349 square feet, belonging now or formerly to Denyse Wallis and Gail Kelshall situate along Shirvan Road, Tobago. This parcel is more particularly described in the schedule on the Order Paper under No. 12. This land was utilized for the public purpose of road development along Shirvan Road. The Commissioner of Valuations advised that in August 2007 that agreement had been reached with the affected parties for full and final settlement of their claim in the amount of \$695,482.25. The parties were paid 80 per cent of the claim amounting to \$556,385.80. The residual amount to be paid is the sum of \$139,096.45 upon the formal acquisition of the parcel.

Those are the items as listed in the Schedule for debate today. When governments compulsorily acquire land, they have an obligation to ensure that the process is complete; that it is completed in an equitable manner; that it is done in a transparent manner; and, more than anything else, it is done in a timely fashion. Citizens ought not to be impoverished as a direct result of the compulsory acquisition of their lands which, in most cases is done, as we said earlier on, involuntarily.

There could be no doubt even in the minds of the most partisan of Opposition supporters, that the current process has not served those whose lands have been acquired. It has not served them well. They have, in fact, been significantly disadvantaged and they have been severely hamstrung by the delayed action on the part of the State in terms of concluding these transactions.

Unfortunately, like many other things, it has been left to fall in the laps of this Government to clean up a lot of the mess that has been left behind, but we do so and we embrace it; we accept it with zeal and with gusto. We know that we have the capability to fix the majority of issues that have been perpetrated on the citizens over the years and we will ensure that we get it done.

Our Prime Minister's mantra of: serve the people; serve the people; serve the people, is embedded in every action of this People's Partnership Government. [*Desk thumping*] The population will agree that in very short order we have committed ourselves to improving the quality of life of the people of Trinidad and Tobago. We have provided goods, services, infrastructure, regardless of social background, class or ethnicity. We have done so in a fair, transparent and equitable manner, in our drive, according to our manifesto and according to our motto, to provide a safe, secure and sustainable environment for all the citizens of Trinidad and Tobago.

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

Question proposed.

Sen. Terrence Deyalsingh: Thank you, Mr. President. Before I start my contribution it would be remiss of me if I did not pay some tribute to the former occupant of this chair, Sen. Ted Roopnarine. He is unable to continue with his appointment. We are sad about that and we wish him well in the future. So I am again making a second maiden speech, if that is possible.

It was my intention to be very short regarding this issue, but I would like to throw out something for this House to consider. Since when is the provision of a health centre a perpetration of an act? Since when is the provision of access roads for people of Tobago the perpetration of an act? I think when we are debating in this honourable House we have a responsibility to try not to score political points at every given opportunity. [*Desk thumping*] That the system of land acquisition is not perfect is a given. Let us improve it; let us talk about improving it; let us engage in dialogue about improvement, but do not call it a perpetration.

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It was my intention to learn from my honourable colleague who sits behind me, Sen. Dr. Rolph Balgobin, to be very short and I had not intended to speak for more than 10 to 15 minutes on this issue, but I have been—I want to use parliamentary language—I would not say goaded; I would say prodded into being a little more lengthy.

I agree with Sen. Vasant Bharath that the issue of compulsory land acquisition is an emotional issue, especially in small island states, especially in small countries which are former colonies, because what land means to us, it is our heritage, coming down from slavery, indentureship; people leaving Portugal and the far ends of the world to come here to look for a better way of life. That shared experience is the tapestry that is Trinidad and Tobago in 2010. If you look at the names of estates over the years, their appellations often come from our names: the so and so estate; the so and so lands.

So land is an emotional issue. It means a lot to us and I was a little bit concerned when the spectre of corruption was mentioned by Sen. Bharath, because, whenever one side talks about corruption, although the fingers are not pointed, this is a political environment so we can have an idea where the corruption may lie. I remember some years ago when a former administration—not the People's National Movement—was talking about widening the road going up to Toco so a ferry service could have been implemented from Toco to Tobago, a former favoured son of that party at the time bought wide stretches of land in those areas. Unfortunately, that project never came to pass so the payments could not have been made.

We talk about being sensitive or insensitive with compulsory land acquisition. I remember a time when an airport was going to be built and residents of Oropune did not have their issues addressed in an equitable manner. We had to displace hundreds of families in Oropune. So when we come to this honourable House, we must come with our hands clean; we must come with our minds clean. [*Desk thumping*]

Again, I was going to be brief but I think the time for that is gone. What is land in Trinidad and Tobago? As I said before, land represents our heritage; it represents the blood, sweat and tears of our forefathers. Land is normally gifted to future generations to build a little house for when children get married; to plant a little garden, and, as the old people will say; “They ain't making no more.” So land always goes up in value.

So what are we doing here today? We should be also looking at the issue of the people affected, because, as Sen. Bharath said—and I fully agree with him—people are affected and one of our jobs here is to give voice to these people. So if we are going to buy land for health centres, all these projects; the authorship of those projects; the parentage of those projects are of the People's National Movement—[*Desk thumping*] and I make no apologies for it; absolutely none! None!

Hon. Senator: Well said.

Sen. T. Deyalsingh: The provision of health care facilities can never be a bad thing. Okay, the process needs fixing. Let us get together and fix the process. [*Desk thumping*]

I think the Senator also mentioned about land being used for housing; but at least the houses are there so when a minister's godchild wants a house, he can get a house, as they splash in the papers. [*Desk thumping*] The Minister from the Lower House wanted a house for his godchild, he got a house. That house was built on land. That house was a part of the People's National Movement. [*Interruption*]

3.00 p.m.

Sen. Hinds: Housing policy.

Sen. T. Deyalsingh: Housing policy. How do we then reconcile compulsory land acquisition, especially when there is a legal precedent in dealing with the constitutionality of it? I would like to refer to the Land Acquisition Act, 1994 which was amended in 2000—there was an excellent article in the *Sunday Guardian* of April 23, 2006 and Sen. Bharath went through a lot of it—and one of the improvements coming out of that Act was to make the process more transparent. You would have noticed in the Sunday papers and I think in one of today's papers—it was published not only in the *Gazette* which is the official Order, but also in the daily newspapers. So that is a good start for transparency.

The issue of compulsory land acquisition, as I said, can form the basis for legal argument. We have a precedent in Trinidad and Tobago and I want to refer to it briefly. We have the case of *Robinson Crusoe Limited v the Attorney General of Trinidad and Tobago*, 1965 of 2003. We, as a Parliament, have a responsibility to talk about this to the people listening to us, to the people looking at us, because the people on the ground may view compulsory land acquisition as infringing on their constitutional rights.

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Under the Constitution, section 4 deals with the recognition and protection of fundamental human rights and freedoms. Section 4(a) talks about the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof—and this is where we need to educate the people outside there—except by due process of law. This is what Sen. Bharath was referring to, due process of law.

The Land Acquisition Act, 1994, amended up to 2000, provides for that. Notwithstanding that, it was brought before the courts in this case. Robinson Crusoe Limited is better known, aka as that place in Tobago that we all love to go and swim. [*Interruption*]

Sen. Al-Rawi: Pigeon Point.

Sen. T. Deyalsingh: Pigeon Point. That case—if you would allow me, Mr. President—had to rely on a case in Belize to give a very apt description of the process of land acquisition. With your permission, I would like to read a paragraph. It is not our style on this Bench to read. [*Desk thumping*] You sent out a communiqué a couple of weeks ago and at least we adhered to it. We do not read, but I would like to quote:

“The Belize Alliance case is more helpful, particularly the passages at paragraphs 35 and 36. At paragraph 36 Lord Walker of Gestingthorpe, approved of the dictum of Lord Goff... ‘the Court should not restrain a public authority by interim injunction from enforcing an apparently authentic law unless it is satisfied, having regard to all the circumstances that the challenge to the validity of the law is, *prima facie*, so firmly based as to justify so exceptional a course being taken’...”

This is just legally to say that the State does have the right to do what it does as long as due process is followed. That is what we did, because all of these acquisitions are of the People’s National Movement. So we have no problem. You could make a blanket statement about the delays, but, when we listened to the contribution earlier, a lot of these delays had nothing to do with the People’s National Movement or its policies. It had to do with bureaucracy. He spoke about title. Is that our fault? Is that the former regime’s fault? We do not operate the registry. Do we? That is the job of civil servants.

Sen. Al-Rawi: They were on strike today.

Sen. T. Deyalsingh: Right! If they were equitably treated, they might be a little more—[*Interruption*]

Sen. Al-Rawi: 4.9 minutes of work.

Sen. T. Deyalsingh: As I say, we are willing to partner with them to look for solutions.

So, Mr. President, in the issue of compulsory land acquisition, I mentioned before Trinidad and Tobago, former colony, but let us look at other countries near to us. Let us take two extremes, Guyana and Barbados. Guyana is probably one of the largest countries in the world, most underpopulated, huge land mass. Compare that with Barbados, small land mass. Compulsory land acquisition might not be a big issue for Guyana, except maybe for Georgetown. They have more land than they know what to do with. We could probably borrow some. Barbados on the other hand, which is small and which depends on the tourism plant, that tourism plant is concentrated along that southern coast, southwestern coast and they have a particular problem with land acquisition.

Trinidad and Tobago—I think we could probably alert the national community to this—is a relatively small place, and we are going to need more and more lands for public use especially if we are to exploit our energy resources. So our industrialization drive, our housing drive, our agricultural drive, may require more lands to be compulsorily acquired. I am saying that to speak to my friends opposite, in partnership with them, that maybe it is time we develop some sort of national policy on land use for the next 20 years, the long-term.

The University of the West Indies did a project called, “Towards the Implementation of a National Spatial Data Infrastructure of Trinidad and Tobago”. This was done, the studies are there. It is not for me to repeat the studies, but to point out that the studies are there so that we could look at our landmark in both islands, see what our long-term goals and long-term aspirations are so we could have proper policy. We could have a plan which can be put on the still elusive legislative agenda, which we have not seen six months into the term of office. [*Desk thumping*] That legislative agenda seems to be the most elusive thing. A legislative agenda is crucial. I did not expect a new Government to have a legislative agenda to talk to us about it at what we call the “throne speech”, but I would have thought by now, after six months, you would have one. What a legislative agenda does, if I could use the analogy of an airplane, all of us are passengers on an airplane. We have a new pilot, a new co-pilot and 29 new stewardesses and stewards.

You have people saying different things. We heard about 10 different reasons why the OPVs cannot be bought. Fair, but what is the alternative plan? What is the plan? At least we have a plan. Without a legislative agenda, when that plane takes

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off—a legislative agenda is like a flight plan. It tells you if you are going Toronto or Miami. With no legislative agenda, no flight plan, we might end up in the Bermuda Triangle and we might disappear. I do not want to end up in the Bermuda Triangle. I want a legislative agenda which can tell this House and, by extension, tell all the citizens what is the direction we are going. So this is crucial. This whole issue of land use, spatial arrangement of land, is crucial to developing the legislative agenda.

Sen. Al-Rawi: If you do not want boards, give us legislative agenda.

Sen. T. Deyalsingh: Yes! Even if you do not have all the boards yet, six months, at least give us the legislative agenda.

So, Mr. President, our purpose here is to start this dialogue about this balancing act that we have to perform between the rights of the individual for their lands—[*Desk thumping*] Those rights have to be co-mingled with the rights of the State to develop, and that balancing act is akin to the scales of justice which reside so elegantly above your head. I cannot help but notice the scales of justice here. That is what we are being asked to do here, to balance.

So, as I end, Sen. Panday, as each of us awake tomorrow morning and as we kiss that new morning with a smile and a prayer, spare a thought for those whose lands are being acquired, spare a thought for the 97-year-old grandmother, and let us hope, by working together across this artificial divide, we can bring justice and equity to those people so affected.

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

Sen. Prof. Harold Ramkissoon: My gratitude once more, Mr. President, to you and fellow Senators for giving me yet another opportunity to make a contribution in this august Chamber. In this case, with respect to a Motion that seeks our approval to compulsorily acquire 12 parcels of land in our Republic of Trinidad and Tobago, here an individual or individuals are requested to surrender their constitutional right of enjoyment to property for the good of the greater society. That we really cannot argue with.

While we cannot argue with that, we need to ensure that these transactions take place in a just and expeditious manner, particularly, as those persons whose properties we are trying to acquire may have grand plans for their property and reluctantly may have to surrender their property. If we are to judge by the past experiences—and the hon. Minister mentioned a number of these experiences—the process is simply not working with respect to these transactions, and this Motion that we are debating today demonstrates this.

The hon. Minister of Food Production, Land and Marine Affairs mentioned in the other place, and he mentioned it earlier today, that a number of outstanding cases, one dating far back as 1972 involving, I think, a 97-year-old Tobago woman, is yet to be settled. That means that after 38 years and counting, we are still to bring this matter to final closure. Somebody needs to explain to us why this matter has taken so long and has dragged on so long without closure at this point in time. [*Desk thumping*]

Hon. Senator: Well said!

Sen. Prof. H. Ramkissoon: Mr. President, the problem, of course, arises from the process. As we heard the Minister of Food Production, Land and Marine Affairs mentioned earlier, there are three stages to the process:

1. notification;
2. possession; and
3. the final acquisition.

While I have been told that there are some problems with the first stage, notification, most of the problems occurred with respect to stage 3, the final acquisition.

For some, the compensation seems inadequate and this leads to a long, drawn-out negotiating period, and the attendant frustration. I have been told that there is also the problem of a shortage of valuers and surveyors. The hon. Minister of Food Production, Land and Marine Affairs who seems to take his job very seriously—[*Interruption*]

Sen. Panday: He does. [*Desk thumping*]

Sen. Prof. H. Ramkissoon:—has promised action along these lines, and we are looking forward to this action which will bring relief to those who have suffered for too long.

3.15p.m.

Mr. President, I wish now to turn to another aspect of the acquisition exercise. While one seeks expeditious settlement, one must guard against the abuses and corruption that are so rampant in our society. In the recent ratings with respect to corruption, Trinidad and Tobago rated extremely low. Corruption is a major problem in the country. It has been with us, not overnight, but through one or two decades. We have said so much about corruption and we have done so little with respect to taking action about it.

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Those who work for the State must protect the interests of the State and this includes our valuers and our surveyors. They must not be part of any collusion to have the State acquire property at an overpriced value and share in their illicit gains. This is wrong and action must be taken against any individual involved in this practice.

Mr. President, please permit me some latitude. The population of the world today is just over six billion people. It is expected to increase and go beyond seven billion in 2012, within two years. It is expected to peak to nine billion in the year 2050. This means that there is going to be a 50 per cent increase in population by the year 2050, in 40 years' time.

Currently, we have problems globally meeting the needs of these people with respect to housing, energy transportation and, of course, food. If we have major problems today meeting these needs, one can imagine the major challenge that we face in the year 2050.

What is going to be critical in meeting this challenge in 2050 would be the management and wise usage of our limited lands. There has been and there continues to be competition for land for each of the sectors that I mentioned—food, agriculture, housing, transportation and energy—in some countries. For example, in Brazil, there are problems with respect to land usage for energy and agriculture.

In Trinidad and Tobago, the competition for lands will be between agriculture and housing. What is required, and urgently so, is a national land use policy and updated land management plan that meet the needs of today without endangering and compromising the needs of tomorrow.

We can no longer continue with our haphazard and indiscriminate assault on our lands. This must quickly come to an end. It has resulted, among other things, in the denuding of our hills, landslides, lost homes, floods, which have a cost factor to the State, as we noticed recently. I often wonder how individuals get permission to build homes high up on the hillsides of areas such as the Maracas Valley. If the law permits that, it needs to be revisited. If not, the law enforcers have their work cut out for them.

I come back to the land management plan. If we are going to produce a meaningful land management plan, we must predict population trends, that is, the demographics, both in the long term and the short term. For example, what would be the level at which our population peaks and when will that happen? We need to ask these questions and we need answers if we are going to plan properly the use

of our land. It is my hope that this exercise, which is important for planning, will be undertaken in the not too distant future.

In winding up this brief contribution, let me summarize the key points. There are three key points in this short contribution. One is: we need to revisit the process. The process of land acquisition is simply not working. We may want to look at a time limit and re-evaluation. If it cannot be settled after two years, then you have to re-evaluate the property.

Lastly, also with respect to the process, if the property exceeds in the first evaluation a certain minimal level, you may wish to have the property re-evaluated by a third party to minimize the chances of irregular practices taking place.

Mr. President, one can only hope that these few suggestions will be considered by the Government. I thank you very much and give my full support to this Motion.

The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday): Thank you very much, Mr. President. I wish to congratulate Sen. Vasant Bharath for bringing this Motion at this time. After so many years have passed, very early in the life of this People's Government, he has brought this Motion.

I also congratulate all the speakers on this Motion. However, all of us who have spoken today about the pain and agony felt by persons whose lands have been acquired may soon find ourselves in a situation where a large number of people will be shocked into reality.

This Motion speaks about compulsory acquisition of land, but come June 01, many tenants who are protected by the Land Tenants (Security of Tenure) Act, if they do not take steps, they will find themselves on the street. I spoke to Sen. Prescott, SC about this earlier.

By Act No. 11 of 1981, in our law books as Chap. 59:54, there was an Act called the Land Tenants (Security of Tenure) Act, which commenced on June 01, 1981. It said, inter alia, that on that day, if anyone was a tenant on a parcel of land and there was a house for purposes of residence, automatically there a statutory lease was created for 30 years.

Section 4 says:

“(1) Notwithstanding any law or agreement to the contrary, but subject to this Act, every tenancy to which this Act applies subsisting immediately before the appointed day shall as from the appointed day become a statutory lease for the purposes of this Act.”

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It says that that statutory lease shall be a lease for 30 years, commencing from the appointed day, and, subject to subsection (3), renewal by the tenants for a further period of 30 years. In 1981, tenants were given a statutory lease for 30 years which expires June 01 next year.

The tenant has an option to renew that lease. How does he do it? It says:

“(3) In order to exercise the right of renewal conferred by subsection (2), the tenant shall serve on the landlord a written notice of renewal at least six months before the expiration of the original term of the statutory lease.”

That means that tenants in this country who are protected by the Land Tenants (Security of Tenure) Act have until the end of this month to serve notice on the landlord that they intend to exercise that option to renew the lease. If tenants do not renew their leases by the 30th of this month, giving six months' notice, come June 01 they will be on the streets. The tenancy will expire and they will have no leg to stand on. Landlords will be able to go to court and file high court actions for possession. That is the reality of the situation.

I do not know if many persons do not know. I have not heard the Land Tenants Association speak about this; but this is so important and the number of persons is so large that there is necessity to bring this to the notice of all tenants in Trinidad and Tobago. Come June 01, the landlords can give you notice and file an application in the High Court and the tenant will have no leg whatsoever to stand on. The landlord will then be able to recover possession of his property.

In the Motion before us today, we are acquiring lands and, as the hon. Minister indicated, the landowner will be compensated for his land; if there is a building on the land he will also be compensated. Today we are showing concern about the length of time in obtaining payments and we are feeling very sorry for persons whose lands have been acquired. Come June 01 when landlords start to file matters, there will be no compensation for houses built on those lands. That situation is very serious.

One way I am looking at it is that the Government is trying its best to reduce the backlog in the court and, come June 01, 2011, after the relevant notices have been filed, there will be a number of cases going to the High Court, clogging up the High Court, something with which we are trying to deal. Tenants are in a precarious position. The lands will be acquired by the landlords; he will take back his property.

How do tenants exercise that right? You cannot tell the landlord you want to have your lease renewed; you have to give notice in writing.

3.30p.m.

All tenants who are protected by statute, who have houses on tenanted lands, must give notice in writing to the landlord, at least six months prior to the expiration of the tenancy.

The Act states there are forms in the book which indicate how you can give notice to the landlord. It says that you must send the notice to the landlord and you must tell him that you are a statutory tenant of a parcel of land, the way the hon. Minister described it, by Schedule. You must indicate where the land is and give the boundaries of the land. You must tell him clearly and unambiguously that you desire to have renewal of the statutory lease of the said land, in exercise of the right conferred to you by the Land Tenants (Security of Tenure) Act, and you must date it, sign it and put your address. It is simple. As I have said, tenants must send a notice to the landlord, describe the land and tell him that you want to renew the lease. You must give the location of the land and say: "I want to renew this lease, pursuant to the Land Tenants (Security of Tenure) Act." If that is not done, then land acquisition would look like a walk in the park, in relation to this legislation.

If on June 01—this land we are speaking about is not agricultural land, it must be lands on which you had a house. It does not include agricultural land. It speaks about land upon which you have a house and of which you are a tenant. It states:

“‘chattel house’ includes a building erected by a tenant upon land comprised in his tenancy with the consent or acquiescence of the landlord and affixed to the land in such a way as to be incapable of being removed...without destruction.”

It also went on to say what the statutory lease is. We have explained what that was; the lease you acquired, as a result of the Act, which came into force on June 01, 1981.

What about a tenant? Thirty years ago, probably the person who was a tenant is no longer there. It says:

“‘tenant’ means a person entitled in possession to land under a contract of tenancy whether express or implied, and whether the interest of such person was acquired by original agreement or by assignment or by operation of law or otherwise; and includes a tenant at will and a tenant at sufferance...”

This means if your parents were the tenants, in these circumstances, if you became a tenant by the operation of law, you need to give that notice.

The law gives you that right to renew. As I have said, it is the obligation of the tenant to give that notice. It says, after you give that notice, this lease is renewed automatically. You do not have to go to court or make any further agreements. The lease is renewed automatically. It says, under section 4(4):

“Upon service of the notice by the tenant under subsection (3), the statutory lease shall be deemed to be renewed for a period of thirty years...”

By merely sending that notice to the landlord, you obtain an automatic lease for another 30 years. The lease, at that point in time, will be subject to the same terms and conditions and the same covenants or restrictions, if any, as the original term of the statutory lease, but excluding an option to renew for another 30 years.

The law envisages that, after 2011, if you have your lease renewed, then the law would probably look at it after that. The law has created a situation where a tenant can obtain a lease for a period of 60 years, provided, before six months of the expiration of the lease, you serve notice.

It says in section 5(1):

“The terms and conditions of any existing tenancy converted into a statutory lease by section 4 shall, subject to this section, be incorporated in the statutory lease as terms and conditions in such lease.”

Finally, I want to indicate to the population that when a tenant, under section 5(3B) is serving the landlord notice to extend the lease, the law says:

“A tenant shall not be required to pay to the landlord any fine,”—you do not have to pay anything—“premium or other like sum or to give any consideration in addition to the rent as a condition of the grant, renewal or continuance of a tenancy or a statutory lease.”

Therefore, the only obligation which the law places upon the tenant is: “Look, six months before the lease has expired, you have to serve notice on the landlord.” If you do not do that, then, come June next year, many tenants will face the court and may have to demolish their houses, if the landlord wins the case.

As I have said, this is a very serious piece of legislation. The Motion today speaks about acquisition. If the tenants in this country do not comply with the law, their situation will be much more traumatic than what is taking place in these acquisition proceedings. We are informing the population as to the situation.

I want to thank you very much for those few words.

Sen. Shamfa Cudjoe: Thank you, Mr. President. I am pleased to join this debate on the acquisition of land for public purposes, this afternoon. I recognize that the process of compulsory acquisition is a very contentious, complex and sensitive issue. However, this is a process that is critical to our sustainable development and our national development. We must do what is necessary to ensure that the State has the necessary resources to provide public facilities, infrastructure, goods and services and different facilities that are necessary to improve the quality of life for our citizens.

Land ownership, land acquisition, land distribution; any topic that concerns land is highly sensitive and must be handled prudently and precisely, because land plays a critical role in our country's development, our personal development and our family life. Land is very dear to our hearts, not just locally but internationally. We have seen in the media for years where the Israeli troops and the Palestinians fought over the Gaza strip. We have seen turf wars between gangs, communities and families destroyed over battles or land wars. It is important that, in managing land issues, especially as they relate to the compulsory acquisition of land for the State, we ensure that, at the end of day, it is a win-win situation, where the State is contented and the person who is deprived of their personal property is also happy. We may not achieve a state of utopia, but we could, at least, ensure that the process is fair and just.

I listened to the debate in the other place and in this Senate and recognized that this problem relating to compulsory land acquisition has been going on for over 40 or 50 years. We have landowners who are still waiting for justice to be served and to be compensated for their prized possession.

We have seen in the past, lands acquired for construction of highways, petroleum development and industrial development. Just as it is important to get these lands to do our business, as the State, it is equally important to compensate the people who were deprived. This has been going on for a really long time. I had the chance to do some research and meet with some people who have been involved in the whole process of trying to bring justice to the people who have been deprived, specifically in Tobago.

I have here the minutes of a meeting that was held on May 07, 1999 and another meeting that was held sometime before that. At that time, they probably did not have access to a computer, so everything is handwritten. I see where Celius and Gertina Baptiste's land was acquired in 1965 and, at the 1999 meeting, they have not been compensated as yet. We have Ica Waterman of Golden Lane whose land, in 1997, was acquired for road development; Levi Protor and Jerry Ali, 1977, for the Claude Noel

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Highway; Lancelot Waldron of Lambeau, 1994; James and Eastlyn Charles, 1960 and the list goes on. There was a 1958 somewhere, coming all the way up to 2000. These people have not received compensation. I think it was four at one of the meetings and at the other it was 15 who received partial compensation for their land. This is something that we have to take into consideration.

What has caused the problem is actually what was mentioned by Sen. Vasant Bharath. It is actually departmental delays and hold-ups in the administration. Our system does not provide any way for the claimant to seek recourse. It is just the nature of our legislation, our practices and procedures that have caused this and not specifically any one government or political party. As we can see, this has happened since 1958, 1960, 1970, coming right through the years. Different administrations would have been in power and did not deal with it and did not pay the people. I do not think it is a situation where the government did not have money, but it is the procedure and the way the legislation is draughted. I would get to that law later.

There is also the problem of insufficient staff and staff not being trained to deal with the issues, which Sen. Bharath spoke about. We do not have enough surveyors, valutors, that kind of thing. It has gotten to the point where there was one person on whom we were waiting to move the process. I listened to Sen. Bharath's contribution and I read in the *Hansard* where they spoke about waiting for the green light for a Commissioner of Valuations and a Commissioner of State Lands. Simple mistakes were made over the years, where parcels of land were not included; they were omitted from the survey. This is a very, very serious issue and I think it was equally callous for us to come to the Parliament today and try to say that it was this one political party that left us in this situation.

3.45 p.m.

As I said, these problems started, from the records that I have seen—I have the minutes here and so on from the meetings, and anyone who wants to see them can see them afterwards—going as far back as 1958 to present. Even in the Appendix that we have here, we have an issue where the land was acquired in 1982 and that person has not yet been paid.

So, I find it strange. I watched the debate in the Lower House and the Government was corrected to say: “Hey, this is not something that happened just during the PNM administration.” We have been going through this problem for a mighty long time. So, I am surprised that you would come to the Senate today, and go

back to the same matter after you were corrected. I just want to sound the alarm and make this point clear that we all had a chance, at some point in time, to deal with this matter and we did not do what we were supposed to do, and we tried along the way and changes were made.

I want to remind Senators that, even though we might be here with a different name like the People's Partnership or whatever, you were here before. It reminds me that I have a cousin by the name of Madonna Warner. She went to the United States of America and found new friends and came back and decided that she wanted to be called Gia Simone, and people were calling the house asking for Gia Simone. I had to wake her up and say: "Hey, you are still Madonna Warner, chill out." So, at the end of the day, whether you call yourself the People's Partnership or whatever, you were here in the name of the UNC.

Mr. President, I have a god-daughter who went to a vacation bible school and was told to bring your dolly; bring a doll. She dressed up her puppy in clothes—put on pink ribbons on its ears and so on. When she went to the vacation bible school, the teacher told her: "Hey, this is not a doll, this is still a puppy." So, at the end of the day, I am saying even if it is in a different name, we all have been here, so do not try to change the name and act brand new. You are not brand new.

Mr. President, allow me to go on. Now, several attempts have been made, and if you go back to the *Hansard* and the newspapers you are going to see victims complaining. I have a report from the *Guardian* in 2002 where the Government paid 80 per cent and the remaining 20 per cent was to be paid later. This person, father had five acres of land and the 80 per cent was paid. So, he told himself the other one-fifth, the 20 per cent which was not paid, that he was going to use one-fifth of the land to do farming, and the police came and beat him up. He ended up taking the State to court and he won the case. So, this is a problem that we have been experiencing for a long time. Just as this is a problem for us, it is also a problem for our citizens.

In 1994, we came to the Parliament and tried to rectify the situation with the Land Acquisition Act, No. 28 of 1994, thinking that would have rectified the issues, and here we are again today dealing with another land acquisition Motion, and it seems like if we are still experiencing the same problems that we would have been experiencing in the 1960s and 1970s. So it tells us one thing very clear, and, that is, our legislation is not working for us, and our rules and regulations are certainly not in our favour. I also want to highlight that, though many persons have been treated unfairly in this matter, for the most part, we have had some successful acquisitions and compensation.

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Allow me to turn now specifically to Tobago. As we know, there is a very unique problem of land titles in Tobago, and we have seen Tobagonian MPs come to Trinidad and champion the cause. We had Dr. Eastlyn Mc Kenzie who was an Independent Senator; Pamela Nicholson at one time, Mr. Rennie Dumas and Mr. Stanford Callender. Different people came at different times and tried to bring this matter to the House from the 1980s all through to now. I think out of all of them, Dr. Mc Kenzie would have championed the cause to the fullest. She had meetings and did her research, and throughout the years she kept updating her list and offering to work with whichever government was in power at the time to help them out. So, there are people who are willing to help and people who are willing to work if we get serious about this matter.

The situation in Tobago is that we have a large number of persons—some say over 80 per cent—I would try to be safe, because I do not want to bring incorrect information to the *Hansard*—but I would say, at least, over 50 per cent of the people in Tobago do not have land titles; do not have proper documentations for their lands, and this is because, from generation to generation, lands have been passed down, and it is said that we are living on family land. So a grandfather or somebody from a long time ago would have passed down land to you by word of mouth, and people just do not have titles. They do not have the deeds or anything to show that it belongs to them. So, that has also caused a problem in this whole land acquisition situation, because you will see the list has many Tobagonians on it, and this has contributed to the problems.

Even for the people who would have received deeds or some type of documentation at that time, they would have taken it and put it in a “grip” or in a little suitcase or somewhere to secure it. Now, the type of paper that they were using at that time deteriorated. So, at the end of the day, it is like you do not even have a deed, because the system is not computerized. Also, in those days, you were required to come to Trinidad and register it at the Red House. I think there was the Registrar General’s office at the Red House. Some people just did not make the trip. It shows that we just do not have land deeds and land titles.

Sometimes you have an entire family owning a piece of land. Different villages have a place that you may call a “big yard”, and in those yards you have cousins, aunts and different people living there. So, if the Government decides to cut a road through that piece of land, then whom in do you give the payment to? Which one of the siblings or which one of the relatives will you give the payment to? So, that has also been a problem. Several administrations have been trying year after year and time after time to treat with this extremely complex and sensitive issue.

There are other problems that Sen. Ramkissoon would have mentioned regarding surveyors and valuers. I think that is a national issue. The law requires that the surveys be done by a Director of Surveys using a licensed surveyor from Trinidad and Tobago and it seems like we just have not been graduating or producing enough surveyors and valuers throughout the years. I know that the last PNM administration had a scholarship programme to try to encourage young people to study surveying and valuing.

We still have that problem where the price that is used is the price when you enter into getting the piece of land, and then it would take about 20, 30 or 40 years for some people, and the price of that land would have changed. So, for example, in 2010, you would be receiving money for land that was valued in 1982. So, we need to look at that. That is not fair for the person who owns the land, because the person is being deprived.

On recognizing this problem, even though the issues with respect to land and land acquisition are not taken care of by the Tobago House of Assembly—it does not fall under our purview under the Fifth Schedule of the Tobago House of Assembly Act. I think it falls under the Sixth and Seventh Schedules—the THA has decided that it is going to take steps to try to deal with this issue of land in Tobago because, at the end of the day, with this whole process of development, land is very fundamental and critical and you have to develop a piece of land. So, the Tobago House of Assembly decided to step in and see what can be done, because there were so many persons without titles.

As you know, every piece of land in Tobago belongs to some estate. So, if you do not purchase these estates, then you can say that Tobago would be landless. The THA has embarked on a process of purchasing estates whenever they show up on the market for sale. This is to give Tobagonians a sense of ownership and a sense of self, because, to Tobagonians there is nothing more meaningful than owning a piece of land. So land ownership is a major accomplishment for us and, for some of us, even more than having an education. It is that serious to us. If the THA does not acquire these lands, then it will frustrate our housing plan and our plans for development.

So these acquisitions of estates reflect our policy and our developmental thrust in Tobago. So, when the Roxborough Estate came on the market, the THA acquired it; when the Hope Estate came on the market, the THA acquired it, and that is where Hope Farm is at present; and when Kendal Estate came on the market, we acquired it. In recent times, the THA has also acquired Courland Estate, Friendship Estate, Pigeon Point and Indian Walk through this acquisition process. Now, these pieces of land have been put to proper use.

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Mr. President, on the Courland Estate, we now have our first swimming complex in Tobago, in collaboration with the YMCA. We have an experimental industrial farm going on where we are going to put CEPEP workers and other unemployed persons in the area of food production for the purpose of food security. The Black Rock Pan Theatre is the possible site for the fire station. We are now considering proposals to build a high-end resort in that area and those proposals are from locals.

Mr. President, these estates are used for village expansion, agriculture and housing development. We have Pembroke, where we have Homestead arrangements and the Heritage Park for cultural preservation, and the list goes on—Pigeon Point, Heritage Park, Roxborough Estate, Adelphi Estate and Indian Walk for agriculture.

Mr. President, I want to point to Adelpia, because this one seems to be a little more recent. The Tobago House of Assembly bought the Adelphi Estate, because we had a problem there with several people living there for years upon years with no titles to their land. What the THA did was it acquired Adelphi Estate and distributed the lands. Presently, the titles are being prepared, and we are expecting to deliver these titles to the owners by the end of the year. That is for people to feel more comfortable.

When you have a title in your hand, you feel more connected to the land. You can build on it; you could use it for agriculture; you can use it to set up an apartment or some form of business to bring more money into your hands; you can take a loan; you can send your child to school by getting an education loan and you can do so many things. Presently, when you go for a visa they would ask you to show some strong tie to Trinidad and Tobago, and they like to recommend that you bring a deed, and now people can do that. So, we are empowering the Tobagonians to be more productive citizens and contribute to the economic advancement of Tobago.

Another step the THA has taken is to establish working committees and to send different correspondences to try and deal with the regularization of land titles in Tobago. So, we have engaged in an aggressive examination of the legislation and procedures to try to rectify these land issues.

In 2006, the THA established a special committee to make recommendations for the amendment to the Real Property Ordinance and/or judges' guidelines with a view to finding a solution to the pressing problem of land titles in Tobago. That

committee consisted of Dr. Eastlyn Mc Kenzie, Mr. Taylor, a lawyer, but he died. He was an expert in land issues. We had people from the senior State Counsel, Mr. Pascal, land surveyors and different stakeholders involved in land issues.

4.00p.m.

Mr. President, I have the report for anybody who would like to see it; I am sure we could probably access it in the library. This is just to show you some of the initiatives the Tobago House of Assembly has taken to deal with the situation of land titles in Tobago. In doing my research, I came across reports, correspondence and notes from meetings and working sessions that were held between the last Minister of Legal Affairs and the Chief Secretary. There has also been extensive work done in collaboration with the Chief Justice, Ivor Archie, all in an effort to treat with this problem in Tobago.

Coming out of these reports, we examined the Real Property Ordinance (RPO) processes. This report states that the RPO process is very cumbersome; it takes too long; it is very costly and lawyer friendly, so, at the end of the day, the lawyer gets the bulk of the money. When you look at how much you have spent, you wonder whether it was really worth the headache. We have been making aggressive moves in trying to bring forward some sort of legislative change.

This is not just the House of Assembly or the PNM government; this has been going on since 1856 when the RPO was introduced, all the way down. We continue coming back to the legislation and coming back to the framework and making little sweeps. For instance, in 2000 we introduced the judges' guidelines to help the process, but we are still here today with the same issues. Down to the Chambers government worked on it and successive governments after that would have struggled with the legislation.

My concern is not about this government did not do it right or that government did not do it right; we must find the impediments in the system and root them out. We must find the impediments and remove them. If we are really in the business of nation building, we have to be prepared to build on what came before us, build on the legislation that came before, instead of constantly bashing the other person and bashing the other party and the other government. We aim to build a lot of resources, and time has gone into these processes. If we are really serious about it, then we need to act like it.

It is important that we create legislation and procedures to deal with our own identity, with who we are. You find very often that we try to use a template or take a page out of the book of the US or UK and it does not really cater to our

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situation in Trinidad and Tobago. We know that by the nature of our people, by our history, that we hand down lands by word of mouth. We need to step up the structure and the legislation to reflect that. Developing legislation is an ongoing process and different governments will come, time after time, and try to improve it, and there is absolutely nothing wrong with that.

I am pleased that the People's Partnership has committed in their manifesto on pages 61 and 63 to treat with these issues. I want to hold them to that. Specifically on page 63, it spoke about implementing measures to regularize land titles in Tobago based on a review of recommendations in recent reports. My concern is that so much work has been done and we have so many reports laying about.

Recently, right before the PNM came out of government, we worked on a legislative package that dealt with draft legislation on land adjudication, the land tribunal and the registration of titles, under the legislative agenda which we had. [*Desk thumping*]

What I would like to see, if we are really serious about fixing this issue, especially in the Tobago scenario, is that we work together. I hope the Government would operate expeditiously in getting this legislation to the House so we can debate it; even if we have to consider setting up a joint select committee or the necessary groups and mechanisms to make sure that this happens and that this comes to life, because we keep putting things on hold and say, "We are reviewing this and that." While we are reviewing, time is going and people still have problems with their land titles, and we come with more motions trying to acquire more and more land. In fact, we need to take a timeout and look at our situation and treat with it effectively. The THA has been very aggressive in trying to get that legislation to the House. Now it falls on us to bring it and to discuss it.

Mr. President, the final thing I would look at is that we need to examine ways on improving and enhancing the Tobago House of Assembly's capacity to treat with Tobago's land issues. Here we are in the national Parliament debating issues that deal with Tobago lands. The THA has some Executive powers and we are moving more and more towards getting more autonomy. I think that we are able enough to handle matters relating to our own land. If land is the basic, the core and the fundamental factor of development, you have to develop some piece of land, then the THA, which is responsible for Tobago's development, should have some say in land acquisition, land distribution in Tobago.

I listened to Sen. Bharath talk about these acquisitions, the Motion regarding Tobago coming to the House at this time, and that is our problem. We have to wait on some minister in Trinidad to take it up and bring it to the House. We are

well capable of handling issues like this in Tobago. Maybe in the whole process of constitutional reform we want to give Tobagonians more say as to how we manage, handle and distribute our land.

Finally, we need to do more in educating the public about land acquisition, land issues and land titles. I have a flyer here that was done in the 1990s that really helped me. It shows a step by step process on how it was done. You really do not find that now in the Division of Agriculture and Land Management.

I join in the Motion. I hope that we bring this legislative package to deal with land issues, not just in Tobago, but also in Trinidad, so that the people who were deprived of their land and the people who do not have land titles would be treated fairly and served with some kind of justice.

Sen. Dr. James Armstrong: Mr. President, I am very pleased to join this debate. I would like to point out that some of the problems which I see with respect to land acquisition seem to stem from the very, very long process in terms of actually paying for land that is acquired through compulsory means. Therefore, we have to look at how we can shorten that process and address some of the problems that we have encountered.

As has been indicated here today, there were many instances in which people have been waiting for compensation for land that has been acquired for many years now. It was mentioned that in Tobago, for instance, it has been going back to 15 or 30 years. In some cases, in respect of land acquired for the airport in Tobago, payment is still outstanding. Land acquired in Trinidad over 30 years, 35 years, payment is still outstanding. I would like to make a few suggestions as to how this might be addressed along with some of the problems that seem to prevail.

One has to do with the whole issue of market value. How do we determine market value? That seems to be a problem which leads to a lot of litigation and delay. For instance, you might have someone with a piece of land and that person is selling parcels at maybe \$50 or \$60 a square foot. That seems to be okay, even with the valuers, in determining stamp duty and so on. Then you come to compulsory acquisition and arrive at a totally different market value for that land; that seems to be a problem. We really need to find some way or some mechanism, some formula, where we can really have a reasonable payment for land, using that formula, depending on what the land is being acquired for, where it is being acquired and so forth.

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The other thing I noticed is that a number of things we have been acquiring land for, through compulsory acquisition, are predictable. They could be anticipated, in other words. Some of my colleagues today have mentioned that there was, perhaps, a lack of planning. I have mentioned this on occasions and I would like to emphasize that again today, the need really, not just for planning, but for what I would call statutory plans, whereby these things, once they are anticipated, are actually in the plan. The plans go to Cabinet, come to Parliament and are actually approved as statutory plans. So, in many cases, the public would be able to anticipate what land would be required for what purposes.

A highway is not something you just get up one day and say, "Let us do a highway today", or, "Let us do a jet port", or, "Let us do a tunnel." In many cases, these are things, that if you are planning properly, you would be able to anticipate these things. In the process of preparing these statutory plans, it would also include a lot of public participation, public consultation and public enquiry if necessary. So I would like to again emphasize the need for proper spatial planning. That has been mentioned over and over again.

We are aware of the National Physical Development Plan. Before this regime came in, there was actually a contract for the preparation of a new National Physical Development Plan and that has since been cancelled. We have heard nothing else about it and, therefore, we are really setting the stage for significant problems down the road in terms of the acquisition of land.

I also listened to the debate in the Lower House and there seems to be some confusion in terms of entitlements, whether to land or to shelter. I would like to caution, as indicated here today, given the fact that we are a small island state, land is at a premium, land is very limited. We are talking about agricultural development, we would need land. I would like to suggest that the entitlement as a basic need, as a requirement, should not necessarily be to land in a situation such as ours, but, perhaps, more so to shelter as opposed to land.

We are treating with land in a very, very loose kind of way. I heard this being discussed in the other place as well, that in our culture everybody wanted to have a piece of land. I think we have to change that attitude in the years to come, because if we talk about sustainable development, it is going to be impossible. We have to look also at the density of our development and concentrate more on shelter as an entitlement, as a basic need, as opposed to land and shelter, as a basic need.

4.15 p.m.

I also want to talk briefly, Mr. President, about something else that I heard, particularly in connection with Caroni lands, and what I heard in the discussion elsewhere was that a plan was actually prepared for Caroni lands. I became a little concerned because, as a planner myself, I would prefer really—at least I become very concerned when I hear about a plan for an area that is delineated, in this case about 77,000 acres to 80,000 acres, in such a small island, and that we look at that area and then decide, okay, this is what we are going to do within these confines.

I would like to suggest that, for instance, in the case of Caroni lands, perhaps a better approach would have been to look at the contribution of Caroni lands within the larger land banking situation. In other words. State lands, and this is what you can now bring into the larger consideration and then go back to Caroni lands and say, okay, this is what we can do with that delineated area, because we have looked at it in a national context, rather than looking at it in a confined way and saying, “Okay”, this is what we are going to do with it not taking into consideration all our other needs. I would like to, again, suggest, perhaps when we are looking at this whole business of land and compulsory acquisition that we look at a broader picture, look at it in the national landscape.

I would like to quickly mention, also, the fact that East Port of Spain Development, and the Minister of Finance told us that Laventille is going to be a growth pole. We are aware of the fact that a plan has been prepared, and I am very concerned about the need for planning, and we do know that a plan has been prepared for East Port of Spain—fine, it is going to be a growth pole—but nothing seems to be happening with that plan. Where is that plan? Again, take it to Cabinet, bring it to Parliament and have it approved as a statutory plan. So, again, we can try to anticipate what our needs are with respect to compulsory acquisition so that we do not simply get up one morning, confront someone and say, “Okay, here are the needs, and we would need your land for a, b, c, d”. We need to really give people some warning long in advance. If we take into consideration the need for proper statutory planning, for proper consultation, proper dialogue, I think that we would be well on our way to releasing some of these bottlenecks that we are encountering.

I thank you very much.

The Minister of Health (Sen. The Hon. Therese Baptiste-Cornelis): Thank you, Mr. President. When I came here today I did not plan to speak on this Motion. I believe we had said what we needed to say. However, when Sen.

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Deyalsingh started to give his utterances and tried to link the health centres as one of the main issues, [*Interruption*] I suddenly said, no, no, you do not go there. [*Laughter*]

Sen. Deyalsingh has said to come to you with your hands clean. As a new politician, here are my hands, they are very clean. So, I am going to utter as a new politician what I have seen. [*Desk thumping*] He talks about the fact that we try to talk about the perpetration of an act. That was not the point we were trying to make. You tried to make it that point. Yes, we need health centres. We still need health centres. Cabinet approved two weeks ago more health centres, more district health facilities and hospitals, things that you all should have done and did not do, but we are doing. [*Desk thumping*]

As the Minister of Health, I must respect and look at the interest of all my nationals. Therefore, for the previous administration to have gone and acquired lands without compensating the persons whom they have acquired the lands from, and then to come and say, “We did it for health, don't you go there.” [*Desk thumping*]

Compulsory acquisition is an emotional issue, but, as with any emotional issue, it must be dealt with as an issue trying to reduce the emotional strain on the person. We did not ask for apologies on your wanton disregard for people's ownership [*Interruption*] and we do not attempt to justify this, Sen. Hinds, by saying you purchased lands for the use of health centres. This is playing the political tune. That is what you are playing. I guess your aim to rent the Red House back to the Government was also for the benefit of people. I guess giving state lands to a prophetess was also for the benefit of people. [*Desk thumping*]

Please, your attempt to vilify what Sen. The Hon. Bharath has brought forward as an attempt to fix a process that was flawed and give people their true justice cannot be understated. How dare you do that? Let us do our job of serving the people whilst we allow you to learn what proper governance is.

Hon. Seepersad-Bachan: Exactly. [*Desk thumping*]

Sen. The Hon. T. Baptiste-Cornelis: And Sen. Cudjoe—

Sen. Hinds: Keep your hands clean.

Sen. The Hon. T. Baptiste-Cornelis: I will—[*Laughter*]—Sen. Cudjoe, land acquisition from the previous administration should have been handled prudently as you said, and that is what we are saying, it was not done, but I am glad you recognized that.

Yes, this is what the People's Partnership Government is trying to achieve, a fair treatment for all, exactly what you asked for. I am indeed heartened that you have supported our aim of trying to bring justice to the people. It is indeed interesting to hear you refer to lands acquired in 1965 and in 1977 that were not paid for in 1999.

Sen. Cudjoe: 1997 and 1998.

Sen. The Hon. T. Baptiste-Cornelis: It is amazing, Sen. Cudjoe, that the only Minutes you could have found was Minutes from 1999.

Sen. Cudjoe: Several years.

Sen. The Hon. T. Baptiste-Cornelis: I guess you need to look at Minutes of a time when a proper governance was trying to be placed. [*Desk thumping*]

Sen. Bharath: The Minutes were actually kept. [*Laughter*]

Sen. The Hon. T. Baptiste-Cornelis: A lot of things that we see were happening, is again—she went to a time when there was a non-PNM government, again, trying to fix the errors of a previous administration. [*Interruption and desk thumping*]

It is interesting though, again, you refer to parcels of land not being surveyed as simple mistakes, very interesting. I guess in the scheme of things that you all are accustomed to, those are simple mistakes. What is a complicated mistake in your view?

Also, it appears that Sen. Cudjoe, like other Senators of the Opposition, is determined to try to cause political confusion in the People's Partnership by trying to refer to us as UNC. Please, leave the reported strife that exists in your party in your corner.

Sen. Panday: “Yeah, yeah, yeah”! [*Desk thumping*]

Sen. The Hon. T. Baptiste-Cornelis: Sen. Dr. James Armstrong, your approach to proper spatial planning I totally appreciate, and it is a breath of fresh air, and it is expected of you as a planner.

Sen. Hinds: You sound as if you are correcting—[*Inaudible*]

Sen. The Hon. T. Baptiste-Cornelis: I do not, however, believe that under Minister Bharath he will allow the process of acquisition of lands for prescribed public benefit to ever be derailed to result in Government's inability to do such purchase and acquisition. [*Desk thumping*]

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Mr. President, we are not saying that our Government may not need to make compulsory acquisitions in the interest of progress of our nation. *[Interruption]* What we are saying, Sen. Hinds, is that we do not intend to make people wait 40 years for payment of such lands. They waited long enough. They waited years for true governance, which they have got with us now. They do not need to wait that long for land. *[Desk thumping]*

I admire Sen. Deyalsingh's honesty in admitting that the previous administration omitted to develop constructive policy on land usage. Very good, they did. *[Desk thumping]* Have no fear, this Government will deliver on another obvious inefficiency of the previous administration. *[Interruption]* Sen. Deyalsingh was quick to talk about absence of legislative agenda. He, of all people, should thus understand—*[Interruption]* Sen. Hinds, you will have your time—that the mess that we have inherited, and our dedication to purify and rectify the mess, we did not just jump into projects, jump into bills and jump into laws without looking at the beneficiaries, who are going to benefit; our nation, for the greater good of this country. *[Interruption]*

Yes, you have had plans. I give you full “venture”, you had plans. Many of your plans could not even float on water and not even the paper they were written on could float, but the fact is, we, however, do not approach strategy making in such a slipshod manner. We are a true Government and we will deliver.

I thank you. *[Desk thumping]*

Sen. Fitzgerald Hinds: Mr. President, I must admit that I had intended to join this debate, but I had intended to do so a little later, but based on the very red and inspiring contribution by my friend, the Minister of Health, I felt it necessary to enter at this point.

Sen. Beckles-Robinson: You have gotten an injection of thought.

Sen. F. Hinds: Yes. She concluded her contribution by saying that “We are a good Government and we will deliver”.

I was calling on her during the course of her contribution, as Minister of Health, to tell us what transpired with that mother and baby earlier today, *[Interruption]* very unfortunately, at one of the institutions. *[Interruption]* I thought that the hon. Minister should have told us about that unfortunate incident.

Sen. Baptiste-Cornelis: Thank you for giving way, especially as I was the one who told you about the incident. *[Laughter and desk thumping]* Okay, let us get it right. I told you about the incident, and the incident is for the entire—it

happened today, we did lose a mother and a child, and these things, while they happen, they should not happen and they are being investigated as we have promised. The family is getting counselling, and, as I told you, it happened today.

Sen. F. Hinds: Unfortunate, very unfortunate. Let me—in continuing on the analogy of birth, I think that this Government is obviously stillborn.

Hon. Senator: Whoooo! [*Desk thumping*]

Sen. F. Hinds: I think that this Government is in a state of stasis. It is quite clear to me and it is quite clear to the national community that this Government simply campaigned and wanted to become the Government of Trinidad and Tobago, and thereafter, according to “Third World”, that wonderful reggae group, “Now that we've found love, what are you gonna do with it.” They do not have a clue. [*Desk thumping*]

This Government, on that basis, is therefore on a course of collapse. It is clear, very, very clear, but unfortunate for the people of this country, because a lot of people vested a lot of hope in you, based on the false promises that you made during the campaign, and I feel sorry for Trinidad and Tobago.

Sen. Beckles-Robinson: Oh yes, sorry.

Sen. F. Hinds: Nothing is happening. I evidence that in the context of the debate that we have in front of us, the Minister of Food Production, Land and Marine Affairs—[*Interruption*—]—told us about some of the issues, some of the items, I think about 12 of them, where, we are here in this Motion today, in an attempt to resolve the issues insofar as those acquisitions were concerned, and he took pains to tell us of the problems.

It is painful to note that the hon. Minister, unlike others who spoke in this debate, offered absolutely no suggestion how we will resolve the problem or problems going forward. [*Desk thumping*] None! Rather disingenuously, he attempted to lay blame, as usual. I trust that he cannot resist it. I was saying to one of my colleagues on the Independent Bench, that the Independents have the luxury of being “independent” as it were, but when it comes to the politician, particularly on that side, he could not resist laying blame for issues, when, and as we approach 4.30 p.m., I want to conclude this phase of my contribution by reminding the Minister that former President Robinson said, and it largely went unnoticed, that a large part of the problems in this country would have been generated by the professional class.

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In other words, it is the failings of the professional class that has contributed largely to some of the difficulties we face in Trinidad and Tobago. Maybe the Minister of Health, in relation to the situation this morning, would discover that, but we have an arrangement where the politicians are always in the fray and take responsibility, as we should, under the Constitution for some of these matters; but at this point, I am sure you would like to make your intervention. [*Desk thumping*]

ADJOURNMENT

The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday): Thank you very much, Mr. President. Mr. President, I beg to move that this Senate do now adjourn to Tuesday, November 09, 2010, at which time we shall continue this debate and followed by the Petrotrin Pension Bill.

**Joint Select Committees
(Appointment Of)
(Correction)**

Mr. President: Senators, before I put the question, there is a matter that I crave your indulgence to return to, an earlier part of today's agenda, specifically the Motions relating to the appointment of Joint Select Committees. We had something of a mix-up in terms of the Independent Senators who will serve on those committees; if I may ask that you allow us to indicate that correction at this point.

The Joint Select Committee established to consider the Legislative Proposal to provide for public procurement and disposal of public property, together with the Legislative Proposal to repeal and replace the Central Tenders Board Act, the names of the Independent Senators should have been Mrs. Helen Drayton and Dr. Rolph Balgobin instead of Mr. Elton Prescott SC and Dr. James Armstrong.

With respect to the Joint Select Committee on Parliamentary Accommodation established to consider essential guiding policies related to Member and staff accommodation during the restoration of the Red House Project and report to both Houses from time to time, the names should have been Mr. Elton Prescott SC and Dr. James Armstrong, instead of Mrs. Helen Drayton and Dr. Rolph Balgobin. So I seek your agreement, before we move forward, that the names of the two Independent Senators be changed to what they should have been originally.

Assent indicated.

Mr. President: It appears to be unanimous. So that ultimately the Members of the Joint Select Committee established to consider the Legislative Proposal to provide for public procurement and disposal of public property together with the Legislative Proposal to repeal and replace the Central Tenders Board Act are: Mr. Anand Ramlogan, Mr. Kevin Ramnarine, Mr. David Abdulah, Mr. Faris Al-Rawi, Mrs. Helen Drayton and Dr. Rolph Balgobin.

The Members of the Joint Select Committee on parliamentary accommodation established to consider essential guiding policies related to Member and staff accommodation during the restoration of the Red House Project and report to both Houses from time to time are: Mrs. Mary King, Mrs. Rudrawatee Nan Ramgoolam, Mr. Embau Moheni, Mr. Faris Al-Rawi, Mr. Elton Prescott SC and Dr. James Armstrong.

Therefore the record will stand corrected. Those are the Independent Senators who will serve respectively on those Joint Select Committees. Before I seek your vote on this, I believe the Leader of Government Business would like to make an announcement.

Divali Greetings

The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, Divali is here again with us. This time of the year is very auspicious. On Friday the Hindus in Trinidad and Tobago will be celebrating Divali. If one looks at the television one would see our Muslim brothers and sisters are performing their hajj and they are travelling abroad. Next month our Christian brothers will be celebrating Christmas. So, indeed, it is a very auspicious time of year. [*Desk thumping*]

The greetings which were given by the honourable and distinguished Prime Minister and the hon. Leader of the Opposition encapsulated everything that Divali means, that lighting the deya symbolizes light over darkness and from my good friend, Sen. Hinds, good over evil and mortality over immortality. Indeed, at this time of Divali, the Hindus pay homage to the female form of the deity and we are indeed happy to be performing that function; but Trinidad and Tobago is indeed in a very great position, in that we are not only celebrating our female form of deity but this country is also celebrating our first female Prime Minister, the hon. Kamla Persad-Bissessar— [*Desk thumping*] our hard-working and our caring Prime Minister. So, as I say, it is a very auspicious time— [*Interruption*] [*Laughter*]

The Government wishes the people of Trinidad and Tobago Shubh Divali. Thank you very much. [*Desk thumping*]

Sen. Terrence Deyalsingh: Mr. President, in following Sen. Panday, I, too, would like to bring Divali greetings to the Hindu community on behalf of the People's National Movement. Divali is a contraction of the Sanskrit word. I think it is Deepavali; I think where "deep" means light and "avali" means row, so it is literally a row of lights, but what non-Hindus appreciate about Divali is the light, the food, the lovely red saris—and I notice her cheeks have gone down a bit so she looks lovely there.

We look forward to the physical aspects of it, but Divali's true meaning has to do with the awareness of that inner light that should shine within all of us. That is what Divali really is. It is beyond the physical body. It is pure, it is infinite and it is eternal.

In my contribution earlier, I spoke about the tapestry that is Trinidad and Tobago, all the different peoples, and Sen. Panday just alluded to it. Hinduism adds to that tapestry; it adds to that quilt; it makes it that much richer; it makes it that much warmer. [*Desk thumping*] It gives us comfort.

I would like to throw—and this is a personal idea; I have not had the luxury of time to run it past my Leader of the Senate here. I throw an idea out. We are in a multicultural, multi-religious society. Is it time to look at the teaching or the development of a syllabus that deals with comparative religion? I notice Sen. Baptiste-McKnight seems to be in agreement. She may be the only one. Is it time, as we take this country forward, that maybe we should start to teach all the religions; what is good about them; what are the differences; where we diverge, but, more importantly, where we converge in the end? Maybe the State schools can look at it as an idea. I think the IRO has a serious role to play in this—very, very serious role. We must not let religion and cultural differences divide us but unite us. It is just an idea.

Before I finish my greetings to the Hindu community, we, six here would like to join with our political leader and the political leadership of the People's National Movement in joining with the Hindu community and also in joining with people in Tobago, Toco, Barbados, who were affected by Hurricane Tomas; St. Lucia, Grenada. This is a time where we have to rally around our peoples and we stand ready to join with the Government in any initiative to bring relief. [*Desk thumping*]

I would also like, before I close, to join with Sen. Baptiste-Cornelis and offer our prayers tonight for the unfortunate happenings today. Politics have no place in that. That goes beyond anything that we could possibly speak about here. None of

us could know the grief that that family is going through right now. In this season of Divali, in hajj, where people are going to hajj; where Christmas is next month, we have to give a thought to them. So I wish the Hindu community, Shubh Divali, and I join with everyone in wishing the Hindu community well.

I thank you.

Sen. Subhas Ramkhelawan: Thank you very much, Mr. President. Divali is an occasion for rejoicing but also for reflection, and as I join with my fellow Senators in wishing the entire community Shubh Divali, I want us to reflect on this matter, not from the perspective only of rejoicing, as my namesake on the other side has spoken to, but for reflecting, because there are two well-known stories that come with Divali. One is the churning of the ocean with the resulting appearance of Mother Lakshmi. The second is the story well documented in the holy scriptures of the Hindus, the *Ramayana*, in which Lord Rama was exiled for a period of 14 years and had to leave the comfort of his kingdom of which he was the crown prince, to go into the forest to spend 14 years. For what purpose? The purpose was to fulfil a promise made by his father, Dasharatha. It was a promise that had he not fulfilled there was the feeling that darkness would overcome light and darkness would overcome truth. Therefore, in that spirit of sacrifice, he made that journey away from definite comforts of life to fulfil truth. Therefore, at this time of reflection, light, we expect, as it has always done, will overcome darkness.

There was another aspect to that story. It was leadership. At this time of reflection, our nation is not in, I would say, the best of health. Whether it be in the economy, whether it be in the society, it is not in the best of health and what would be required, apart from the usual platitudes that come every now and again, is that in the spirit of Divali that we dig deep to find the kind of leadership that will take our nation forward in the spirit of Lord Rama who made the sacrifices that were necessary to ensure the leadership and the good governance of a nation.

With that, I want to reiterate my best wishes, not only for the Hindu community, but for all our sisters and brothers of this wonderful nation of Trinidad and Tobago.

I thank you, Mr. President.

Mr. President: I wish to associate myself with the greetings brought from all the Senators who preceded me and to offer and hope that the light of Divali will prevail in the lives of all of us and in our nation.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.46 p.m.