

*Leave of Absence**Tuesday, June 17, 2014***SENATE***Tuesday, June 17, 2014*

The Senate met at 11.30 a.m.

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

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. Fazal Karim, Sen. The Hon. Kevin Ramnarine and Sen. Dr. Rolph Balgobin, who are all out of the country.

**SENATORS' APPOINTMENT**

**Mr. President:** Hon. Senators, I have received the following correspondence from His Excellency The President, Anthony Thomas Aquinas Carmona, S.C., O.R.T.T.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS  
 CARMONA, O.R.T.T., S.C., President and  
 Commander-in-Chief of the Republic of  
 Trinidad and Tobago.

/s/Anthony Thomas Aquinas Carmona O.R.T.T. S.C.  
 President.

TO: MS. ASHAKI SCOTT

WHEREAS Senator the Honourable Kevin Christian Ramnarine is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ASHAKI SCOTT, to be temporarily a member of the Senate, with effect from 17<sup>th</sup> June, 2014 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Kevin Christian Ramnarine.

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 13<sup>th</sup> day of June, 2014.”

*Senators' Appointment*

*Tuesday, June 17, 2014*

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS  
CARMONA, O.R.T.T., S.C., President and  
Commander-in-Chief of the Armed Forces of  
the Republic of Trinidad and Tobago.

/s/Anthony Thomas Aquinas Carmona O.R.T.T. S.C.  
President.

TO: MS. KEITHA SMITH

WHEREAS Senator the Honourable Fazal Karim is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, KEITHA SMITH, to be temporarily a member of the Senate, with effect from 17<sup>th</sup> June, 2014 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Fazal Karim.

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 16<sup>th</sup> day of June, 2014.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS  
CARMONA, O.R.T.T., S.C., President and  
Commander-in-Chief of the Armed Forces of  
the Republic of Trinidad and Tobago.

/s/Anthony Thomas Aquinas Carmona O.R.T.T. S.C.  
President

TO: DR. SHARON BEVERLEY LE GALL

WHEREAS Senator Dr. Rolph Balgobin is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, Sharon Beverley Le Gall, to be temporarily a member of the Senate, with effect from 17<sup>th</sup> June, 2014 and continuing during the absence from Trinidad and Tobago of the said Senator Dr. Rolph Balgobin.

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 16<sup>th</sup> day of June, 2014"

**OATH OF ALLEGIANCE**

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

Ashaki Scott, Keitha Smith and Dr. Sharon Beverley Le Gall.

**RETIRING ALLOWANCES (LEGISLATIVE SERVICE) (AMDT.) BILL, 2014**

Bill to amend the Retiring Allowances (Legislative Service) Act, Chap. 2:03, brought from the House of Representatives [*The Minister of Housing and Urban Development*]; read the first time.

*Motion made:* That the next stage of the Bill be taken at the sitting of the Senate to be held on Tuesday, June 24, 2014. [*Hon. G. Singh*]

*Question put and agreed to.*

**JUDGES (SALARIES AND PENSIONS) (AMDT.) BILL, 2014**

Bill to amend the Judges (Salaries and Pensions) Act, Chap. 6:02, brought from the House of Representatives [*The Minister of Housing and Urban Development*]; read the first time.

*Motion made:* That the next stage of the Bill be taken at the sitting of the Senate to be held on Tuesday, June 24, 2014. [*Hon. G. Singh*]

*Question put and agreed to.*

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL, 2014**

Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50, brought from the House of Representatives [*The Minister of Transport*]; read the first time.

*Motion made:* That the next stage of the Bill be taken at a sitting of the Senate to be held on Tuesday, July 01, 2014. [*Hon. G. Singh*]

*Question put and agreed to.*

**LAND TENANTS (SECURITY OF TENURE) (AMDT.) BILL, 2014**

Bill to amend the Land Tenants (Security of Tenure) Act, Chap. 59:54, brought from the House of Representatives [*The Minister of Housing and Urban Development*]; read the first time.

*Motion made:* That the next stage of the Bill be taken at a sitting of the Senate to be held on Tuesday, July 01, 2014. [*Hon. G. Singh*]

*Question put and agreed to.*

**MISCELLANEOUS PROVISIONS (ADMINISTRATION OF JUSTICE) BILL, 2014**

Bill to amend the Administration of Justice (Deoxyribonucleic Acid) Act, 2012, the Jury Act, Chap. 6:53, the Criminal Offences Act, Chap. 11:01, the Dangerous Drugs Act, Chap. 11:25, the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, the Young Offenders Detention Act, Chap. 13:05 and the Police Service Act, Chap. 15:01, brought from the House of Representatives [*The Attorney General*]; read the first time.

*Motion made:* That the next stage of the Bill be taken at a sitting of the Senate to be held on Tuesday, July 01, 2014. [*Hon. G. Singh*]

*Question put and agreed to.*

**MISCELLANEOUS PROVISIONS (PRISONS) BILL, 2014**

Bill to amend the Prisons Act, Chap. 13:01, the Criminal Offences Act, Chap. 11:01 and the Mental Health Act, Chap. 28:02, brought from the House of Representatives [*The Minister of Justice*]; read the first time.

*Motion made:* That the next stage of the Bill be taken at a sitting of the Senate to be held on Tuesday, July 01, 2014. [*Hon. E. George*]

*Question put and agreed to.*

**PURCHASE OF CERTAIN RIGHTS (HCU) BILL, 2014**

Bill to provide for the purchase by Government of certain rights belonging to shareholders and depositors of the Hindu Credit Union Co-operative Society Limited; to empower the Minister with responsibility for finance to make payments and issue bonds for the purchase of those rights and for related matters, brought from the House of Representatives [*The Minister of Finance and the Economy*]; read the first time.

*Motion made:* That the next stage of the Bill be taken at a sitting of the Senate to be held on Tuesday, July 01, 2014. [*Hon. L. Howai*]

*Question put and agreed to.*

**11.45 a.m.**

**PAPERS LAID**

1. Fourth Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North-West Regional Health Authority for the year ended September 30, 1999. [*The Minister of Finance and the Economy (Sen. The Hon. Larry Howai)*]
2. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North-West Regional Health Authority for the year ended September 30, 2000. [*Sen. The Hon. L. Howai*]

3. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North-West Regional Health Authority for the year ended September 30, 2001. [*Sen. The Hon. L. Howai*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Telecommunications Authority of Trinidad and Tobago for the year ended September 30, 2007. [*Sen. The Hon. L. Howai*]
5. Ministerial Response to the Fifteenth Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 2) on the Administration and Operations of the Trinidad and Tobago Electricity Commission. [*The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh)*]

**SPECIAL SELECT COMMITTEE REPORT**

**Securities (Amdt.) Bill, 2013  
(Presentation)**

**The Minister of Finance and the Economy (Sen. The Hon. Larry Howai):** Thank you, Mr. President. Mr. President, I have the honour to present the following report as listed in the Supplemental Order Paper in my name:

Fourth Interim Report of the Special Select Committee on the Securities (Amdt.) Bill, 2013.

**Securities (Amdt.) Bill, 2013  
Extension of Time)**

**The Minister of Finance and the Economy (Sen. The Hon. Larry Howai):** Mr. President, having regard to the Fourth Interim Report of the Special Select Committee appointed to consider and report on the Securities (Amdt.) Bill, 2013, I beg to move that the committee be allowed an extension of time in order to submit a final report to the Senate.

**Mr. President:** By July 01, 2014.

**Sen. The Hon. L. Howai:** By July 01, 2014.

*Question put and agreed to.*

**ARRANGEMENT OF BUSINESS**

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** Thank you, Mr. President. Mr. President, notwithstanding Standing Order 20(2), I beg to move that the Senate consider Private Business before Government Business.

*Question put and agreed to.*

**FINANCING OF ELECTION CAMPAIGNS  
(JOINT SELECT COMMITTEE)**

[Sixth Day]

*Order read for resuming adjourned debate on question* [November 26, 2013]:

*Be it resolved* that Parliament appoint a Joint Select Committee to propose a legislative framework to govern the financing of election campaigns and to submit its report with recommendations to both Houses of Parliament within six months of its appointment. [*Sen. H. Drayton*]

*Question again proposed.*

**Mr. President:** Hon. Senators, the list of those who spoke on Tuesday, November, 26, 2013: Sen. Helen Drayton, the mover of the Motion; Sen. The Hon. Dr. Bhoendradatt Tewarie; Sen. Faris Al-Rawi. On Tuesday, February 04, 2014, those who spoke: Sen. Faris Al-Rawi continued, Sen. Dr. Dhanayshar Mahabir, Sen. The Hon. Marlene Coudray, Sen. Anthony Vieira and Sen. David Small.

On Tuesday, February 25, 2014: Sen. The Hon. Devant Maharaj, Sen. Avinash Singh, Sen. Dr. Rolph Balgobin, Sen. The Hon. Embau Moheni, Sen. H. R. Ian Roach and Sen. Elton Prescott SC.

On Wednesday, April 02, 2014: Sen. The Hon. Anand Ramlogan SC, Sen. Stewart Young, Sen. The Hon. Raziah Ahmed, Sen. Shamfa Cudjoe, and on Tuesday, May 06, 2014: Sen. Shamfa Cudjoe, Sen. Rev. Joy Abdul-Mohan. Sen. Diane Baldeo-Chadeesingh was on her legs at the time when we broke and she has 30 minutes of original speaking time remaining.

**Sen. D. Baldeo-Chadeesingh:** Thank you very much, Mr. President. Six weeks ago, and by way of quick recap, I indicated that, in our country, in our Parliament and in our region, this discussion is very much alive in many debates over the last year; campaign finance and the issues in democratic elections. I quoted from the Organization of American States Secretary General Josè Miguel Insulza, and stated his affirmation of the role of the OAS in the process.

I further spoke about the role of the citizens in a democracy and their right to participate in public life and all that that entails and the fact that political parties must respect these rights and ensure that no rights are violated in a democratic election process.

I also spoke about the communication process in a democracy and made the point that the manner in which we campaign is critical to the preservation of our democracy, which led me to the legal reality of Trinidad and Tobago where campaign finance is concerned and particularly to the Representation of the People Act, Chap. 2:01 and specifically to Part IV of that Act, which deals with election campaigns for candidates.

Then I went into global resolutions for campaign financing, beginning with the UK's system of regulating campaign finance and I was making reference to the Canadian context, and it was at this point the sitting concluded, so I wish to now continue my contribution from where I left it.

Mr. President, in the Canadian system of government, recent challenges with campaign financing turned sensational with the SNC-Lavalin issues where senior campaign financiers receiving influential positions in government agencies, which facilitated government-to-government contracts in mega health projects.

I also indicated what is interesting is that the PNM raised its concerns for the government-to-government health projects with Canada with SNC-Lavalin, the choice of contractor and the list of issues raised in the other place resulted in the Penal hospital plan being brought to a premature end.

Mr. President, the Federal police in Canada, with regard to SNC-Lavalin, at the Montreal Hospital project are conducting investigations in the mega project disaster, so I will say no more on this matter. But, Mr. President, campaign financing is an area linked to this international scandal and what I can report on is what is out in the public domain.

Mr. President, I wish to refer to an article that was posted on March 20, 2013, concerning the same SNC-Lavalin and link it to campaign financing. It is titled:

“Another Day, Another Conservative Scandal”

and I quote:

“SNC-Lavalin made...political donations to Conservative candidate...despite the fact that the Canada Elections Act prohibits corporate donations. The donations were given by 14 executives or their relatives on April 30, 2011 just before the national election on May 2<sup>nd</sup>. These donations amounted to 2/3 of the candidates campaign finances.

SNC claims these donations were made by personal choice of their executives coincidentally on the same day two days before the election.”

In another piece of the story, Mr. President:

“...CBC News began investigating federal contributions after revelations last week”—but this article was posted on March 20, 2013—“by an SNC executive...in Montreal. Yves Cadotte explained to the inquiry on corruption how SNC-Lavalin had its executives make political contributions municipally and provincially and then compensated them through their bonuses.

...MP Alexandre Boulerice told the CBC the donations could indicate a broader scope of corruption:...'It's really strange"—he says—"that all those employees of SNC-Lavalin are giving almost the same amount of money to the same local association on the same day. 'It looks like an organized action from a company to give money to a political party.'

During Tuesday's Question Period, Boulerice asked...about a similar donation cluster in 2009, where 13 SNC-Lavalin executives and their family members donated"—thousands of dollars to the conservative party.

Now, Mr. President, SNC-Lavalin was granted permission to build the hospital at Clarke Road in Penal. Government officials have been silent on the exact terms and conditions of the hospital's construction and they might argue that it was the decision of the Canadian Government in choosing SNC-Lavalin. But it is interesting that political counsellor at the Canadian High Commission, has not answered questions on the tendering process and selection process involving SNC-Lavalin saying that these matters should be directed to the Trinidad and Tobago Government.

So, Mr. President, SNC-Lavalin has stood—and they have actually been on a—[*Interruption*]

**Hon. Senator:** Watch list.

**Sen. D. Baldeo-Chadeesingh:** Well, not a watch list. Actually, the World Bank has barred SNC-Lavalin from participating in bank-funded projects for 10 years because of suspected corruption in Bangladesh, Cambodia, Libya and Algeria; this same SNC-Lavalin.

Mr. President, in April this year—well I am quoting from an article by Radhica Sookraj, it is titled:

“Chamber meets on Penal hospital”

This article was published on Sunday, June 23, 2013. Just a little bit about this company, SNC-Lavalin.

“In April this year”—the reporter writes—“the World Bank slapped a ten-year ban on SNC-Lavalin Inc, a subsidiary of SNC-Lavalin and its affiliates, from bidding on projects funded by the bank because of a scandal over bribes. Former CEO of SNC-Lavalin Pierre Duhaime was charged with fraud, conspiracy to commit fraud and issuing false documents, involving CAN\$22.5 million in payments relating to a hospital project in Montreal.”

Further, Mr. President—[*Crosstalk and Interruption*]

**Mr. President:** If we could listen in silence to Sen. Baldeo-Chadeesingh.

**Sen. D. Baldeo-Chadeesingh:** Thank you very much, Mr. President.

“Former executive vice president Riadh Ben Aissa also faced the same charges after being arrested in April 2012 in Switzerland on suspicion of corruption, fraud and money-laundering in North Africa.”

This same company.

“Three countries, Canada, Mexico and Switzerland, also initiated investigations with SNC-Lavalin’s involvement in Libyan dictator Moammar Gaddafi’s son, Saadi.”

It is out in the public domain, Mr. President.

“In 2012, the Canadian national police raided SNC-Lavalin’s headquarters on suspicion that Ben Aissa had paid Saadi Gaddafi CAN\$160m in kickbacks for giving major contracts to SNC-Lavalin.”—and—

“Despite these allegations, the T&T Government confirmed that SNC-Lavalin was chosen to build the Penal hospital.”

As a matter of fact, the story keeps unfolding because SNC-Lavalin’s former CEO, Pierre Duhaime, was arrested last year for fraud and forgery. This is an article from which I am extracting bits and pieces. The article is titled: Penal Hospital and Rehabilitation Centre...awarded to Canada’s scandal plagued SNC-Lavalin. It was posted in July 2013.

SNC-Lavalin’s—for that I would start over.

“former CEO Pierre Duhaime was arrested last year for fraud and forgery arising from alleged bribes to win a contract to develop Montreal’s McGill University Health Centre, a \$2.4 billion super hospital.

In May this year”—but this was an article posted in July 2013—“Arthur Porter, the former head of the McGill hospital, and his wife were arrested in Panama. Canadian police alleged Porter took \$22 million in bribes from SNC-Lavalin for the McGill project.”

Do you know what the aftermath and fallout of this is?

“‘After Porter’s arrest,’ the story said, ‘T&T and Panama were’—actually — ‘labelled a ‘money-laundering haven’ by Canadian experts who said Porter had no business connections in’...’—Trinidad and Tobago.’”

**12.00 noon**

But, Mr. President, after all that is said and done regarding that, there are efforts to enact campaign finance laws. My research took me, Mr. President, to the Turks and Caicos. The Turks and Caicos was actually the first in the Caribbean to enact campaign finance legislation:

“The Political Activities Ordinance 2012, which came into force on 28 August 2012 provides for the registration and for the regulation of the conduct of political parties and others in relation to political financial activity.”

Mr. President, political parties and candidates had to comply with the regulatory framework introduced by the Political Activities Ordinance, 2012, and the first election after that ordinance was introduced, was actually in November 2012. I got my information, my source is the:

“First Post-Election Report on Political Financial Activities” of the “Turks and Caicos Island by the Integrity Commission, January, 2013”:

“Transparency is a key principle that underpins the Ordinance and enables the public to have an understanding of where parties get their funds from and how they spend them.”

Mr. President, this lack of transparency and questions of links of financiers to lucrative contracts and board appointments challenge the governance of Trinidad and Tobago. From the Point Fortin highway to the Penal Hospital with SNC-Lavalin, to the most recent, the Beetham Waste Water Treatment Plant. [*Desk thumping*] Trinidad and Tobago is faced with an opportunity to address these issues.

Mr. President, if democracy is a system where all are served equally, then there must be equity and transparency in our governance system. We owe a duty to Trinidad and Tobago to ensure equity and equality of opportunities, principles that are to be upheld by the nation. We must also engage corporate Trinidad and Tobago in this quest to uphold our democracy. Most financiers are from the private sector, corporate Trinidad and Tobago, and as the TTTI emphasizes, that is the Trinidad and Tobago Transparency Institute, and I quote from that document:

“Corporate Trinidad and Tobago can play a role in combating corruption by, among other things, adopting codes of business ethics to provide guidance to employees in the avoidance of corrupt practices. TTTI would welcome support and collaboration from corporations in carrying out research to establish the nature and form of corruption, its causes and remedies and to seek to match the perception of corruption with the reality on the ground.”

Mr. President, to another system. America's current system of campaign financing erodes one of the most essential components of healthy democracy, that is public trust in its core institutions. Voters believe that large campaign contributions influence the actions of policymakers, and will prevent Congress from tackling the critical issues facing the nation, like the economic crisis, health care and even global warming.

The current play-to-pay culture dominating American politics, threatens to steal the change people voted for in record numbers in 2008. Today's campaign finance system fuelled by big money, creates an environment ripe for corruption. Members of Congress must daily walk a fine line actually, in order to avoid the appearance that they are favouring large donors. And worse yet, Mr. President, the system has evolved to the point where lawmakers who serve on committees with jurisdictions over specific issues in sectors of the economy, now receive much of their campaign money from the very industries they are supposed to regulate.

Mr. President, restoring public faith in the Government and making Government work in the public interest, will require bold actions—issues of suspicious contracts with poor cost benefit analysis to benefit special contractors. We, the PNM, are ready to develop interventions necessary to restore democracy and respect democratic institutions. We are ready to serve all equally and involve all in the development of this nation.

Dr. Masson, Chairman of the Elections and Boundaries Commission has publicly stated the following, and I quote from an article, it is a *Newsday* article titled:

“EBC chairman calls for own budget, wider powers”

This was written by Andre Badoo, *Newsday* May 19, 2013. He said, Dr. Masson:

““There is at present no incontrovertible evidence of any exchange of favours surrounding campaign financing in Trinidad and Tobago but there have been, of late, many suspicions and allegations in the press and in the public domain, many calls by the media and by the general public for the enactment of legislation to control campaign financing.””

He further went on to say that:

““The huge levels of estimated expenditure incurred in media advertisements in recent elections, with the paltry sums allowable for election expenses in the provisions of the Representation of the People Act, suggests a high probability that sources of funding beyond the financial means of candidates and political parties were available.””

*Financing of Election Campaigns*  
[SEN. BALDEO-CHADEESINGH]

*Tuesday, June 17, 2014*

So, Mr. President, so critical is campaign finance to democracy, in addition to political parties, regional institutions have joined the discussions as well. The Organization of American States, Secretary General in Barbados in May 2013, expressed concern about the need to address the issue of campaign finance. The evidence of the PNM's commitment to campaign finance was the active participation of its General Secretary, Mr. Ashton Ford, the only political party from Trinidad and Tobago that was represented at this [*Interruption*] [*Desk thumping*] most important forum. The Secretary General of the OAS stressed and I quote:

“The issue”—and this was from his presentation at the:

“Regional Forum Strengthening Regulation of Political Parties and Political Financing Systems in the Caribbean

May 9, 2013 - Bridgetown, Barbados

The issue of political financing has become an increasingly important preoccupation to all those who are concerned about the wellbeing of our democracies. The financing of our political system is vital to a healthy and vibrant democratic political system. Indeed, political parties need funding in order to accomplish their functions in support of the will of the citizenry. But the system also needs to keep a keen eye on its financing with a view to avoid the pitfalls and abuses that sometimes arise.

This regional meeting brings to the table the underlying complex relationship between money and democracy.”

He also said, Mr. President:

“It is often said that while democracy is priceless, it has nevertheless an operational cost.”

Mr. President, the real issues are in going forward, and we have to ask these questions: are financiers allowed to influence the operations of the party they fund, when the party becomes the Government as a legitimate expectation having funded a party? Are the principles of the party compromised when the financiers seek the service as an economic benefit for the donation? And will legislation prevent such realities?

Mr. President, it is our view that one cannot legislate ethics, morality or honesty. One can only develop an awareness of the possible weakness in the governance system, and make efforts to align Trinidad and Tobago with other successful countries.

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

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** Thank you, Mr. President. Mr. President, I rise to be very brief in my contribution in this matter, and to indicate that in 2006 as a Member of the House of Representatives for the constituency of Caroni East, I moved a Private Members' Motion to deal with the issue of campaign finance. This is 2014, for me it is like déjà vu. Twenty speakers have spoken on this Motion. It is not my intention to rehash what they have said, but I agree with the diagnostic that something is required to be done for us in Trinidad and Tobago in dealing with the issue of campaign finance reform. [*Desk thumping*]

Mr. President, it is clear that there has to be intervention, there has to be intervention in this matter, notwithstanding the revisionist approach taken by hon. Sen. Diane Baldeo-Chadeesingh. She seemed to be a virgin when it comes to the political history of Trinidad and Tobago. [*Crosstalk and laughter*]

So that I do—I want—this is not—in the context of the procurement legislation, and in the context of campaign finance reform, we passed landmark legislation last week, dealing with the issue of a change in the paradigm of procurement in Trinidad and Tobago.

Today, [*Desk thumping*] we are dealing with the issue of campaign finance reform. When we vote in favour of this Motion, we will be setting in train another paradigm shift in the context of the politics of Trinidad and Tobago. [*Desk thumping*]

Mr. President, we are very clear. We endorse—we on the Government side endorse this Motion, and it is consistent with our party's manifesto. We do not need to send a general secretary to attend a seminar [*Interruption*] to anchor our position. [*Desk thumping*] We are very clear [*Desk thumping*] in our manifesto. In our manifesto—our manifesto promotes legislation for a declaration of principles, No. 7 to:

“Promote legislation for the registration and funding of political parties subject to review of an independent body” [*Desk thumping*]

So it is consistent. This Motion is consistent with that. In my motion in 2006, I outlined all the requirements and the necessity for embarking on this exercise.

But when the hon. Senator got up and indicated that SNC-Lavalin and all that SNC-Lavalin did in Canada, and its link with the Penal hospital, I want to refer the Senator to a newspaper report of the *Trinidad Express* of the 17<sup>th</sup> of the 06<sup>th</sup>. Mr. President, at page—by Anna Ramdass, of September 28, 2013, and it outlined that, under the PNM Government:

“SNC got \$2.5b contract under PNM”

*Financing of Election Campaigns*  
[SEN. THE HON. G. SINGH]

*Tuesday, June 17, 2014*

[*Continuous interruption*] So I want to say that when you point one finger in the other direction, check how many are pointed against you. [*Desk thumping*] Because you see, Mr. President, today is a day in which we must come together. We must come together for the benefit of the change that is required in our society. [*Interruption*]

Mr. President, so I would not engage any historical revision. I just merely want to indicate that there is a critical role for the political parties, in promoting and fostering this paradigm shift that is required to bring about effective campaign finance reform in this country. [*Desk thumping*]

Mr. President, so with these few words, I want to indicate—[*Interruption*] if you want me to go on, I can rehash my statement, [*Laughter and interruption*] that I made in 2006, which still is very relevant. But with these few words I want to indicate that we on this side, the Government of Trinidad and Tobago, totally endorse the Motion moved by Sen. Helen Drayton in the interest of Trinidad and Tobago.

I thank you. [*Desk thumping*]

**Sen. Helen Drayton:** Thank you, Mr. President. Many Senators have spoken on this Motion for Parliament to establish a joint select committee to propose a legislative framework, to govern the financing of elections campaigns, and to submit its report with recommendations to both Houses of Parliament within six months of its appointment. Now, certainly after nearly a year of debate, it will be excessive to say more than what has already been said, and time is of the essence.

**12.15 p.m.**

I want to thank all Senators for their excellent and stimulating contributions, which captured five essential things:

- That there is need for transparency in election campaign financing;
- That political parties must be registered;
- That a joint select committee is a good vehicle for distilling the ideas and coming up with a framework, and also inviting recommendations and comments from interested parties;
- That the current law which is the Representation of the People Act, established 50 years ago, which limits the maximum that could be spent per candidate at \$50,000, is outdated and needs to be brought in line with today's reality;
- That political parties should adhere to a legal code of conduct, among other significant principles.

While I would like to touch on the main highlight of every contribution, it certainly is not practical, but I will comment briefly on a few.

I want to thank Sen. Dr. Tewarie for his enlightening discourse on the chequered history of elections campaign legislation. I take to heart his words and the words of Sen. Ganga Singh that, from the outset, the People's Partnership Government is in favour of a transparent regime to govern the financing of election campaigns and that we do support the appointment of the joint select committee to examine the issues and to make recommendations for the establishment and effective functioning of such a regime.

Sen. Dr. Tewarie also summed up, as well as Sen. Ganga Singh, the view by speakers, when he said that the time has come for elections campaign legislation, but he recognized that whatever a committee comes up with, it will not be perfect; it is not going to resolve all issues and he is right because the issues in the context of our society, and a very small society, are many and varied.

Sen. Al-Rawi's excellent contribution recognized the necessity for elections campaign financing and felt that perhaps the Motion should be broadened to include the financing of political parties and the registration of political parties. And while I identify—and I think we all identify with those sentiments—I think it is wise to treat with the most important matters as these relate to the implications of unchequered campaign financing, including fairness, transparency, the threat to good governance and the potential damage to the democratic process through tainted money.

As I said in my presentation when I proposed this Motion, if the Senate and the House approve this Motion, then the committee would have to look at all related issues, including political party financing, if it is to do an efficient job, just as we did with our approach to procurement legislation.

It is hardly likely that an efficient elections campaign financing system could exist without the registration of political parties, if only for reporting and monitoring reasons and also to receive state funding, since that seems to be the general view of all Senators who spoke on this Motion.

On the matter of procedure to establish a JSC, once the Senate resolves that it agrees with the Motion, then the Clerk has a duty to ensure that the relevant letter is prepared for Mr. President of the Senate to convey to Mr. Speaker of the House the decision of the Senate and to request the concurrence of the House that a joint select committee be established. All the Senate will be doing is expressing its will that Parliament establishes a joint select committee. The rest is up to the House of Representatives.

I thank Sen. Coudray for her contribution. The Senator acknowledged that money is always a problematic part of election campaigns and the political system and that regulation is desirable. Sen. Coudray mentioned the right of citizens to make political contributions and the Senator is correct.

Legislation governing campaign financing or political party financing does not deny corporate or individual citizens their right under the Constitution to give monetary support or any kind of support to political parties. All it does is that it merely establishes a system for ensuring transparency among other significant principles; importantly, it establishes a system for state funding.

Let me say that if it is the will of both Houses of Parliament that a joint select committee be established, it will happen and should Parliament establish such a committee, then this will add to the remarkable step we took last week when we approved procurement legislation in the Senate. It will show that when all is said and done, the political parties are willing to shift the paradigm, as Sen. Ganga Singh has said, to focus solely on governance based on a set of sound principles.

In two weeks, this Senate would have achieved what seemed impossible. [*Desk thumping*] In two weeks, we would have set ourselves on the pathway of making two of the most critical pieces of legislation since 1962—procurement and campaign financing. [*Desk thumping*] If these laws become operational and are obeyed, a dagger would have been sent to the core of corruption.

I know that laws do not make the man, but man makes the laws, but, hopefully, the fact that we are prepared to make these laws will confirm that we are ready to change from a dysfunctional course to more productive and people-centred pathways to good governance.

A few Senators had mentioned the prospect of a select committee of the Senate. I understand the spirit of such a recommendation which translates to “let’s get on with it; let’s stop the old talk”. And while I value their spirited rallying, I do not think it is wise to attempt to develop such proposed legislation without the involvement of the directly elected representatives. That is a prescription for such a committee to fail in its mandate.

Sen. Dr. Mahabir enlightened us to how capital expands and regenerates itself, including expanding to influence the process of elections and, therefore, good governance. He said we need to look at those who participate in the development of society and the fact that democracy is not for sale.

The contributions of all Senators were lucid and profound and all emphasized the need for minimizing the opportunity for special interest groups to manipulate the process and eventually governance; also to eliminate opportunities for the use of illicit money which was emphasized by Sen. Vieira and Sen. Devant Maharaj.

Mr. President, the Attorney General, Sen. Ramlogan, made reference to his support for the OAS model law. I, too, fully endorse that model with some adjustments for our local situations, and so did Sen. Al-Rawi. So, in fact, we have a model on which to start work. We need not reinvent the wheel.

I urge the Senate to approve this Motion for Parliament to appoint a joint select committee. Obviously, having debated for nearly a year this session of Parliament would end before the six months, but if the Motion is approved by the Senate today and is taken to the House, which deals with and approves it expeditiously, then a joint select committee can get in a couple of hours' work, which will be a major achievement and one step a little closer to campaign financing laws.

We can save the work for the next session. I once again thank all contributors. Mr. President, I beg to move.

*Question put.*

**Hon. Senator:** Division.

*The Senate voted: Ayes 24*

AYES

Singh, Hon. G.

Coudray, Hon. M.

Howai, Hon. L.

Hadeed, Hon. G.

George, Hon. E.

Tewarie, Hon. Dr. B.

Lambert, J.

Maharaj, Hon. D.

Lalla, L.

Scott, Mrs. A.

Smith, Miss K.

Le Gall, Dr. S. B.

Robinson-Regis, Mrs. C.

Al-Rawi, F.

Henry, Dr. L.

Baldeo-Chadeesingh, Mrs. D.

Young, S.

Drayton, Mrs. H.

Wheeler, Dr. V.

Prescott SC, E.

Mahabir, Dr. D.

Vieira, A.

Small, D.

Abdul-Mohan, Rev. J.

*Question agreed to.*

*Resolved:*

That Parliament appoint a Joint Select Committee to propose a legislative framework to govern the financing of election campaigns and to submit its report with recommendations to both Houses of Parliament within six months of its appointment.

#### ARRANGEMENT OF BUSINESS

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** Mr. President, having regard to the successful piloting of the Motion by Sen. Helen Drayton on Private Members' Day, we now proceed to Government Business. There is an amendment that will be circulated later in the meeting dealing with the Nurses and Midwives Registration (Amdt.) Bill, 2014. We will now proceed with Motion No. 1 by Dr. Bhoendradatt Tewarie, the Minister of Planning and Sustainable Development.

## SPECIAL SELECT COMMITTEE REPORT

**Planning and Facilitation of Development Bill, 2013  
(Adoption)**

**The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie):** Thank you very much, Mr. President. I beg to move the following Motion standing in my name:

*Be it resolved* that the Senate adopt the Report of the Special Select Committee appointed to consider and report on a Bill entitled “An Act relating to the planning and development of land and to repeal and replace the Town and Country Planning Act, Chap. 35:01”.

Mr. President, this report of the committee was laid in this honourable Senate on May 13, 2014 and it took us some time to get to the point of this report. The first time this Bill was laid in the Senate and read was September 23, 2013 and then the second reading and the ensuing debate took place on January 14, 2014.

**12.30 p.m.**

During the course of that debate in which members had approximately four months to look at the details of the Bill, it was felt that we needed to go to a Senate committee in order to look at the details of the Bill, clause by clause, because it was a complex Bill with a number of contending issues and, therefore, a committee of the Senate was established.

We are coming here now to receive the report and to debate the report on June 17, 2014, so that Senators would have had from May 13, 2014 to look at the report having had, prior to that, four months to look at the original Bill. The manner in which this Bill is organized, and the report is organized, we have the amendments laid out at the front and, secondly, we have the details of those amendments included in the substance of the amended Bill itself.

As I have indicated, Mr. President, it has been a long, challenging, but collaborative and productive journey getting to this point. I have taken the opportunity to retrace, at least, some of the steps. It has been a consultative journey, not only in the process from September to now, but in the process prior to September when the Bill was being prepared. First of all, with the establishment of a National Planning Committee, under the chairmanship of Dr. Asad Mohammed, who gave yeoman service to this exercise with a whole group of very enlightened citizens, including public servants and private sector people, and who brought us to the point where the Bill could have been laid for first

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reading on September 23, 2013. So it has been a consultative journey, and a lot of citizens who have an interest in this matter and who care about this country have contributed to our success so far, that is to say, the success of getting to the point where we can have enlightened legislation about the facilitation of development in the country having to do, specifically, with the business of land.

The committee of the Senate has reported and its report has taken us, you might say, to another stage of the journey, and this report records that part of the journey, and the results achieved with a list of amendments agreed upon, and the Bill has been revised to include these changes and a track-change version has been supplied for ease of assimilation.

This work of the Senate appointed committee, therefore, relieves us of the obligation to examine the Bill, clause by clause, if we have faith in the members of the committee appointed by this Senate, and accept their due diligence in doing the work of the House in this subcommittee and, basically, bringing the revised version of the Bill to this particular Senate.

I could not go forward, Mr. President, without saying a hearty round of thanks to the members of that committee which I chaired, and those members of that committee were: Sen. Marlene Coudray, Sen. Ganga Singh, Sen. Faris Al-Rawi and Sen. Dr. Rolph Balgobin. I do want to express my appreciation for their attendance and commitment and their contribution to the making of this report.

I think it is appropriate, Mr. President, to read the contents of the report which is not long, into the record, and it is important to do that because while we as Senators would have the information contained in the report, members of the general public will not have it and, therefore, I take the opportunity, with your indulgence, Mr. President, to read the contents of the report.

*“Appointment*

Pursuant to a resolution passed in the Senate on Tuesday January 14, 2014, a Special Select Committee was appointed to consider and report on a Bill entitled, ‘*AN ACT relating to the Planning and Development of Land and to repeal and replace the Town and Country Planning Act, Chap. 35:01*’.

*Membership*

At the said sitting, the Senate further agreed that the following Senators be appointed to serve on this Select Committee:

Dr. Bhoendradatt Tewarie-Chairman

Ms. Marlene Coudray

Mr. Ganga Singh

Mr. Faris Al-Rawi

Dr. Rolph Balgobin

*Terms of Reference*

The Committee was mandated to discuss the general merits of the Bill along with its details.

The Committee was also mandated to report by February 19, 2014.

*Secretarial Assistance*

Secretariat support to your Committee was provided by:

- Mrs. Jackee Phillip Stoute - Secretary
- Ms. Khisha Peterkin - Assistant Secretary

I want to take this opportunity also to thank the members of the parliamentary staff for the tremendous support and diligent work that they did in supporting the Committee [*Desk thumping*] and recording the details of this work.

*“Meetings*

Since its appointment, the Committee held twelve (12) meetings on the following dates:

...Tuesday January 21, 2014;

...Friday January 24, 2014;

...Wednesday January 29, 2014;

...Tuesday February 04, 2014;

...Tuesday February 11, 2014;

...Monday February 17, 2014

...Friday March 07, 2014;

...Tuesday March 11, 2014;

...Tuesday March 25, 2014;

...Wednesday April 09, 2014;

...Wednesday April 16, 2014; and

...Tuesday May 06, 2014.

The Minutes of the meetings are attached at Appendix IV. Members' attendance is at Appendix V."

So all of that information is in the document provided to you.

"The Committee was mandated by the Senate"—in the context of interim committee reports—"to report by February 19, 2014. However, the Committee was unable to complete its analysis of the Bill by that date, and therefore sought leave to continue its work on the following occasions:

- (i) Tuesday February 18, 2014-The First Interim Report was presented to and adopted by the Senate. An extension of one (1) month was requested.
- (ii) Tuesday March 18, 2014-The Second Interim Report was presented to and adopted by the Senate. Again an extension for a further period of one (1) month was requested.
- (iii) Tuesday April 15, 2014-The Third Interim Report was presented to and adopted by the Senate. An extension for an additional four (4) weeks was requested, subsequent to which the Committee will present its final report to the Senate.

#### CONSIDERATION OF THE BILL

During discussions at the first meeting, the Committee agreed on the approach to be taken in the course of its consideration of the Bill.

In an effort to obtain maximum public input into its deliberations the Committee agreed that the following would be undertaken:

- (i) the placement of 30 seconds voice advertisements on three (3) local television channels during the News hour;
- (ii) the placement of an advertisement on the Parliament Website inviting written submissions and/or comments on the Bill from the public;
- (iii) the extension of an invitation to all Senators to submit written comments on the Bill;
- (iv) A deadline date of February 10, 2014 was set for receipt of submissions;
- (v) The Committee also agreed that it was necessary to extend a special invitation to the National Planning Task Force to make a presentation on the Bill given their involvement in its drafting; and to form a Technical Team to assist the Committee during its deliberations..."

All of these things, five of them, were done.

“The Committee agreed to hold discussions with officials from the following agencies:

- Office of the Attorney General-Chief Parliamentary Counsel
- The National Planning Task Force
- The Ministry of Local Government
- The Housing Development Corporation; and
- The Environmental Management Authority.

At the second meeting held on January 24, 2014, discussions with the following officials from the above-mentioned agencies took place. These agencies included State agencies on which the legislation would directly impact and with which the Committee had already agreed to hold discussions as indicated in 2.3.

*Chief Parliamentary Counsel*

Ms. Lorraine John	- Ag. Asst. Chief Parliamentary Counsel
Mrs. Christine Morgan Cox	- Legal Officer II
Mr. Alvin Sookhai	- Parliamentary Counsel

*The National Planning Task Force*

Dr. Asad Mohammed  
 Dr. Ancil Kirk  
 Mr. Calvin Weekes  
 Mr. Rodney Ramlogan

*Ministry of Planning and Sustainable Development*

Ms. Andrea Julien	- Senior State Counsel
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*Ministry of Local Government*

Ms. Hetty Mohammed-Libert	- Deputy Permanent Secretary
Ms. Cyntra Ramcharan	- Advisor to the Minister of Local Government
Ms. Aisha Donaldson	- Regional Planning

*The Housing Development Corporation*

- Ms. Jearlean John - Managing Director  
 Ms. Hazel Charles - Land Use Planner  
 Ms. Indira McFarlane-Lee - Chief Legal Officer

*The Environmental Management Authority*

- Ms. Gayatri Badri-Maharaj - Ag. Managing Director &  
 General, Legal and Compliance

The Committee during its discussions acknowledged the need for expert assistance and therefore agreed that a Technical Team should be selected to assist the Committee during its analysis of the Bill. The Technical Team comprised the under-named persons from the Chief Parliamentary Counsel's office, the two key Ministries required to execute the Bill (Planning and Sustainable Development and Local Government) and Members of the National Planning Task Force which led consultations in preparation of the early drafts of the Bill.

*Chief Parliamentary Counsel*

- Mr. Ian Macintyre, SC - Chief Parliamentary Counsel  
 Mrs. Christine Morgan Cox - Legal Officer II

*The National Planning Task Force*

- Dr. Asad Mohammed - Chairman  
 Dr. Ancil Kirk - Member/Senior Landuse Planner, Town and  
 Country Planning Division  
 Mr. Calvin Weekes - Member/Landuse Planner, Ministry of  
 Planning and Sustainable Development  
 Mr. Rodney Ramlogan - Member/Manager, Regional Planning  
 Mr. Timothy Mooleedhar - Chairman, Advisory Town Panel

*Ministry of Planning and Sustainable Development*

- Ms. Andrea Julien - Senior State Counsel

*Ministry of Local Government*

- Ms. Hetty Mohammed-Libert  
 Ms. Cyntra Ramcharan  
 Ms. Aisha Donaldson

*Written Submissions*

As an adjunct to its decision to invite public submission, the Committee also agreed at its second meeting, that there was a recognized need to specifically engage certain Interest Groups, special organizations and individuals. As a consequence, written submissions on the Planning and Facilitation of Development Bill, 2013 were invited from the following stakeholders:

- (i) The Law Association of Trinidad and Tobago;
- (ii) The Trinidad and Tobago Manufacturers Association...;
- (iii) The respective Chambers of Commerce, namely:
  - the Energy Chamber of Trinidad and Tobago
  - the Trinidad and Tobago Chamber of Industry and Commerce
  - the American Chamber of Commerce of Trinidad and Tobago
  - the Downtown Owners and Merchants Association...
  - the Couva/Point Lisas Chamber of Commerce
  - the Greater Chaguanas Chamber of Industry and Commerce
  - the Trinidad and Tobago Coalition of Services Industries
  - the Greater Tunapuna Chamber of Industry and Commerce;

**12.45 p.m.**

- (iv) The National Gas Company of Trinidad and Tobago (NGC);
- (v) The Land Settlement Agency (LSA);
- (vi) The Chaguaramas Development Authority (CDA);
- (vii) The Joint Trade Union Movement;
- (viii) Fishermen and Friends of the Sea (FFOS);
- (ix) The East Port of Spain Development Company;
- (x) The 14 Municipal Corporations, namely:
  - The Arima Borough Corporation
  - The Chaguanas Borough Corporation
  - The Sangre Grande Regional Corporation

- The Tunapuna/Piarco Regional Corporation
  - The Port of Spain City Corporation
  - The San Fernando City Corporation
  - The Couva/Tabaquite/Talparo Regional Corporation
  - The Diego Martin Regional Corporation
  - The Mayaro/Rio Claro Regional Corporation
  - The Penal/Debe Regional Corporation
  - The Point Fortin Borough Corporation
  - The Princes Town Regional Corporation
  - The San Juan/Laventille Regional Corporation
  - The Siparia Regional Corporation;
- (xi) The Tobago House of Assembly (THA);
- (xii) The Professional Institute of Architects;
- (xiii) The Association of Professional Engineers of Trinidad and Tobago (APETT);
- (xiv) The Professional Body that Governs Planners;
- (xv) The Director of Surveys;
- (xvi) The Commissioner of State Lands;
- (xvii) The Joint Consultative Council (JCC);
- (xviii) The Water and Sewerage Authority (WASA);
- (xix) The Trinidad and Tobago Electricity Commission (T&TEC);
- (xx) The Solid Waste Management Company Limited (SWMCOL); and
- (xxi) The Institute of Marine Affairs (IMA).

Written submissions relating to the Bill under consideration were received from (17) seventeen”—of these—“entities...

**Oral submissions**

Pursuant to its decision at its first meeting the Members of the National Planning Task Force were invited to meet with the Committee on Friday January 24, 2014. The National Planning Task Force...is an entity which was established by Cabinet Minute No. 746 of March 24, 2011 and composed of key stakeholders in both the public and private parts of the built development sector. Oral submissions were made to the Committee via a Power Point presentation.

As a consequence of this oral interaction, the Committee gained a greater insight into the purpose of the Bill. The presentation focused on the following areas:

- the purpose of the Bill;
- the history of the legislative reform process of the Town and Country Planning;
- the issues of note by Parts of the Bill;
- the differences between the existing Town and Country Planning Act (TCPA) and the Planning and Facilitation of Development Bill (PAFD);
- the differences between Planning and Development of Land Bill (PADL) which is the precursor to the—Planning and Facilitation of Development Bill and the—“PAFD Bill;
- subsidiary legislation included in the Bill but not yet tabled in Parliament;
- the issues around the implementation of the Bill; and
- evolution of legislation over several administrations since 2000.

*Clause by Clause Analysis of the Bill*

The committee agreed that its consideration of the Bill should be done in a timely manner, keeping in mind the date for reporting to Parliament.

The Committee undertook an analysis of the issues raised during the debate on the Bill as well as the submissions received from the interest groups, individuals and organizations.

During its clause by clause analysis of the Bill, the Committee identified typographical errors, legislative and enforcement issues within the text. Some areas of concern identified, clarified and resolved included:”—the following—

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“(a) The precise definition of the term Development Plan.”

And you will see an amendment to that effect.

“(b) The appointment of Standing Committees.”

And you will see amendments to that effect.

“(c) The Powers of the National Planning Authority”

And you will see amendments to that effect.

“(d) The alignment between the National Planning Authority, regional authorities, local development plans and special planning authorities.”

And you will see amendments which support this.

“(e) Clarification of devolution strategies versus decentralized administration.”

And, again, there will be amendments to these.

“(f) The strengthening of Schedule 1.”

Where you will see amendments.

“(g) Regulations to accompany the bill.”

Which were reviewed in detail.

“(h) The role of various agencies of the State in operationalizing the bill”

For instance, not just the Ministry of Planning and Sustainable Development or the Ministry of Local Government, and the agencies of local government, but the EMA and the various functionaries within it as described in the Bill.

“(i) The balancing of authority to ensure orderly planning against the rights of the citizen”

That is to say the balance between power and citizens’ rights, individual human rights and civil liberties.

“(j) Systems to meet the challenge of possible corruption.”

And you will see amendments that give effect to these considerations.

“Resultantly the Committee caused the preparation of the redrafted Bill by the Technical experts.

At its eleventh meeting, the Committee reviewed the redrafted Bill as submitted by technical experts. The Committee agreed that the proposed amendments dealt effectively with the concerns raised by the interested parties. After making some minor changes all the amendments were accepted.”—by the Committee.

“The amendments were incorporated in the revised version of the Bill attached at Appendix II. The List of Amendments agreed to by the Committee is attached at Appendix I.”—of this report.

“Recommendation

The Committee recommends that the Bill be accepted by the Senate at the earliest opportunity, subject to the amendments listed on Appendix I.”

So we are asking that the report be accepted in its entirety with the amendments on Appendix I.

“Conclusion

The Committee wishes to report that, in accordance with its mandate, scrutiny of the Bill referred has been completed. The amendments proposed to the Bills are at Appendix I and these are incorporated in the revised version of the Bill attached at Appendix II, for ease of reference.

The Committee is grateful to all who have assisted it in its work, either by written submissions or contributing to the discussions. Additionally, the Committee wishes to acknowledge that it has benefited considerably from the advice of the National Planning Task Force, the Chief Parliamentary Counsel and members of the Technical Team.

The Committee hereby submits its report for the approval and adoption of the Senate.”—and this is—“Respectfully submitted.”—by the Members of the Committee.

Mr. President, the report having now been read into the record, I want to indicate that the report includes, as I indicated, regulations which are delineated under the item “Schedules” at the back of the Bill. The report also includes all the Minutes of deliberations of the committee meetings. We also have at the back as well a list of those who have actually submitted matters for consideration, and the list of those submissions, the entities and people making those submissions are listed at the back. Therefore, what I want to do is to look at some of the amendments. I would not look at all of them, but I want to look at some of the amendments to basically speak to some of the issues that were addressed.

I already summarized, by reading the report, what were the issues that were of note in the report. I want to therefore mention some of the amendments now. On page 1 of the list of amendments, which would be page 13 in the report, I want to draw attention to clause 7 in which an amendment has been made and I quote:

“facilitate good and sustainable development in a fair, transparent and equitable manner;”

I think Members were concerned that these should be explicitly stated, the commitment to sustainable development, as well as to introduce the element of fairness and transparency, and equitableness in the presentation. [*Interruption*] Yes.

**Sen. Robinson-Regis:** I apologise, but could you repeat where you are on the amendments?

**Sen. The Hon. Dr. B. Tewarie:** On page 13 of the report.

**Sen. Robinson-Regis:** Page 13. Thank you.

**Sen. The Hon. Dr. B. Tewarie:** Now, there are other amendments there but they have to do with words and clauses and so on that do not make that—they are just for tidying up of the Bill; I would not refer to these. What I will do is to try to speak to those amendments that are amendments of substance.

On page 14, you will see there as well under clause 8(e):

“ensure a high degree of service and efficiency to communities and applicants in regulating development and shall establish time frames and monitoring mechanisms to ensure that this is done;”

This is an important clause because Members felt that part of the obligation of making the changes that we want to make to facilitate development in the country is that we should not have the things that happen now, where a person can send in an application and months or years can pass by without having any redress. So that these matters are now subscribed. These matters are now circumscribed in terms of time frames, et cetera, which can be included in regulations.

Then if you look on the same page 14, clause 11, you will see that entire clause has been substituted, and it has been substituted in order to ensure that there is clarity about how the National Planning Authority shall do its work. So that you have a standing committee to be known as the Development Control Committee, and then it says what it is to do, and then it identifies the:

“other standing committees to advise and make recommendations on any of the following matters:”

So these advisory committees will be on:

“National Spatial Development Strategy;  
the development of codes and standards; and  
the national land policies including:  
legislative framework;  
policies relating to property taxation; and  
policies in respect of land and information systems.”

Then in that same clause 11(2), you have the Development Control Committee which has been revised to include less people, but the most strategic elements involved in the process of complex applications decision making. I would not read it for you, you can read as well as I can on page 15, but this will now constitute the Development Control Committee. Then on the next page 16, 11(3):

“For the purpose of coordinating and expediting the development approval process, the Director of Planning or the Chief Building Officer may refer an approval submission to the Development Control Committee.”

So you will see how the committee system will work in relation to these offices. And (4):

“Notice of the appointment of the members to the Development Control Committee shall be published in the *Gazette* and at least two daily newspapers in circulation...”

And that is for the purpose of transparency so that everybody will know who in fact are involved.

In clause 13(2)(c) on page 16, you will see that the following officers are identified, Director of Planning, Chief Building Officer, Chief Enforcement Officer, and these are the triple pillars on which the execution process within the National Planning Authority will be built. And what you see here is that this has been strengthened to make it clear what are the qualifications that these people will have. They shall have qualifications and at least ten years post qualification experience in engineering, in the case of the Chief Building Officer. In the case of the Director of Planning, it would be who shall have qualifications and at least ten years post qualification experience in urban and regional planning, and in the case of the Chief Enforcement Officer, again, qualification and at least ten years post qualification experience in a profession related to the built environment, or be an attorney-at-law of at least ten years standing and have experience in law relating to the built environment.

**1.00 p.m.**

So, basically you see that a lot of the work of the committee has been to bring precision and clarity and transparency to the process.

Six, it is just the change of the word “power”, really, to “function” and again to ensure the execution aspect of it is emphasized. This is in clause—sorry 14(2). And then in clause 16, what we did there was that we had “special” as well as “joint” entities that can make decisions about development plans. So, we wanted to include both of them.

In clause 17, the focus is on:

“The delegation of functions to an officer under subsection (2) shall be made to the officer by name.”

Members were concerned about the delegation of authority, and the diffuseness that would result, and the lack of accountability that would result because of it and therefore, that precision was brought into the picture. And then on (4), 17(4):

“Delegation of any function under this section does not prevent the exercise of that function by the delegating authority.”

So that you delegate powers, you delegate the execution of powers, and you have accountability and responsibility in a precise manner, but it does not take away the powers of the originating source of the authority.

Then in clause 19, the Tobago House of Assembly, 19(1):

“The Tobago House of Assembly and a municipal planning authority..., on its own motion and in accordance with directions in writing from the National Planning Authority, prepare, and thereafter review as often as necessary and in any event at least once every five years, such regional, local and other development plans for such regions and areas within their respective jurisdictions, and on such subjects as would assist in the efficient and equitable planning and management of land.”

What that does, of course, is that it ensures alignment between the national planning functions and the local planning functions, including the Tobago House of Assembly, but it also gives them the authority to initiate this process on their own.

Clause 23 basically again makes it clear what is the role of the Minister and what is the role of the National Planning Authority in ensuring this alignment.

Clause 25, this is important. It really asks now for affirmative resolution when any regulations are brought with the Bill.

Then clause 32, this is another important clause.

“A person who applies for permission to develop land shall conspicuously post on the land notice of the application in the prescribed form.”

This is so that the public will be aware and will have the opportunity to intervene or to comment or to make—what can I say—an intervention, as the case might be.

Clause 40—no. These are not very complex clauses, they are almost self-explanatory. So I will go on to page 21 to clause 57, and you will see here clause 57(1C):

Insert after words:

“...repair order;” the words, ‘but the E.C.’—Environmental Commission—“may grant such interlocutory relief as it thinks fit, pending the determination of the appeal.”

So in other words, the Environmental Commission could either stop work from going on or it can grant relief, so it does not create the conditions for an automatic stoppage of work as you go on.

Then clause 58, this is compliance.:

“After compliance with a compliance notice or immediate notice...any person who has notice of the notice or order and acts or permits any action contrary...”

That is to ensure that the law is enforced, of course. And you notice that the fines are not extremely heavy nor are the prison sentences, and that is because we are introducing a Bill in which there are consequences for jail terms and for fines for the first time. And therefore, we want to ease the culture into compliance rather than take a big-stick approach to this matter and have very heavy penalties.

Now that is very different from the procurement legislation in which, of course, you want to ensure immediate compliance, and there is no transition period. You want to deal with the issue of corruption very fiercely. This is one in which it acknowledges that there is a culture shift that is required, and we need to ease into the process. Okay.

Then clause 61, this is another important clause:

“Regulations under this section may adopt by reference with necessary changes, any code, standard or practice set by any appropriate association or body.”

What this is important for is, that you do not have to spend a hundred years reinventing the wheel, when the wheel is already rolling in another jurisdiction somewhere in the world. So you take what works, you adapt it to your own country and culture, and you absorb it into the process.

Clause 64, again, identifies the main officers responsible for the execution of the work under this Bill.

Clause 71, again, provides an opportunity for democracy representation and redress, 71, A:

“...but shall, on the request in writing by any party to the dispute, provide the opportunity for the parties to make oral representations”.

And if we can go to page 25, you have an immediate compliance order or a tree preservation order, any order made by a planning authority, the Chief Building Officer may appeal to the E.C. So you can issue an order, but there is the opportunity for appeal, again making sure that citizens' rights are taken into account.

Then clause 95; this is for people who wish to be abusive to officers who are simply enforcing the law and it makes it a breach. It makes—what can I say—it imposes a penalty on bad behaviour basically with an insistence of non-compliance, if you want to insist on non-compliance.

Then clause 96; it deals with the issue of corruption and bribes. You know that there have been so many allegations about bribe and corruption having to do with Town and Country Planning, et cetera, et cetera. We want to enter this with a new and clean regime that is free from suspicion and above reproach, and we are putting this clause in there—clause 96.

Clause 97: it deals with business of proceedings for a summary offence against this Act, and it outlines it.

Clause 106; it calls for the maintenance and establishment of a register which means that you have to keep records, and those records will be subject to public scrutiny.

On clause 108(2), the President may remove a member of the National Planning Authority where that member has done something, again, in breach. So that you do not stay on the committee if you are not conforming to the ethical requirements and the conduct required of a person there. The (b) clause, that is to say, 108(b), it calls for one week's notice of a meeting. The other clauses (c), et cetera, are governance issues about quorum, about recusing oneself in a conflict of interest situation, et cetera.

Then there are new clauses 19 and 20 which have to do with transition arrangements for employees, so that they can continue—the collective bargaining unit representing them, can continue in representation, and of course, you have a guarantee of the employees' rights, of course, of freedom of association.

And basically that is it, with the Schedules afterwards. And when you look at the Schedule you will see that the only amendments made to the Schedule are, in fact, in Schedule 1. So that basically shows what the committee concentrated on and came up with in terms of the amendment to this Bill. And what you find is what we had in the report which is that the amendments focused on:

- “(a) The precise definition of the term Development Plan.
- (b) The appointment of standing committees.
- (c) The Powers of the National Planning Authority
- (d) The alignment between the National Planning Authority, regional authorities, local development plans, and special planning authorities.
- (e) Clarification of devolution strategies versus decentralized administration.
- (f) The strengthening of Schedule 1.
- (g) Regulations to accompany the Bill.
- (h) The role of various agencies of the State in operationalizing the Bill.
- (i) The balancing of authority to ensure orderly planning against the rights of the citizen
- (j) Systems to meet the challenge of possible corruption.”

Now, Mr. President, most of my time might have gone with my explaining this Bill, and I already made a contribution on the first occasion when I presented this Bill, and I do not want to go back and recount those things that I said in that Bill, it is available in *Hansard*, and I also had a concluding statement at the point in the debate when we decided to go to committee, so all of that is on the record.

**1.15 p.m.**

But what I do want to say, is that, there were a number of consultations and endorsements for this Bill. I want to say that, for instance, Jennifer Smith, at a meeting brought together by the Trinidad and Tobago Contractors Association, representing architects—Miss Smith supported the Bill, particularly, the enforcement of the building code and the definition of living spaces to be defined by architects. Mr. Rampersad Suraj representing the Board of Inland Revenue welcomed the Bill, which he felt could go a long way in facilitating a rational approach to the management of taxation in the country for property.

Mr. Rodney Farah representing the insurance industry, also welcomed the Bill, and in the event of its implementation, guaranteed support from the insurance industry by offering professional indemnity of insurance to contractors, which is mentioned in, of course, indemnity to the Bill. Mr. Ivan Laughlin, unquestionably supported the decentralization strategies in the Bill and the strengthening of local authorities in the Bill. Mr. Mark Francois, representing engineers—Mr. Francois supported the provision that structural engineers would be approving plans and he is also hoping for the training and upgrading of engineers to structural engineers.

Now, this is a more complex thing. What we have here are engineers; we do not specify structural engineers, because we have a problem—that is what we would like to move to—of how many of these we have in the country, and whether we would not create a problem for ourselves. So that we have engineers identified and hopefully over time we would move to higher and higher standards.

Mr. Chris Garcia representing contractors, supported the licensing of contractors and the enforcement of the building code, and Mr. Afra Raymond, Joint Consultative Council, supported the decentralization process and the consultative approach taken in the development of this particular Bill.

I want to speak also to some of the broader issues in the Bill, which is that I do want to say—I took the opportunity last time to talk about the fact that this has been a Bill since 2000 going through many iterations, through different administrations, and too, I emphasized the fact that the Bill was a Bill that represented both continuity and change. That is to say, it had taken the best out of the evolutionary process up to 2010, and we had tried to improve it in the preparation of this Bill. But I do want to emphasize the fact that this Bill is a continuing commitment of the Government of Trinidad and Tobago, the People's Partnership Government, to meet our commitments and our promises to the country. [*Desk thumping*]

**Mr. President:** You have another 10 minutes of original time.

**Sen. The Hon. Dr. B. Tewarie:** Thank you, Mr. President. I want to say that in the manifesto of this country which was adopted as Government's policy, and it is on page 66, we asked the question, what difference would a manifesto make? And we called for nine policy shifts in the country—so it is wrong when people say that we tried to dismantle everything that had been done before—and we proceeded with an agenda that was separate and distinct for the evolution of the economic and political history of this country.

We only called for nine policy shifts, but the first one was that all development would take place in the context of a land-use and physical planning framework and that sustainable development principles would apply, and that there would be order and purpose in development strategy and execution. And if you look at the nine policy shifts you would also see policy shifts which would have required us to bring the procurement legislation to this Parliament and which would have required us to support the call for political finance—what you call it?—campaign finance reform. And I want to record that in the manifesto on page 52, it says that:

“We will introduce the Planning and Development of Land Bill”—previously passed in both Houses of Parliament with a bipartisan support—“with appropriate adjustments as may be required, to govern land use planning and development so that development can take place in a coherent and sustainable manner...”—and that is what we are doing now.

We also say that we would—page 16, we also call for:

“Adoption of a much more decentralised model for regional development planning”—and that is what we are doing in this Bill.

And in the local government manifesto of 2010, we said: the Planning and Development of Land Bill would be pursued in a proactive manner, and we will not wait until after ad hoc development has already taken place to superimpose development planning. And in the *Medium-term Policy Framework 2011—2014*, we talk about supporting enlightened development practices, and this is what we say in the medium-term framework:

“Physical planning shapes the country we live in and, therefore, the environment in which the economic and social transformation will take place. It is vital for the spatial articulation of socio-economic and environmental goals and for achieving sustainable outcomes. Successful implementation of plans and policies must be linked to a system of planning that is transparent, inclusive, and responsive while ensuring the sustainability of development.”

I want to say that we have met and are meeting through this Bill all these obligations and commitments that we have made. I want to say also that buttressing this Bill is the *National Spatial Development Strategy for Trinidad and Tobago* and it consists of four volumes which, basically, takes this country 20 years forward into the year 2033. [*Desk thumping*] I want to say as well that the way we have been proceeding with our business is a very organized, strategic and premeditated manner in terms of planning. The first thing you might say we asked

in terms of trying to get the information when we came into office in 2010, and this was something started by the last administration because the census had already been set in motion, but what I did as Minister of Planning and Sustainable Development, was that I insisted on an expeditious closure to the entire census process, and we made a record in terms of timeliness of delivery of that particular census report, which we took just over a year to complete, because we wanted to know how many people do we really have in the country, and it turns out that we have about 70,000 more people than we had in 2010. That is all.

We wanted to find out where and how do they live, what are their conditions of living; we wanted to find out what is their quality of life. So, we did not only do the census, we did a human development report, an atlas, and we did a formation of the regions of this country, and we identified the human development condition on the basis of four indicators in every single region of this country. We addressed the issue of housing. We looked at the housing patterns, for instance, the fact that you were having more single households in the country, the fact that you had more households expanded in the country. We looked at the issue of poverty. We are doing a survey right now on living conditions in the country, so that we can look at what has happened in the last several years. We addressed the question of what is the level of human development and what do we need to do, and that is why you have policies that are achieving universal pre-school education where we are improving the quality in an already universal primary, universal secondary, and where we are going to achieve 60 per cent tertiary, because these things were all important in terms of human development—the quality of life of the people—because development is nothing if the people do not develop.

The other issue that we addressed is, what do we—[*Interruption*]—while we are waiting for all of this information, how do we move forward? How do we frame and fashion the future in terms of economic action? And that is where we outlined our broad vision, Prosperity for All, in the manifesto which became the first policy document and outlined the sustainable development framework; the five priorities which we identified in the medium-term policy document together with four key economic objectives in which we identified seven areas of diversification; in which we identified five growth poles; in which we identified economic development zones; and in which we talked about reform of town and country planning in which we made the case for road construction, the building of community infrastructure, trade, investment and development and ease of doing business.

All of this was part of a strategy outlined to deal with this. And, of course, the third question was, how do you deal with the question of competitiveness, innovation-knowledge economy. How do you make that policy? What do you need to know and what do you need to do? And those were some of the issues that we were dealing with as we addressed this issue. But I want to say in town and country planning too, while we were preparing for this Bill we were also doing a number of things that were important—I seem to have misplaced that document which was brought to me, I know it is here somewhere.

I simply want to close by outlining some of the things that we have been doing even while we have been preparing this Bill:

1. First of all, policies are presently being updated and digitized nationally within the context of the *National Spatial Development Strategy* which has been laid before in this House, towards having these web-based to support transparent, efficient, timely decision-making when the Planning and Facilitation of Development Bill is introduced—so all of that is going on now while we are preparing for this Bill.
2. A complex development facilitation committee has been established to provide pre-and post-application advice which include relevant sectoral agencies where applicable to provide a one-stop advisory and assessment service as envisaged within the proposed planning authority—so we are doing what we are proposing before they happen so that there will be an easy transition when the Bill becomes law.
3. A pilot project is currently ongoing in collaboration with the Port of Spain City Corporation, whereby the applications are being assessed simultaneously to promote timely decision-making as proposed by the Planning and Facilitation of Development Bill. These processes are presently undertaken consecutively which extends the time taken for the granting of a building permit—so instead of going to one place and going to the other, we are making the provision for this to happen simultaneously.
4. The Town and Country Planning Division is also working with the IFC and the Ministry of Trade, Industry and Investment to implement an automated construction permitting process on a phased basis towards the improvement of the ease of doing business locally and internationally, and only yesterday the relevant staff met with the IFC. This is expected to be implemented nationally and to include all the agencies involved in the construction permitting process which would facilitate the provisions of the Bill.

5. The Division is also working with the national planning task force to develop the relevant codes, standards and regulations to support implementation of the provisions of the Bill.
6. A national spatial data infrastructure council is proposed to integrate and manage all spatial data to support effective collaborative evidence based decision-making of all relevant agencies as envisaged in the Bill. This would also support automated web-based construction permitting process and promotes sustainable development, and that report, I think, is on my desk—I was away yesterday—since Friday.
7. A change manager has been hired to support the proposed changes and transformation of the Division and the processes as required by the Bill. The Joint Consultative Council (JCC) of the PSA has been reconvened within the Division to deal with the potential human resource implications. A transformation unit is being implemented to manage the process.

**1.30 p.m.**

And in the case of the employees, we have made three very clear promises which I am going to say here publicly for the national community. One, no person in the transition of this regime will be worse off than they are in terms of terms and conditions of work and, very likely, a significant proportion of them—indeed, the majority—are going to enjoy better terms and conditions. That is the first thing I am going to say.

The second thing is that nobody is going to be forced to go where they do not wish to go. So there will be a matter of free choice of the options that are available. And, thirdly, given the understaffing today in Town and Country Planning and the demands that this Bill will call for, both from the Ministry of Planning, the National Planning Authority, the local entities and the local government authorities, the prospects for the future are not for firing; they are for hiring of technical competence. And at the present time, most of my people in Town and Country Planning related to this matter are being trained.

In fact, number 8.

Ongoing training programmes are being undertaken to retool and equip existing staff in preparation for proposed—

**Mr. President:** Minister, I would like to ask you to wind up now.

**Sen. The Hon. Dr. B. Tewarie:** Yes, Mr. President.

9. All relevant databases are being integrated towards a coordinated system of application, appeal and enforcement units to ensure accurate evidence-based decision making.
10. Efforts are also being made to digitize all archival documents to support the transformation and devolution process.
11. Various stakeholder consultations are being held to inform major stakeholders of the provisions and the intent of the Bill.

So, Mr. President, I thank you for your indulgence in allowing me a minute or two extra time to present this report which contains the revised Bill, and I hope that in the spirit of providing good legislation to the country and in providing enlightened policies for the country, in something as crucial as the facilitation of development of land, which is a scarce resource on these relatively small islands state of Trinidad and Tobago, I ask for the support of all Members of the House in seeing this Bill through to passage, and then through proclamation, and eventual execution in Trinidad and Tobago for a new, enlightened regime for planning and development in Trinidad and Tobago. Thank you very much.

I beg to move, Mr. President.

*Question proposed.*

**Mr. President:** Before we proceed to the debate, it is now 1.33 and therefore I propose to suspend the sitting until 2.33 when this House will be resumed for the debate. This House will now stand suspended until 2.33 p.m.

**1.33 p.m.:** *Sitting suspended.*

**2.33 p.m.:** *Sitting resumed.*

**Mr. President:** Hon. Senators, when we rose before the lunch break, the question on the debate had just been started, and Members of the Senate are invited now to join in that debate on the question of this planning and development of land. Sen. Al-Rawi.

**Sen. Faris Al-Rawi:** Thank you, Mr. President. Thank you, colleagues, for that warm greeting, half an hour before Brazil kicks off on the pitch.

**Hon. Senator:** Twenty-nine minutes.

**Sen. F. Al-Rawi:** Twenty-nine minutes. Mr. President, I rise to give contribution to this Motion before the Senate, which is one that invites us to adopt the report of the special select committee appointed to consider and report on the Bill relating to planning and development of land and to repeal and replace the Town and Country Planning Act, Chap. 35:01.

May I, for the purpose of coordinating with persons looking at us on television, listening to us on radio, indicate what we are doing today. I had the pleasure of participating as a member of this special select committee, but to put it into context in a very simple way, this committee was born out of the tabling of the Bill itself before the Senate, and the decision of the Senate that a committee of the Senate be established to consider the Bill and to make recommendations.

Mr. President, and honourable Independent Senators, in particular present, the Motion before us has the potential to give immediate birth to the Bill that is attached, as is proposed to be amended in the report, and it has the ability to do that particularly, under Standing Order 57 of the Senate:

“When a Bill has been reported from a Select Committee, the Senate may proceed to consider the Bill as reported from the Select Committee upon a motion ‘That the report of the Select Committee on’—the particular—‘Bill be adopted’.”

And then it is moved under paragraph (7) of Standing Order 75, that is, that one clear day’s notice need be given and that it can happen. 57(2) of our Standing Order says:

“If that motion is agreed to without amendment, the Senate may proceed to the third reading of the Bill as reported from the Select Committee.”

And as we know, the process of legislation, the process of making law, is that at the third reading of the Bill, it becomes a Bill which is passed by the Parliament.

“Upon a Motion to approve the report of the Select Committee on a Bill, any Senator may propose an amendment to add, at the end of the Motion, the words ‘subject to the recommittal of the Bill (either wholly or in respect only of some particular part or parts of the Bill or of some proposed new clause or new schedule) to a Committee of the whole Senate’, and if that motion is agreed to with such an amendment, the Bill shall stand so recommitted and immediately thereafter the Senate may then resolve itself into a Committee to consider the business so recommitted.”

That is Standing Order 57(3).

So the business at hand today, Mr. President, hon. Senators, is that we are considering a report to adopt a Bill in respect of which amendments have been proposed. It may go directly to the third reading unless one of us Senators—and there is no limitation between Government, Independent or Opposition—moves a Motion under Standing Order 57(2), that the Bill be recommitted to the Senate.

Now, Mr. President, this is important law. We are seeking to complete the work of generations of politicians in this Parliament, on both sides. The PNM, when it was in office, the UNC when in office, the NAR when in office, all had serious attention poured into the reform of our planning laws. That is so, in particular, because the Town and Country Planning Act, Chap. 35:01 is a law proclaimed in 1969 which was based upon the 1947 British Town Planning legislation.

Suffice to it say, therefore, that the laws that we work with are significantly dated in some aspects, but very robust in other aspects. Because when one reads the Town and Country Planning Act itself, it is an Act that manages to give a lot if one requests a lot of it. What we are faced with in Trinidad and Tobago is a terribly inconsistent method of the operation from entity to entity. We are faced with a plethora of laws; we are faced with different speeds of implementation and operationalization and we are faced with, as a public service—as a public sector—a serious amount of inefficiency in the public sector.

Mr. President, that is to be viewed in the context of the amount of money that we, as a nation, spend from year to year. In this fourth year, now become the fifth year, of this Government, we would have spent \$330 billion which is the equivalent of nearly twenty years of budgetary allocations back-to-back. So in four years, we have spent 20 years of budgets, and it therefore is incumbent upon us to understand the filtration system that seeks to provide value for money in our system, and efficiency.

This planning law, as this Bill contemplates, is as important as public procurement, [*Desk thumping*] it is as important as national security, it is as important as campaign financing, which we did just a little while ago in the Motion by Sen. Helen Drayton.

What we are faced with, however, notwithstanding the amount of work undertaken by successive governments, is, we are faced with, as one of my learned colleagues just said a little while ago, an invitation to accept laws made on speed dial. Let me put it into an explanation now. We are in the Senate without any legislative agenda—

**Sen. G. Singh:** You come back with that again!

**Sen. F. Al-Rawi:** Yes, I must come back to it. We were convened today, Mr. President—

**Sen. G. Singh:** Read the Standing Order for tedious repetition.

**Sen. F. Al-Rawi:** Repetition requires that you say it at least once before, and one is required to be tedious in repetition when the proverbial stick is broken in the ear of the Government, in fact, both ears.

**2.40 p.m.**

But, Mr. President, the fact is that we are here today, we are supposed to be dealing with the amendments to the Nurses and Midwives Registration Act. We have slingshotted past that and we are now going to deal with this. We were supposed to start this Bill today, but I want to caution that the Special Select Committee and the report produced is most regrettably not a unanimous position. A lot of work went into the Special Select Committee. Sen. Dr. Tewarie did a lot of very good work in trying to advance the Government's agenda, but he was, of course, stymied by the fact of the brevity of time that the committee had to consider the actual clause by clause operation and, also, insofar as the House of Representatives by way of a joint select committee participation, did not participate in that process.

So we did have 12 meetings and those 12 meetings were over a very quick space of time. Public consultation requests went out and few recommendations were brought back in, but the law itself is a complex being that must be considered with the nuts and bolts apparent to us all, lest we make a mistake. The opportunity to make a mistake in this kind of legislation, which the PNM would be very happy to support as we gave our commitment in relation to the procurement law where we said that we were happy with the legislative intention, we are very concerned with the content itself. As a party and as the representative on the Special Select Committee, I have not had the opportunity to yet receive from our House of Representatives Bench of the PNM, their comments feeding back into this process because we as a party—*[Interruption]*

**Sen. Ramlogan SC:** Twelve meetings and you “ain’t” get that yet?

**Sen. F. Al-Rawi:**—have deep consultations. Now the AG who joins us from time to time in this Senate and I am happy to see him here today for a change—*[Interruption]*

**Sen. Ramlogan SC:** Oh please. Come on, do not be an idiot.

**Sen. F. Al-Rawi:** I am sure you do not mean that, AG.

**Sen. Ramlogan SC:** You cannot say that.

**Sen. F. Al-Rawi :** We had 12 meetings, Mr. President, in the period January 21 to May 06, and in having that particular—[*Crosstalk*] As we welcome Sen. Lalla as a lawyer as well, Sen. Singh, he is there to save your back bench in some aspects on the law only. There is very good contribution to be made all round. But, Mr. President, the fact is that the nuts and bolts of this law have to be considered.

Now, Mr. President, the Bill itself which is proposed to be law in Trinidad and Tobago, first of all contemplates a repeal of the Town and Country Planning Act. Secondly, it coordinates with a number of pieces of law. In fact, one of the schedules to the Bill sets out some consequential amendments to be made with respect to the laws and they include, in particular, the Municipal Corporations Act, the Land Tribunal Act, the Public Health Ordinance, the Environmental Management Act. We know as well that there is the Land Acquisition Act that is in coordination with this Bill, and it is in coordinating with other pieces of legislation that we need to take care.

This Bill proposes that the State is bound by the new planning laws. This Bill proposes, by way of architecture, that you have three entities with the capacity to essentially approve submissions for plans, et cetera. They would be the Minister, it would be the National Planning Authority, and planning authorities would be the third one. The Bill proposes, by way of architecture, a decentralization of services. It proposes that there is a National Planning Authority. That National Planning Authority can farm out to entities named as planning authorities. They include the THA established under the particular legislation that it is, they include all municipal corporations, and it therefore is incumbent upon us to realize that the operationalization of this law depends upon the efficacy of local government operation in particular.

Now, in Trinidad and Tobago, the Tobago House of Assembly has a significant advantage in some senses over regional corporations and city corporations. They have the ability to enjoy a certain amount of autonomy; they have the ability to control their revenue in a much more distinct fashion than regional corporations do; they ought to be separated from central government. Under this Government, that is not the case because the Ministry of Tobago Development often gets in the way of the functionality of the Tobago House of Assembly. But, there is a materially different structure by the Tobago House of Assembly, and it is therefore incumbent upon us, as a Senate, to consider what the state of reform in the local government context is going to be.

The Municipal Corporations Act, I invite hon. Senators to consider in particular, and to consider in that Municipal Corporations Act the provisions which set out who the officers and chief officers of the municipal corporations are to be. The chief officers are set out in section 34 onward of that particular piece of legislation, and in chief officers, every corporation must have a chief executive officer, a corporation secretary, the treasurer, the engineer, the medical officer of health, and the operations of other officers are to be invited in by way of appointment coming from His Excellency and through the corporation.

In Trinidad and Tobago, regional corporations right now have the responsibility of approving the local government approvals, completion certificates by city corporation, inspection notices, public health ordinances. But our system of local government is completely and totally overburdened and under-resourced, and it is for that reason that we must exercise some care because if this Bill becomes law in circumstances where the proclamation is premature or ill-thought-out, we may find ourselves inviting operationality based upon a support mechanism that does not exist.

It was for this reason that the PNM took a lot amount of time and some well justified licks and beating in not calling local government elections as it did, [*Crosstalk*] and in proposing instead reforms to the Municipal Corporations Act. It is for this reason as well, that the PNM proposed a Ministry of Local Government Draft White Paper on Local Government Transformation. It is for this reason that the Local Government Bill, 2009 was debated by all persons sitting in the House of Representatives including the hon. Basdeo Panday, Mr. Jack Warner, Mr Subhas Panday, Mr. Ramesh Lawrence Maharaj, Mr. Harry Partap, Mr. Chandresh Sharma, Miss Mickela Panday, Dr. Hamza Rafeeq, including Sen. Wade Mark as he then sat, Sharon-Ann Gopaul-McNicol, Lyndira Oudit, Dr. Jennifer Kernahan, Dr. Adesh Nanan. But because this particular UNC incarnation is so very different from that UNC incarnation, one could perhaps understand why it is that their memory does not continue as far back as that, save for Sen. Singh who is, of course, a person that has been around in this Parliament for quite some time.

But, Mr. President, the point in relation to local government reform is that there is a genuine concern as to how the local corporations, being constituted as planning authorities, are going to be able to carry out the task of planning that is put upon them. So I am on the architectural issues inside of this Bill. We must also bear in mind that the Bill as proposed, named specifically the entities that constitute who the planning authority is going to be, and in the definition section, “planning authorities” are set out by way of explanation very clearly to include also the Tobago House of Assembly and the municipal corporations. [*Crosstalk*]

Now, Mr. President, I am hearing the hon. Senators opposite ask about being on the committee. Let me put this clearly. The PNM's position in relation to a Bill as important as this is that scrutiny and attention must be had by all. The Bill has not had the ventilation on the floor of the Parliament because of being referred to committee and now on the Motion to adopt this report, and it is important that we pay attention because we want to commit to making good law. If the hon. Senators opposite do not have the stamina to do that then that is their choice, but we on this side with stamina and with ability will drill down into the details.

Mr. President—[*Interruption*]

**Sen. Maharaj:** All that because Diane make TV first?

**Sen. F. Al-Rawi:**—the functions—You know, Mr. President I find some of the Senators opposite incredible. I am hearing from the hon. Minister of Food Production bold statements across the floor, and this Government comes here to bring a piece of legislation with some serious work done by the Opposition as we always do, and yet they have the ability to preach one thing and do another. This is the Minister of Food Production who has the ability to talk about squatting on state lands for farming, brings in a planning authority, and then we have a position where the same Caroni lands that this hon. Minister of Food Production often talks about, which has to be considered by planning authorities, can end up in the hands of SIS.

So, you cannot practise one thing and preach another.

**Sen. Maharaj:** They squatting there?

**Sen. F. Al-Rawi:** You cannot talk about squatting—Listen to this, Mr. President. Letter to Mr. Krishna Lalla from EMBD, March 09, 2011. Your letter addressed to chairman relating subject captioned:

“...Parcel of land comprising 75 acres situate at North Caspian Drive, Point Lisas.

This parcel of land applied for forms part of a larger area of the former lands of Caroni (1975) Ltd...”

So on the one hand, the policy of this Government is, let us talk about preaching and bringing good law, let us talk about moving farmers and bulldozing them and deal with squatting issues, and on the other hand, let us give SIS 75 acres. So if you want us to go down that road, Sen. Maharaj, decide to deal with the law and let us leave the politics aside for a moment, because believe you me, I have a lot of it I could put forward to you. [*Crosstalk*]

Mr. President, the Bill itself deals with the Constitution and procedure prescribed in the First Schedule in clause 6 of the Bill. There are a number of clauses in the Bill that cause need for a little pause, and I would personally like to have the views of as many Senators sitting in this Senate as is possible so that we can contemplate whether we have made the right policy decisions and prescribed the right procedures that should apply in dealing with the planning laws.

I believe that there are a few amendments in the definition clause, clause 3, that may need a little bit of tightening up and, in particular, if we jump pass the definitions and we went instead to the functions and capacity and power of the National Planning Authority set out in clauses 6 and 7 in particular, as influenced by clause 10, which is where the Minister has certain roles inside of there, the capacity and ability functions, the first question for the Senate to be considering is: are we happy with the balance of allowing the Minister the sole discretion; or the Government of Trinidad and Tobago, the sole discretion to populate the national planning authority? It is a question. On the one hand, Governments ought not to be unduly fettered in achieving policy and plans. They, after all, stand to be judged every five years in parliamentary elections and their policies can be judged then.

**2.55 p.m.**

But, on the other hand, in creating these new entities as we are doing, the question inside of here is: do we want a little bit of balance in relation to the constitution of entities as powerful as the National Planning Authority in particular? And that is a question to be considered. I think that the will of the majority will ultimately prevail on that. It is a delicate balance to be had. I am not quite sure where the full answer lies into that but I would certainly be interested in hearing what the other Senators have to say in relation to that.

**Hon. Senator:** Do you have a recommendation?

**Sen. F. Al-Rawi:** I am not quite sure in terms of it. One of the things that jumped out to me, hon. Leader of Government Business, is perhaps the need for consultation with the Leader of the Opposition and the Prime Minister only insofar as we are now constituting a very powerful committee.

Let me accept outright that the current planning laws are not the best. The discretion and power to the Minister have stood since 1969. It is all encompassing and very wide, but in drilling down to create a prescriptive and framework law as we are doing now, the question is: do we want, in constituting this committee and giving it as much power as we are giving, to have that balance in there?

Mr. President, the other clause that comes to mind after that, in particular, is clause 12 where we deal with the development control committee. I want to say that the Minister of Planning and Sustainable Development took on board a very important observation which troubled the Opposition and, in fact, made the amendments to it, and that was the amount of delegation which the National Planning Authority had inside of this Bill. In our view—and the Minister has accepted it—there was a contravention of the principle that a delegatee cannot delegate himself, and so I am very pleased to see the amendments for the removal of the delegation functions, as wide as they were and as secondary and as tertiary as they were prescribed, from this Bill.

When we look to the gazetting of the development control committee, the work which we are doing in other committees jumps to mind, and it may be within our remit to consider that apart from the gazetting and the publication in two daily newspapers at subclause (4) that we may also consider having publication on electronic media, and in particular, the web addresses or websites of the National Planning Authority or the planning authorities.

When we look next to Part IV of the Bill and clause 20, we see that the Government is finally imposing, finally prescribing, a national spatial plan, and that national spatial plan, when combined with clause 11, allows for the development of policies to consider things like property taxes, to consider transportation policies and land utilization policies, and this is a welcomed perspective. Indeed, it comes out of a lot of the work which the PNM Government did prior and the UNC Government prior to that in the various iterations of the Bills which preceded this, but it allows for some removal of arbitrariness in the cancellation of policies.

In Trinidad and Tobago, Mr. President, we are witnessing by a decision of this current Government, by way of example, a 12-million-dollar per month hold in T&TEC, a one-billion-dollar loss per year, because of the cancellation of the aluminium smelter and the Alutech, which is different from the smelter itself, the industries which were supposed to use electricity created by TGU, Trinidad Generation Unlimited, and so the taxpayers of this country have to, on a take or pay basis, find \$1 billion to meet revenue foregone by a cancellation of a policy. One would think that a national spatial development plan of the type that we propose, it being certified in five-year cycles and brought to Parliament, would help to reduce the risk of arbitrariness to policies like this, particularly when a Government such as this one can come in and unleash that kind of chaos into the system.

Mr. President, when we look to clauses 21 and 22 of the Bill, clause 21 allows for the development plans to be inclusive of certain things but it allows a ministerial involvement, which I do not think is that problematic but which is certainly one which features throughout this Bill, and that is where the Minister—and there is a delicate balance to be had—has the ability to cause certain amendments to the national spatial plans or national development plans and to cause even the revocation of those plans. What concerned me, hon. Minister, if I reflect upon some of the provisions here, would be clause 24 of the Bill in particular.

Clause 24 of the Bill, and insofar as that ties into the concept of compulsory acquisition, I wondered whether we needed to be a little bit tighter in terms of the manner in which we deal with compulsory acquisition. For instance, in clause 24(3):

“Any person or entity desiring to make comments, representations or objections in relation to the proposed compulsory acquisition for the objectives of the plan shall do so within two months of the publication...”

But we do not say who they should present those recommendations or positions to. I think we need to be a little bit tighter in our language there.

We also look to clause 24(5):

“Any designated land in an operative development plan may be acquired under the Land Acquisition Act, as if the acquisition is for a public purpose.”

Add that into clause 24(6) now:

“Where any designated land has not been compulsorily acquired under the Land Acquisition Act at the expiration of five years from the date on which the plan was approved or was deemed to have been approved by Parliament, any owner of any interest”—or I would say or any person interested—“in the designated land may serve notice on the Minister requiring either—

(a) that such interest be acquired; or

(b) that the development plan be amended by rescinding...”

But, Mr. President, why are we putting the onus upon the person affected after the traditional statutory period of four years to come on the fifth year to show the Government, to show cause why that person’s property should not be left alone? I think that the five-year prescription there is problematic and I am concerned that we get it right in respect of the onus being on the owner of the land to ask the Government to show cause why he should not still be dispossessed. That is a reversal of burden which I think is something that we need to think about with a little better pause.

When we look at clause 24(7), nothing in this clause prevents acquisition by agreement or compulsory acquisition. [*Interruption*] Sorry?

**Sen. Maharaj:** Go ahead, go ahead.

**Sen. G. Singh:** I am listening to you.

**Sen. Maharaj:** “We paying keen attention.”

**Sen. F. Al-Rawi:** Sen. Maharaj sometimes worries me, you know, sometimes worries me.

**Sen. Lalla:** You worry unnecessarily. [*Laughter*]

**Sen. F. Al-Rawi:** When we have “ah section 34 Government”, worry is not placed unnecessarily in this Parliament, Sen. Lalla. Just bringing you up to speed in case you did not know.

Mr. President, if we look to clause 29 of the Bill, by its prescription, it certainly allows—the expression “development” in clause 29(1)(a)(i), it includes:

“(i) carrying out demolition, building, engineering, mining or other operations in, on, over or under any land, whether or not covered by water...”

And I wondered what the impact to our drilling and offshore operations on our continental shelf looks like, and I thought that that is something that we perhaps need to pay some attention to.

In clause 25(8) of the Bill, I wondered whether the hon. Minister wanted to consider in clause 25(8)(b), in the preparation of the summary of comments and recommendations that we also include the concept of including any reasons which may have been factored into the National Planning Authority certification there.

I think that clause 25(9) is a little bit inelegantly worded and that we should perhaps look to a rewording of that clause. At clause 25(10), that we may wish to include in the prescription for considering replies, that the replies be put in writing at that point. Again, in clause 25(11), we should perhaps look to the use of modern technology by causing publication on web-based platforms of the Ministry, National Planning Authority, et cetera, or the planning authorities, and that is something that we could certainly tighten up on.

Mr. President, when we look to clause 31 of the Bill, I had a little difficulty in the language of clause 31, and on several readings of it, I found the prescription between clause 31(1) and clause 31(2) a little bit confusing, and I wondered whether we wanted to tighten up on that position as well. Clause 31(1) allows for:

“...the Minister...by Order, provide for the grant of permission...”

But in clause 31(2) that:

“...permission...may be granted by—

(a) the National Planning Authority...; or

(b) the Minister...”

I think we need to be a little bit careful on the language in that particular clause.

When we look to clause 35, a very important provision, which is the clause which repeats itself whenever the Minister must make a consideration, the planning authority makes a consideration or the National Planning Authority makes a consideration, and that, for instance, is a prime example of do as I say but not as I do. When you look to clause 35 of this particular Bill and you look to 35(1)(f)(2), 35(1)(g), and you see that the National Planning Authority or planning authorities should take into account representations made by members of the public or other material considerations, or 35(2)(c) which requires likely impact upon the environment to be considered.

This Government, as we all know, having a Minister of Energy and Energy Affairs who sits in the Senate, having the Attorney General who sits in the Senate, having a host of resources—the Leader of Government Business, the Minister of Planning and Sustainable Development—has done nothing about National Quarries, has done nothing about the impact to the environment, the raping of the hills, where we have had billions of dollars potentially poured into a highway being procured by the Government. So we have these considerations here. If one were to look to the example of the NGC WASA Waste Water Treatment Plant where members of the public, in public consultations, asked why this was necessary when Desalcott could do the job, it seems to have been totally ignored. So we have spent \$1 billion on a project, \$400 million over budget, when members of the public pointed it out. This law is certainly not going to fix the will to do it right.

Mr. President, when we look to clause 39 of this Bill, clause 39 is a dangerous clause. Clause 39 prescribes:

“Subject to the provisions of this section, any permission to develop land granted or deemed to have been granted before the commencement of this Act shall, if development to which such permission relates was not commenced before the commencement of this Act, be deemed to have been granted subject to a condition that development shall be commenced not later than five years after the commencement of this Act.”

Subclause (2) provides the prescription, five years, if you have started on or after the commencement of the Act.

But, Mr. President, inside of this five-year position, I am cautious that we hear the views of as many people as possible in the Senate in relation to the fetter here where there may be legitimate circumstances to provide for an extension of time in these circumstances so as to permit the development. That is to be factored in the context of clause 40 of the Bill which does not allow for the extension of time under clause 39 to apply to outline development approval, permission to develop lands granted by a development order or planning permission granted before commencement.

The hon. Minister of Finance and the Economy, I am sure, would be very concerned to understand how that would impact, for instance, in the Invader's Bay project. Let us leave aside the procurement which we complained is unlawful and illegal, which the Government has done nothing about. Let us look at the judicial complexes which the procurement was unlawful and illegal, and the Government has done nothing about. Let us look to the costs associated with outline planning permission and developmental orders in circumstances such as UDeCOTT in its disposition of the Invader's Bay lands or judicial centres or other positions. I am concerned about that fetter which clause 39 gives without allowing for the extension of time in clause 40 as is prescribed.

Mr. President, when we look to clause 40 of the Bill itself, the question arises as to why the limitation in clause 40(2)(c) where:

“planning permission granted before the commencement of this Act, where such permission was subject to any condition...”

That particular clause causes me some trouble when we have, for instance, an unexplained phenomenon in the Finance Act repeated two years in a row, which gave concessions to business entities to engage in development, where those concessions have not been fleshed out after nearly three years, hon. Minister of Finance and the Economy. There is no clarity on that clause. I know you have a Finance Bill coming up and I hope you can deal with it then.

If we look next to clause 43—let me state that this Bill provides a very interesting introduction of encumbrances to title. Let me explain that to the members who are viewing us on television and listening on radio, Mr. President, through you.

**Sen. G. Singh:** They are looking at the Brazil-Mexico match. [*Crosstalk*]

**Sen. Ramlogan SC:** “Doh want to burst yuh bubble, people watching football right now.”

**Sen. Young:** No, no, no, they will watch him and then they will go back to football.

**Sen. F. Al-Rawi:** An encumbrance on title is one which affects the ability of someone to transfer land without someone else popping up and saying, “I have a prior interest”.

### **3.10 p.m.**

Clause 43 of the Bill, 52 of the Bill, clause 67 of the Bill, those three clauses in particular are clauses which create a new encumbrance on title. So all conveyancers, all attorneys involved in the disposition of land, have to be aware of the operability of the new encumbrances on title proposed in clause 43, clause 52, clause 67 of this Bill. And what do they do, Mr. President? An agreement between someone who has an interest in land and a national planning authority, and that agreement can be anybody, a squatter, an occupier, a tenant. It does not have to be the owner of the premises. An agreement can be made to be binding upon the land and all people who take title. When you look to subclause (3) of clause 43:

“An agreement made pursuant to this section with the owner of the land shall be enforceable against the owner”—and owner is described as including occupiers—“and against all subsequent owners and occupiers of the land and the National Planning Authority and the planning authority shall be entitled to maintain a claim for specific performance, damages or mandatory or injunctive relief, and may require the respondent in such claim to comply with a covenant, whether positive or negative, notwithstanding the absence of any dominant tenement under such agreement.”

That agreement, Mr. President, in subclause (4):

“A record of every agreement made under this section shall be noted in the register of applications”—and that “shall be deemed to be”—notice to the world.

So, Mr. President, I am concerned as to whether we ought to give a requirement that this registration also be done by deed, so that it is notice to the world under Registration of Deeds Act and that is specifically because the law in relation to registration and legal and equitable entitlements on registration is in a state of disarray in some circumstances and certainly very different from the English model or other jurisdictions where we take this precedent. Equitable claims may come to defeat this purpose and the only thing that would truly deal with that is perhaps a registration by way of a deed.

When we look, as well, to the fact that subclause (3) allows for the State, essentially to pursue specific performance, damages and mandatory or injunctive relief, when you factor that against the fact that the State removes the right to claim damages from persons affected, you have an inequality of positions. On the one hand, in this section, the State has the right to claim damages and specific performance, but when you turn it over and the State is now called upon to pay for compensation, to pay for other details later on in the Bill, you will notice that we do not have a similar circumstance or equality of positions inside of there. That comes later down in clause 86, I believe it is.

Mr. President, I move next to clause 44. Clause 44 of the Bill, I am concerned, hon. Minister, through you, Mr. President, that the bond requirement in clause 44 may need to be broadened to include other mechanisms for security other than by way of bonds in particular.

I then move next, because I am sure that this time will move quickly, to clause 48 of the Bill. Let me give a quick note to mention to the hon. Minister in relation to clause 46(4). In clause 46(4):

“Where either an immediate compliance order or development repair order has been issued in respect of any matter...the National Planning Authority or planning authority shall not process the application...”

It may be that we instead wish to prescribe that they may process the application and allow for the discretion to prevail so that business can be conducted without any undue fetter. That would marry with the later provisions that come down in the Bill.

Clause 48, I would like the hon. Minister to, perhaps note that subclause (1)(b), now clause 48 is the clause that deals with the Minister's power in circumstances involving national security, certain listed buildings, national policy, foreign governments, but the definition at subclause (1)(b) where the application involves issues of more than local importance, that caused me a little bit of concern and I wondered whether we wanted to tighten up on that language.

Mr. President, I would also like the hon. Minister to look to clause 48(4) and the inclusion of such other persons as he thinks fit. I am not sure if we are being a little bit vague inside of there.

Clause 49 is a very serious clause. Clause 49 deals with the revocation of approvals. Clause 49 is potentially one which can give us great problem. Clause 49 prescribes that the Minister may revoke or modify any planning permission by

order and, in effecting that revocation, you may do so at any time before the carrying out of works in 2(a) and 2(b), with respect to works and change of use. But in (c), that is where I think we have a little bit of problem where subdivision of land at any time before registration of the plan, transfer, deed or other instrument.

I pause to ask the hon. Minister to have a look at the situation in relation to squatters. Squatting may have come to cause a different situation from the legal disposition of land by way of subdivision and I am concerned that we may have an issue in section 49(c).

Specifically as well, when we look to subclause (4) and subclause (6) of clause 49, subclause (3) says that you may be compensated, that the Minister shall pay reasonable compensation of such expenditure.

Subclause (4) says that: “For the purposes of this section...”

that the costs essentially are going to be as a consequence of grant of outline planning permission,—“preparation of plans, specifications, studies, reports..., used for the—” development of land,—“but no other compensation shall be paid under this section in respect of work carried out, prior to the grant...”

When you marry that now with subclause (6), which says that if you are paid any compensation that it ought to be deducted from the compensation which is going to be given under land acquisition, the question arises as to whether we want to fetter it that way as an automatic “shall” and an automatic prohibition, particularly where the Government, for instance, in its incarnation right now, in dealing with the acquisition of lands along the highway to do the Point Fortin Highway, is exercising a very different standard from that prescribed by this Bill. This Government, as we know, is acquiring lands under compulsory acquisition and paying moneys on top of that. So, the question is: Is it do as I say or do as I prescribe, or do as I do? We have to find some balance between subclauses—[*Interruption*]

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

*Motion made:* That the hon. Senator’s speaking time be extended by 15 minutes.  
[*Hon. G. Singh*]

*Question put and agreed to.*

**Sen. F. Al-Rawi:** Thank you, Mr. President. Thank you to the hon. Leader of Government Business. Mr. President, time is very short and I know that we are in a particular mood here, that the Motion is a limited one and so I am compelled to try and give as many observations as I can.

Clause 51, if I skip ahead to that, is a very critical clause. This is the clause which we advocated in the committee. Under the original Bill, the limitation period contained in section 16 of the Town and Country Planning Act was removed. Section 16 of the Town and Country Planning Act is a critical, critical, critical section. It is that section that prescribed that the Government, essentially is bound or is stopped or is barred from acting against any breaches of planning approvals after the passage of four years and it is a stand-alone section called “Enforcement of planning control”. It was introduced by Act No. 21 of 1985. When we looked at the inclusion in clause 51 here, I am concerned, hon. Minister, that maybe we did not get it right and I would like you please if you could have another look at it, clause 51(2):

“Where the National Planning Authority or a planning authority is satisfied that a breach of planning control has occurred, the National Planning Authority or a planning authority may, within four years of the breach and in addition to any other remedy provided under this Act, cause—

(a)...compliance...”—et cetera.

This clause, tucked into clause 51, has to be factored in the context of other clauses. In particular, when we look to clause 67 of the Bill. Clause 67 is the provision by which you cause someone to uncover works done. So you have a building, you have laid a foundation, you have a suspicion that the foundation was not properly laid, you can compel the person to uncover those works and you can compel him to pay for it and the cost for doing that is a cost on the land. In other words then, you can sell the land to recover the costs. That is what it means.

What we have here, Mr. President, is a live issue. Does the limitation period put into clause 51, go as far as it needs to go, in respect of limitation of action by the State against private individuals? This Bill calls for a three-fifths majority because we are seeking to abrogate the property rights in sections 4 and 5 of the Constitution and I am very, very concerned that we get the limitation of action against the State back on the table in the proper context. I am not confident that clause 51(2) goes that far. I am very happy that the hon. Minister took on board that recommendation, but I would like to hear what other minds have to think about, on the effect of the limitation period on other clauses of this Bill.

Mr. President, in clause 51(5), I would like the hon. Minister to consider that the notice, perhaps, is not sufficient, in light of what we are attempting to do and that, perhaps, we ought to broaden the concept of notice inside of there.

If I turn next to clause 52, I wish to point hon. Senators to the fact that clause 52 allows for, again, a position which may affect our land and title. We look at clause 54 and I am wondering whether the fine itself, \$100,000, six months imprisonment, \$10,000 per day; whether that in particular is something which we are happy about in particular, due to clause 53(2), which seems to have an inadequate notice period.

Mr. President, if we look to clause 56, I would like the hon. Minister to consider adding in a better and wider description of alienation of land, other than just by way of conveyance in clause 56.

And, if we go next to clause 59 of the Bill, clause 59 is again another issue which can cause some concern. It is one which may affect squatters, for instance, automatically and immediately.

“Where it appears to the National Planning Authority or a planning authority that -

- (a) the use of land should be discontinued, or that any conditions should be imposed on the continuance of any use of land;...in the interest of...planning of an area (including the interest of amenity or public health or safety)...the National Planning Authority or a planning authority may issue an order...requiring ...discontinuance...or requiring...removal...”

That discontinuance order in subclause (2) then has to be factored, but I want the people of Trinidad and Tobago to be sure that we thought about it carefully enough, because do we want to say, for instance, do we want to see a situation where the squatters in the Bangladesh community or squatters in Sea Lots find an invitation, under clause 59, to say your land use should be discontinued? The interest in this property is not in order and by order we are going to affect this. I think that is something we need to be very careful about.

**3.25 p.m.**

Mr. President, I turn next to Part VI of the Bill. I jump instead immediately to clauses 64, 66 and 67. Mr. President, if I could note, that clause 64 which prescribes that the actual copy of the plan ought to be on the building site, is perhaps a little dangerous, that we should include the concept of a copy thereof.

Clause 64(2), if we look yes, in the interest of time, if we look then to clause 67, and that is the ability to cause the uncovering of works, Mr. President, at the cost of, and affecting the title of property. That is something which we need to be very careful about, lest we find that we are causing without a limitation period, something which affects title and for which land may come into jeopardy of being sold to satisfy debts due to the State.

Mr. President, clause 69. We have a peculiar circumstance here. We are requiring the access to information upon a warrant of a magistrate, but later on in the Bill, we are prescribing warrants to be issued by the Environmental Commission. It may be that the Minister wishes to harmonize the use of the Environmental Commission versus magistrate, perhaps to put it into the Environmental Commission itself, which has the authority to deal with the issuance of warrants, as opposed to the Magistracy, thereby creating two jurisdictions that do not quite meet.

Part VII of the Bill, Mr. President, caused me significant problems in the Committee. This is the concept of listed professionals. And what concerned me, hon. AG, I hope to tickle your ear in particular on this, the concept of state liability through state operators. So much like we have state attorneys operating, and the liability of the State, or state doctors. Look at the RHAs' situation where we have liabilities for state doctors, because of an inefficient RHA model, where the doctors are at risk. Same thing for attorneys. Are we going have our engineers operating for the State, and our lawyers operating for the State, and our planners operating for the State, are they going to be in risk of jeopardy by the operation of this Bill, particularly the acceleration of approvals? If you want to accelerate approvals, this Bill has a commendable position where you can rely on an indemnity or a bond, or a security by the listed professional, but how does that work for the State? Is the State going to give the adequacy of bond? Are the professionals going to be equally liable? Who pays for that cost?

We saw that we had to go to the Court of Appeal to deal with the position of state attorneys, as it related to their fees from their professional body. This Bill calls for the listed professional to be certified by the professional bodies. So is the State going to undertake to pay the fees of the engineers to the Board of Engineering, of the architects, of the planners to the regional planners, of the attorneys to the law association? Because it would go directly in contradiction to the Court of Appeal's judgment as it related to state attorneys the other day for professional fees, when state employees are not in similar circumstances to people in private practice. So that operability of State versus private enterprise under listed professionals, where we go upon the say-so of the body that certifies the professional, causes me deep concern.

Mr. President, how much time do I have?

**Mr. President:** Four minutes.

**Sen. F. Al-Rawi:** Including the three extra? *[Interruption]* Thank you. Mr. President, clauses 75—79, I would like the Attorney General in particular to pay attention to, on the state liability aspect because if we want this thing to work, and have

fast-tracked systems in this decentralized station, then we need to make sure that we have the balance of the State's right, versus professional rights in the private capacity, better organized.

Clause 81 concerned me with respect to professional reputation of listed professionals. Clause 83 concerned me from a copyright point of view, and that is where we permit access to electronic versions of documentation, AutoCAD, plans produced by listed professionals, the propriety rights, the intellectual property rights, the prescriptions against breaches. Those things I think need to be factored if not in the parent law, certainly in the regulations, the draft of which does not currently provide for it.

Clause 86 also causes some concern, Mr. President, with respect to liability for the State. In clause 86, Mr. President, we see that clause 86(1), clause 86(2). At the end of clause 86(2)(b):

“any work that was performed in reliance on such building permit and does not comply with any mandatory standard is altered and made to conform to the approved plans at the cost of the listed professional.”

That, hon. AG, is where I had the concern, because the State employees bearing the cost there is a critical issue. Do they have the capacity, the bonding, the indemnity to absorb that kind of liability?

Clause 87 lends itself to a little bit of abuse, similar to the manner in which persons who stand bail often find themselves, and I thought we should look at that in some better detail.

Clauses 89, 91 and 92. Clause 89, the charge on the Consolidated Fund for costs, runs into conflict when dealing with the concept of state bonding, in clause 89, I think we need to get better clarity there. Is it going to be a reliance upon a state bond? Or is the Consolidated Fund going to deal with this? How do we also deal with the concept of costs under the Environmental Commission, which is incorporated by way of reference here, costs are to be calculated in accordance with the CPR mechanisms. Costs are often personally calculable and due by persons. CPR also permits wasted costs as well. Is that a phenomenon which operates inside of here?

Part IX, I think we did well in the offences and penalties to balance the proportionality and to avoid excessive criminalization issues. But Part X of the Bill, Mr. President, caused me some concerns with respect to the entry for survey positions in clause 99 of the Bill. That entry for survey purposes runs afoul of the

rules which govern land surveyors, for instance, where notice must be given particularly. The ability to call for and copy certain documents in clause 104 under the inspection powers, may run afoul of the rules, for instance, which include legal professional privilege.

Clause 105, Mr. President, I have my note here as the LifeSport programme clause. That is the clause where the Minister has the authority to make grants, and that grant exception permitted in Part X of the Bill, in clause 105 is open to serious abuse, Mr. President. I am not sure if clause 105 should be included in substantive legislation such as this, so that we do not find ourselves in a position where slush funds, like exist in the LifeSport Ministry are dealt with, *[Interruption]* or where people have allegations that rats are running wild and rampant in our society, and that they must be dealt with.

Mr. President, I am concerned that clause 107 *[Interruption]* of the Bill perhaps does not give the authority to charge as much as we want to, for breach of subsidiary legislation, that is where beaches of regulations will only attract a fine of \$20,000. I think that the Minister could do well to probably elevate that fine to allow for more significant penalties to be introduced for breach of the regulations.

And, Mr. President, I think that the language in clause 112 needs to be attended to particularly insofar as it is limited to the State, and not against the State, when you look to the language of section 112, section 112(3). At the last line:

“...Act shall be continued and concluded by the State...”

It does not include the operationality of against the State.

The First Schedule, Mr. President, comes in for some attention. In particular 1(2), perhaps invites us to consider allowing for representatives of the bodies there to sit as alternates, as opposed to just they themselves; *ex officio*. That comes about from the considerations which we had in the Nurses and Midwives Act itself, where we wanted to have proper quorum and proper representation for the operationality. This would not be the case if we were dealing with it in regulations, but it is in the parent law. So we must pay attention to it.

Mr. President—*[Interruption]*

**Sen. Ramlogan SC:** “Whey de wistle? Whey de wistle?”

**Sen. F. Al-Rawi:** The whistle may be blown now, and I just wish to put on the record, the PNM’s support for proper law, its support for the concept of this law. I think that we are nearly there in the type of law which we produced. Good work was done. I think that we need to drill down to the details a little bit more. I fear that we may have been a little too rushed in terms of the number of meetings that we had.

The Minister of Finance and the Economy can speak very well when he eventually does, on the kind of work which the Opposition has given in the securities committee and in the insurance committee. We have done a lot, a lot of work to get the laws right, Mr. President.

I wish, Mr. President, for the sake of completeness, to deal with Standing Order 57(3). I wish to perhaps consider that a Motion be put to this House asking that the Bill be recommitted wholly, that is the whole Bill to the Committee of the whole Senate. I think that it is critical for us to hear the voices of all of the Independent Senators, and the Opposition Senators, so that we can get the committee stage right.

For instance, Mr. President, the public procurement law that we did the other day, was a marathon session of good work. The Opposition was pleased to give support over the two days that we considered that Bill in committee stage. We would like to get the planning laws right in this country. There are serious changes proposed in the law, and I think that this Bill ought to go upon Motion to a committee of the whole Senate, so that we can go through it clause by clause.

We have the advantage of having had a lot of work done in the Special Select Committee, Mr. President. I would not, insofar as the Motion would cause an immediate movement to that committee, move it now, unless you tell me otherwise, but I make that recommendation to the Leader of Government Business, and I thank you, Mr. President. [*Desk thumping*]

**Sen. Dr. Tewarie:** Mr. President, this Bill has gone through the process of a Senate committee, and I am entirely opposed to it going back to a whole committee again, clause by clause. If Sen. Al-Rawi has amendments, he can make them available to us.

**Sen. Dr. Dhanayshar Mahabir:** Thank you very much, Mr. President, for this opportunity to speak on this very important Bill before us today. I do recall earlier this year where the debate was truncated, and I was not aware that we were going to debate today, the particular amendments before us. But I think we are at the stage, Mr. President, where we are really trying to complete very good legislation in Trinidad and Tobago. We did complete the procurement last week, with much negotiation and debate. Hopefully, we are going to get to the point where the campaign finance reform Bill is put towards a joint select committee of the entire Parliament, and by next year we should have that piece of legislation come out of the Parliament. I think few in the entire Parliament will take exception with the fact that we do need, Mr. President, to have a Bill such as this come before us. I think it was very judicious at the time in, I think, January or February, to have a special committee look at the Bill clause by clause, so that when we return at this stage, the process would be a bit more efficient.

Let me at the outset, Mr. President, indicate that I was able to read the amendments, and I did not see much by way of contention there. In fact, there was one amendment that, in fact, I had been proposing myself, and it appeared almost word for word in the amendment of the Committee. So that there was some agreement with respect to the amendments, many of which were stylistic. A few I think were going to cause much by way of controversy.

**3.40 p.m.**

As a background to what I have to say, let us place in context the situation in the country at this time with respect to the need for proper planning and land use. There is a need for proper land use in Trinidad and Tobago. Land is in limited supply; save and except when we reclaim some part of our territory, we are unable to expand our space in any significant way; conquest of other territories not being available to us, so we do have to ensure that we make best possible use of the limited land space both in Trinidad and in Tobago.

For this reason, it has been recognized that there is a need for an agency, and the Town and Country Planning Division has existed, we are told, since the late '60s and, even before, there would have been in the colonial administration some agency which oversaw the building and construction on lands and the use of lands for agricultural and other industrial purposes.

Mr. President, when we look at the environment around us, we need to ask ourselves how effective has the town and country planning agency been in serving the welfare and the well-being of the people of our republic. And what we observe is that it has been more ineffective than effective. The reasons, of course, we would have to discern if we are going to ensure that the legislation we are hopefully going to approve, will result in positive benefits and an increase in the welfare of the population.

Over the years, we have seen an abundance of illegal quarrying in Trinidad and Tobago. This is a use of land that is highly inappropriate because it damages the environment; it is all for the gain of a few in the aggregate industry. We have seen what has been done to the San Fernando Hill. When we drive in the Northern Range, into areas not on the highways, we see large tracts of the mountainside being denuded and we see lovely green interspersed with brown and we ask ourselves: where is the enforcement arm to ensure that the natural heritage that we have in our Republic, the Northern Range, the pristine Northern Range, is preserved.

One of the purposes of this particular Bill is sustainability. When we talk about sustainable development, what we are simply saying is that we would like to enjoy the natural resource and the environment that we have, as is our right to so

do, but we understand that our time on this sphere is limited and there is a next generation who should also be entitled to drive on the Northern Range and to see the same kind of beautiful landscapes, flora and fauna that we are accustomed to seeing in our own lifetime; and the Town and Country Planning has not been very effective in ensuring this type of sustainability.

We have seen problems for residents. Where is the Town and Country Planning Division's enforcement arm? Is it, we need to ask, whether it is the failure of the law or whether it was the failure of enforcement? We have seen small workshops and garages using petrol and engaging in things like welding and so on, posing nuisances to residences; small businesses interwoven with residences; people with their small mechanic garages, causing unnecessary, undue hardship and inconvenience and nuisances to residents in residential neighbourhoods.

This is a simple problem people would like to see solved by a Town and Country Division. We need to ask whether this particular law is going to ensure that this problem is solved.

We have seen, Mr. President, the violation of building codes where people will use all sorts of fencing material to fence their properties, ensuring that the air supply to their neighbour is somehow truncated. Clearly there are rules and regulations with respect to this type of activity that we in the country would need at a local government level, at a general level overall, national level. We would like to see compliance by citizens of the building codes.

There are people who burn their garbage, wilfully causing unnecessary, again inconvenience to neighbours without due regard to the welfare of others. And then there is the situation where developers of land block waterways; they alter the watercourses. Clearly, these are violations of the land and land use policies of Trinidad and Tobago. These would have to be violations of the permits that have been granted under the existing town and country laws and yet these actions go unpunished.

We see also these same private developers causing tremendous problems for agencies such as WASA because they do have sewerage treatment facilities in their plans and these are abandoned without any kind of sanction on the part of the State.

When we look at these developments, we have seen in the Port of Spain area, the Woodbrook people have been complaining for a number of years. Their neighbourhood has been overrun by business establishments. Where have been the enforcers of the law?

We have seen the creep into the residential areas of business enterprises, sometimes brazenly using homes; not altering the homes, but putting advertising signs that there are businesses operating on the inside. We have seen—and I can go on—the woes of the violation of the laws which cause untold hardship to the people of Trinidad and Tobago; the wilful erection of cell towers in residential neighbourhoods has caused a problem across the country and we have not seen much by way of action on the part of the State.

My own fear, Mr. President, is whether we are going to pass very good law, but that the implementation of the law is going to be so difficult it is going to be such that the welfare of the citizens will not in any way be meaningfully changed and improved. There has, therefore, to be a political will to ensure that we get it right on this occasion.

There has to be a will on the part of the State to ensure that there is compliance with the law. There has to be a particular position on the part of all Governments that there will now be due regard for the laws governing the use of land in Trinidad and Tobago and for the building codes that we are going to prescribe.

This is critical for public policy. Because of the construction of homes on the hillsides, we are seeing the kinds of flooding in north Trinidad that we were not accustomed to seeing. Flooding was supposed to be a central problem. It was supposed to be a problem south of the Caroni Bridge. Now we are seeing flooding causing misery for the people of Diego Martin and elsewhere in the north. Because we know, the engineers tell us, that there has been construction on the hillside and there must have been laws for this, but where was the enforcement.

I am looking at the particular Bill before us—hopefully to become an Act—and I think a lot of work will have to be done; a lot of soul-searching will have to be done by the Government to determine exactly how we are going to use the law. Since the law has been more in violation than in compliance, how are we going to use the new law, on this occasion, to really, finally make a difference.

It is good to say, as part of our manifesto, we have passed a very good law. It is good to say that, but I think it is better, Sen. Singh, through you, Mr. President, it is better for the law to really make a meaningful difference in the quality of life of people.

Not many of us in this Chamber, I suspect, have experienced the problem of flooding. I, unfortunately, have had that and it is very unpleasant. Your computer equipment, everything, goes and you have to restart. A flood is as bad as a fire.

*SSC Planning and Facilitation Bill, 2013*  
[SEN. DR. MAHABIR]

*Tuesday, June 17, 2014*

The thing is, a fire is random; a flood, to my mind, is something that you can easily solve if you get the planning right and if you get the waterways cleared and if you get the land-use policy optimal.

So with that background on caution, that I am not particularly optimistic that there will be much by way of improvement in the quality of life, I think that is a challenge to the Government that they are going to indicate that on this occasion the law will be implemented and that once we implement this law, the implementers will have a tremendous amount of power so that those who do not comply will face the necessary sanctions.

In this regard, I have some minor concerns and one recommendation. The minor concerns, Mr. President, are as follows: as echoed by Sen. Al-Rawi, in the Bill it is proposed that we will be posting notices in newspapers and in the *Gazette*. I think that is standard procedure, but I think what the Government should now consider as standard procedure is that all notices of the State, from various arms of the State, should also be posted on the websites of the agencies.  
[Desk thumping]

So it is newspapers, it is *Gazettes* and it forces every agency of the State to also have a website so that every one of us will be able to have access to the information on real time basis. Not many of us buy a newspaper every day and I do not know where exactly to go and purchase a *Gazette*, so that online I am sure the information would be more readily available. But that is a minor point and I am sure, as a matter of public administration, that will be implemented on course.

The Minister of Planning and Sustainable Development did indicate that we do have a resource constraint problem in Trinidad and Tobago and hence he was looking at engineers, as opposed to civil engineers, manning some of his committees—structural engineers. But I would like to propose that finding a qualified urban planner to really head the agency may also be a challenge in Trinidad and Tobago and for the Minister to consider whether, as someone trained in a cognate field—transportation economics, transportation engineering, surveying, land surveying; land surveyors do not only get the angles right, but they do also have some of the capabilities that we are looking at. So he can look at some of these highly skilled professionals to also head the agency if we, in fact, are finding it difficult to get the individual with the kind of specifications currently included in the Bill. That is neither here nor there. It is simply to ensure that we can get the agency off and running in the shortest possible time.

A more important position that I want to raise is with respect to what exists in clause 21(1)(b) and 21(2)(b). In clause 21(1)(b)—and may I read the full clause, Mr. President, it says:

“Where any development plan is to be prepared under this Part, the Minister may give such directions or impose such conditions, reservations or restrictions as he thinks fit, including directions, conditions, reservations or restrictions in relation to:

(b) the subject matter of the development plan;”

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

I understand the need for a Minister to have wide powers and for us not to fetter the Executive arm of the State, but when it comes to the subject matter of the development plan, I think a Minister, basically an administrator of his Ministry, should not be given the authority to interfere with the technical work of the individuals who are preparing the plan, unless the Minister himself is technically qualified to give some directive on the subject matter of the development plan.

Now, if it is that the Minister is going to indicate that I want you to look at certain aspects of your development plan and not certain aspects, I think it is giving the Minister a kind of power that I feel uncomfortable with.

**3.55 p.m.**

I would be more comfortable if the technicians who are producing the development plans are given wide leeway to examine the problems—produce their development plans using the technical expertise which is contained in the committee from all the professionals, submit that to the Minister and then it would be left up to the Minister to determine which of the—[*Interruption*] Sen. Singh, do you wish me to give way?

**Sen. G. Singh:** I just wanted to get a sense of your thought because it says the Minister may after consultation with the National Planning Authority, and in the National Planning Authority would reside all the technical competence, and it would be hard to see a Minister going against the advice of the National Planning Authority.

**Sen. Dr. D. Mahabir:** It says after consultation but, you see, I am just wondering, why would a Minister in consulting with the National Planning Authority consult on the subject matter of the development plan? I thought he can consult on many other areas except, because subject matter to me, Mr. Vice-

President, Sen. Singh, appears to me to be the subject matter of a development plan, which is the technical aspect of a plan, and if it is the Minister can elaborate further on what the Government means by the subject matter of a plan whether, in fact, it is different from my reading of it—that is the technical aspects of the plan—then I would say fine. But if it is that the Minister is given the power—because I see it as really interfering with the work of the planning unit—in an area which the Minister does not necessarily have the technical expertise. That is just my concern. So we would like to know in what context, would a Minister, after consulting with the development planners seek to indicate to them that I have certain concerns with respect to the subject matter that you are, in fact, developing.

**Sen. Dr. Tewarie:** If the hon. Senator would give way. Thank you, Senator. I would just use an example to illustrate. It may well be possible to ask the East Port of Spain Development Company to develop a plan for an innovation zone for East Port of Spain. That would be the subject matter, and they would use all their technical competence and available resources in order to do that, because the Minister cannot sit down and do that, but as a matter of policy, the Minister would know what it is he would like to see in terms of development.

**Sen. Dr. D. Mahabir:** Thank you very much, Minister, for clarifying. So, basically, the Minister will not be interfering with content, he would simply be indicating well, okay, maybe you can look at South Port of Spain as opposed to East Port of Spain.

**Sen. Ramlogan SC:** It is a policy matter.

**Sen. Dr. D. Mahabir:** It is a policy matter. Very well. Thank you very much, hon. Senator, for that clarification. As long as the subject matter of the development plan does not, in fact, involve exactly how the planners go about planning and getting their targets right, and it is just a policy as to what are the areas that the Government may prioritize as what the hon. Senator has indicated, then that seems to be par for the course.

Then a concern, a related concern in 21(2) and that is, it says:

“On giving not less than fourteen days written notice to a planning authority appointed under section 16, the Minister, after consultation with the National Planning Authority, may—

- (b) revoke or vary the powers granted to the planning authority either in whole or in part;”

Again, I would need clarification. I am sure the Minister in winding up will indicate the conditions under which he may wish to revoke or vary the powers granted to the Planning Authority and, again, it would have to be related to the policy decisions of the Government, because one simply does not wish for a Minister to have the power simply to revoke or vary without very good reasons for so doing.

The issue of ministerial interference; the issue of ministerial abuse is one that we have to address, not for the current Minister, of course, but for anyone who is going to be given this power. I know of a case where a particular company was granted permission to build a retail outlet in a residential area, Valsayn South. The company involved is SuperPharm. When the residents took the matter and tried to get the matter raised in court, it was found that it was a Minister who had granted the permit. It was a Minister who had granted the permit.

**Sen. Ramlogan SC:** Who is that Minister?

**Sen. Dr. D. Mahabir:** I have no idea who that Minister is. The records will reveal. I have no idea who that Minister is, hon. Attorney General.

**Sen. Ramlogan SC:** You see, if you name the company, you should name the Minister. You should not be fearful here, you know. We should be frank and truthful to the population.

**Sen. Dr. D. Mahabir:** Well, I do not know him, but I know the company because the company's sign is very much there. The Minister may have disappeared. [*Desk thumping and laughter*] So, we do have in the Valsayn South area, statement of fact, in the public record, where a lovely house was demolished. It was a residential house and residents tried to prevent this company from erecting a business on the property only to find that a Minister had granted permission, and we thought that that was a case of ministerial abuse of power. So, Ministers have been known to really move beyond the jurisdiction and the spirit of the law. And I raise these concerns, Mr. Vice-President, so that we would be made cognizant of them.

The Bill, again, Mr. Vice-President, raised the issue of the compulsory acquisition of land. This is to echo some of the concerns of Sen. Al-Rawi. This particular Bill will require the requisite majority, because it deals with property rights and so on, but when we come to the compulsory acquisition of land, we know that this has been a troublesome issue for quite a while in the Republic. Let us put it in context.

The relevant agencies of the State, in acting in the public interest, must acquire land which is necessary, but we have to understand that this particular land is owned by someone—it is owned by someone, it is not sold by someone, it is owned by someone—because it is currently giving that individual a great deal of satisfaction, comfort utility.

Whenever the State acquires, as the law gives it the right—and so we need to look at the Land Acquisition Act—we need to ensure that having forcefully alienated someone from his property that this person is given fair compensation. We need to look at the compensation of all lands appropriated by the State, and we need to have a mechanism where there will be little or no contention in compensating people for their loss.

In the highway project in Point Fortin, we have heard a lot of complaints. Clearly, the time is right for us to look at this particular piece of legislation, examine the compensation, make sure that when someone loses his land to the State for the public interest, this individual is in a situation that does not put him in a difficult economic condition, and that he is fairly compensated according to market value. And so we would need to look at compulsory acquisition, because we are interfering with property rights; we are taking away people's property, which is their right to acquire. We are taking away their property which is protected by the Constitution and, therefore, the compensation, as we will decree when we look at the Land Acquisition Act, must be such that these individuals are really going to be fairly compensated so that neither the State nor the individual is in any way in a better position as a result of the transfer.

There is in the amendment, Mr. Vice-President, under clause 96, a very important amendment made by the committee, and that amendment is one where because officers in the Planning Authority are going to have a tremendous amount of power, these officers can abuse their power for personal gain. This is a normal human condition. Not every officer will do it, but where there is an opportunity to earn some income, because of your power, I am sure there will be some officers who are going to abuse that position. I was very happy to see the amendment to the clause on bribery, because when I prepared my notes about six months ago, in fact, one of the amendments I had reads as follows:

Any officer who accepts a bribe is liable to a fine of 250,000 or five years in prison. And the committee came up exactly with this particular bribe—I see Sen. Al-Rawi was thinking along my lines and the hon. Minister—and I think this is an important introduction to the draft Bill itself. It recognizes that not only are land developers going to be induced—to offer inducements to the various officers of the State, but

there can be officers themselves who will be engaged in wrongdoing, and there has to be a stiff penalty for any errant officer, and I commend the committee and the Government for including this.

I am hoping that we would look at legislation which governs other areas in the State and impose a similar level of fines on customs officers, income tax collection officers, transportation officers who charge you \$500 to get a driver's licence, every officer who is in a position of power and who uses that power to tax the citizens. Only the Minister of Finance and the Economy has the authority to tax the citizens, and he has to come to Parliament for approval. These officers are taxing without representation and so, I think, this particular clause, I am hoping will be a standardized clause through much of the legislation in the State, so that all the officers in the State who are currently prone to wrongdoing will know that there is an important penalty for those who wish to use their office for personal benefit as opposed to the public interest.

I started, Mr. Vice-President, with the issue of enforcement. Enforcement is going to be critical if this piece of legislation is to make the kind of difference that we all in this Chamber will want to see for the welfare and well-being of the citizens of our Republic. We want to put an end to flooding and we want to prevent building on the hillsides. We want to ensure that watercourses are not blocked by private land developers. We want to ensure that private developers do, in fact, undertake to maintain their sewerage treatment plants. We want to ensure that what we put in this law actually constitutes practice in Trinidad and Tobago. What we want is a cultural change that the Minister of Planning and Sustainable Development alluded to.

In this context, I wanted to recommend an amendment, I would have—and I apologize to the Government for not circulating it. I was not aware that we were coming today to debate, but this is the amendment that I would like to propose to the Government to ensure that we could implement some of the things mentioned here so that people will not engage in wrongdoing knowing that there is no sanction and that there is no punishment.

I would like to see, to ensure that we really make a difference in the quality of the life of the population, to see established the following: a compliance unit, and that compliance unit be established to be made up of as many officers as there are borough corporations and regional corporations in Trinidad and Tobago. So if there are 14 here and one in Tobago, I would like to see a compliance unit made up of 15 officers, and it falls directly under the purview of the Minister of Local Government, because it is local government that is going to be key in this particular legislation.

**4.10 p.m.**

If we do not consider the critical importance of local government as it was in the Dog Control Bill, local government is critical, because local government is close to where all the wrongdoing is happening. All the wrongdoing will be happening in Port of Spain somewhat, but all over the country we are seeing the violation of the building rules, the violation of the contents of this particular Bill, and it is going to be local government that will have to be first observers in the scenario—so that a compliance unit be established, made up of as many officers as there are regional corporations in Trinidad and Tobago, with each officer assigned to a regional corporation.

The duties of each officer will be to ensure compliance with the Act. The officer will liaise with the borough corporation although he would be an employee of the planning unit of Trinidad and Tobago. So that this particular compliance unit would have its officers, in my opinion, peruse their particular corporation regularly, as often as necessary, once a week, driving around their borough corporation, simply observing what is happening. So he is a travelling officer. He is not stationed in an office. He goes to every trace; he goes to every back road; he goes into every community; every development; he knows people; he knows all the contractors; he asks the people: “Are you seeing any developments?”, and I am not talking only about the person who is building a little garage illegally, though he would know that, I am talking about the developers who are developing and they are doing things that they are not supposed to do with watercourses, et cetera, and the people in Port of Spain are not aware of what is happening.

In the past, when we were a more regulated society we did have, in the small shops in the country, a schedule. Mr. Vice-President, you would recall that. It was a big yellow sheet of paper. You paid five cents for that schedule, and every shop got that schedule from the Warden’s Office and you had to put it on your shop, and when you sold an item like onions or potatoes above the scheduled price, there was always an officer who was travelling around going to buy the items at the shops, and if you charge more for the onions or for the potatoes, or whatever it is on the schedule by a few cents, you were going to get a court charge. *[Interruption]* Yeah. There was a weights and measures inspector too, and they actually physically went around.

In the Tunapuna Market, where I sold produce for many years, I was familiar with the weights and measures unit, as Sen. Vieira has indicated. The weights and measures gentleman would come around and he would ask to see the top of your scale because he would stamp the scale with the date, and if your scale was not

stamped, you could not sell your produce. I was selling sweet potatoes long before Avinash Singh was born [*Laughter*] at the Tunapuna Market. My point is these officers took their job seriously. They worked for the borough corporations, they worked for the Government, but they actually were on site.

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

*Motion made:* That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. F. Al-Rawi*]

*Question put and agreed to.*

**Sen. Dr. D. Mahabir:** Thank you very much esteemed colleague, Sen. Al-Rawi. Thank you very much, Mr. Vice-President. I know there is current interest in the Brazil match, I too would like to hasten so that I could maybe catch a little bit of that match going on. I do not think Sen. Singh has indicated that we would not get that.

Mr. Vice-President, we need, I think, to understand at this point, and I shall not take the full 15 minutes, but we are at the point where I think all Members of this Chamber are in agreement that we do have a compliance problem in the Republic. It is not fingers being pointed at this or the other administration. Over time we have found that there is a problem with people following laws because we have had few enforcers of the law. We somehow lost the tradition of the colonial administration not to trust people, so that they would send around the weights and measures people.

In fact, they actually had inspectors going into the shops to determine the alcohol strength because people watered-down the Puncheon Rum many years ago. I actually met a gentleman who is 90 years old who worked for the colonial government, who indicated to me that his job in the customs department was to test the alcohol in shops because they wanted the people to drink good rum. [*Laughter*] The British took their rum very seriously, and so his job was to ensure that people did not water down, not the Brandy but the Old Oak, and so on.

I think, Mr. Vice-President, if we are to really strengthen local government, the compliance officer I have in mind is not necessarily paid by the local government Ministry. He is going to be an employee of the planning unit of Trinidad and Tobago, but he is stationed maybe one day of the week at a local government body. His job would be to really physically inspect, develop a working relationship with many people in his borough corporation and they would then have someone appoint an individual to whom they will send their complaint. The complaint is, this individual is doing something in violation of the building code.

It is always easy to solve a problem as soon as the wrongdoer has put his first load of gravel on the ground, as opposed to when he has actually constructed a basic structure. So that this compliance officer, operating out of the local government Ministry, developing relationships on a network in the community, in my opinion, will be able to provide an early warning system of violations. He would have developed a relationship with the community. He would have an information gathering network. If we have 15 of these compliance officers, I think across the country, it would be easier for the planning arm of the State to know where the violations are occurring, to take early corrective actions and to ensure that the wrongdoing that we have seen over the past three decades is really arrested at an early stage.

I think if we do that, not only will we be passing really very good law in this Chamber, we will be ensuring that we are enforcing the laws and that, ultimately, the people who look at us to protect their interest will find that the laws that are being passed in the Republic are relevant to their welfare. Mr. Vice-President, with the extension of time, I thank you for the courtesies granted. [*Desk thumping*]

**The Minister of Local Government (Sen. The Hon. Marlene Coudray):** Thank you, Mr. Vice-President. Mr. Vice-President, I stand this afternoon in full support of my colleague, the Minister of Planning and Sustainable Development, Sen. The Hon. Dr. Bhoendradatt Tewarie, to highlight the importance of the passage of this Bill. The Planning and Facilitation of Development Bill, 2013, represents a culmination of efforts to develop a new planning process for local government reform that had many versions over the last 30 years.

Mr. Vice-President, I was part of that committee, as well as my colleague, hon. Ganga Singh, and this is why I was a bit taken aback this afternoon to hear the utterances of our colleague, Sen. Al-Rawi, who was part of that committee. I just want to put on record that I would wish when these committees are appointed, particularly a committee of the Senate, that persons really represent whatever their cause on that committee and not come back to this House pretending that they were never part of such a committee. I was really, truly disappointed.

**Sen. Al-Rawi:** Try serving on four committees at the same time.

**Sen. The Hon. M. Coudray:** People could decline.

Notwithstanding that, the fundamental changes proposed by the Municipal Corporations Act never materialized, and local government, prior to now, had been emasculated over the years and the powers eroded. For example, sections of the Act, which is a 1990 Act, were never proclaimed and by-laws were never drafted.

Having spent a considerable amount of time at the administrative level of local government, I can speak for days about the kind of problems experienced in local government, and if Sen. Mahabir thinks that SuperPharm, that is just a small case among several others where local government administrators were forced to do things contrary to law by that Government of the day, then.

So, Mr. Vice-President, a Green Paper was presented in 2004, and this became a White Paper in 2006 that dealt with the local government and, strangely enough, neither the Green Paper nor the White Paper dealt with any physical planning issues at the local government level.

When the Government resumed office in the year 2007 with a new Minister of Local Government, to our amazement a new Green Paper was presented in the year 2008 and a new White Paper. And as we had said in local government back then, that new Green Paper and White Paper was really an attempt to deform rather than reform local government, because the proposals in both the Green and White Papers attempted to take away powers from local government bodies, rather than give them the powers that people were anticipating for local government. We were talking about, at the time, more power to the local government body, so that to everybody's amazement the powers were eroded.

Needless to say, several consultations were held then, and I think when it reached 35 million or thereabout, I think an alarm was raised by the Ministry of Finance in terms of the expenditure and the fact that they were really not seeing any need for it, and at the time there were still about three more consultations to go. So needless to say, those were very ineffective consultations that did nothing for local government reform. Therefore, this Planning and Facilitation of Development Bill proposed by this Government will provide meaningful, and has provided meaningful participation to citizens in every community through every local government body, all 14 of them as never was seen before.

This Bill is a significant piece of legislation and it will not only set the groundwork for planning reform in a number of ways, but it also sets the groundwork for the much awaited local government reform. [*Desk thumping*] For instance, this Government initiated the implementation of a National Spatial Development Strategy which will ensure, as Minister Tewarie had indicated in his opening, that Government's sectorial policies are harmonized at the national and regional levels, to guide all spatial development in local government.

Secondly, and in answer to Sen. Al-Rawi's question, the Ministry of Local Government commenced the review of the 14 municipal development plans at the local government bodies, also known as sub-national development plans. These

will be further detailed into local area and community plans in accordance with that National Spatial Development Strategy, which will be implemented in collaboration with the community, the councils and all stakeholders in every community in Trinidad. We believe in the People's Partnership Government that communities must be given the authority to determine their priorities as they relate to development matters and must become actively involved in the planning and development process.

Thirdly, a spatial planning unit will be established in each municipal corporation to ensure the implementation of provisions as outlined in this Bill for preparing plans and for approving development.

#### **4.25 p.m.**

So therefore, Mr. Vice-President, the key to the transformation and modernization process as a document—it was the first document I tabled in this Senate on becoming Minister of Local Government, and I know it is coming up for debate soon—and the key to that is the devolution of spatial planning to municipal corporations. And we envisage that spatial planning will be done in a more systematic manner that is consistent with aspects of the proposed Bill before us today. And in that Bill, and luckily for us in local government, the Bill includes the strengthening of all enforcement mechanisms and that also extends to all local government bodies.

So once approved, upon the proclamation of this Bill, when it becomes the Act, all municipal corporations shall be deemed municipal planning authorities, and this will result in a deeper and more immediate devolution of aspects of development planning and control to all municipal corporations throughout Trinidad.

The Bill will give birth to the municipal planning authorities and they will be responsible for the preparation of subnational development plans, as well as planning and building approvals of a simple category of development defined by law. This includes a simple dwelling house, and this will be done in those units, established within municipal corporations.

Fourthly, Mr. Vice-President, the proclamation of this Bill will also provide for a new system to regulate planning and facilitation of development in Trinidad, and this will also extend to Tobago, of course, and an office of enforcement which will now exist with greater nexus to local government bodies. Special provisions will be made for local government matters to be heard in the Environmental Commission. In addition, the use of registered professionals with established rules

and procedures in the planning and building approval process will aid local government practitioners, and this will act as a deterrent and may minimize, Sen. Mahabir, the alleged corrupt practices currently taking place. And we know how it is done, and we are saying that we will put laws in place now that will take care of them.

The Act will also provide for municipal corporations to become more responsive, both to changing circumstances and policies of government as building and planning approvals will be merged now into one process, into one body. It will create a one-stop shop for approval for major applications by a development control committee comprised of officers from several relevant agencies.

Mr. Vice-President, I do not mean to be long, but I would want to address, in terms of the preparedness, the ranting and raving that we heard in terms of the preparedness of local government. [*Desk thumping*] And everyone seems to think they know or want to know about local government and what is happening in local government, and I want to assure the country that local government is quietly sitting and quietly putting in place, quietly cleaning up the mess over the years that has befallen local government bodies by excessive control on the one hand, and neglect of local government by the last administration over several decades.

As indicated, another point in terms of the local government role is the impact of the regulatory arrangement on the ability of the municipal corporations to undertake normal functions. Municipal corporations had virtually no input in planning, and as the law stands now, they have no input in planning and land use decisions as do central government agencies. Yet local government bodies are forced to develop and maintain infrastructure, as well as provide scavenging and other services within their jurisdictions when these developments are completed.

And this applies not only to the authorized development, but the squatting and the unauthorized development. In addition to squatting, we have persons who build buildings, big commercial buildings, they put up residential units, once you do not have to go to the banks for approvals, they need no regulatory input, and therefore, this is part of the problem in terms of blocking watercourses and obstruction in terms of roadways, et cetera.

This Bill will also address this matter as it puts additional pressure on local government bodies; people complain about local government bodies not performing, Mr. Vice-President. The problems are enormous in terms of how the

unauthorized developments affect local government and its budget because local government bodies just have to find money to correct a lot of the issues and problems caused by the unauthorized development. We anticipate that this Bill, when proclaimed, will address all that.

Councils, again the additional services, and not only private persons, we had government organizations as well, we had the HDC, and I do not know if you recall a part of my own problems as an administrator had to deal with a housing development by the HDC, in the City of San Fernando, with no arrangement for waste water, no arrangements for additional water and electricity supply, and when queried in the normal course of my duties, I was more or less, castigated—*[Crosstalk]* Yes. So, that was long before that. Anyway, it was a history of, you know, wrongdoing and someone trying to make those wrongs right, and being chastised for it. And particularly important in all this, was public health. You see, there are consequences in terms of public health and sanitation on communities. And the erosion of this normal budget that you get to deal with what is supposed to be your authorized area, having to extend those finances to stretch them as it were, to deal with these areas of unauthorized development.

The corporations also have—we are dealing with disaster management unit, and thirdly, there is another issue—provisions of services—as someone mentioned, in support of land and infrastructure development. And again, apart from the construction issues, people develop land, and there is a high percentage of this throughout Trinidad. The irregular and unplanned development with limited resources for infrastructure upgrading. So people go into an area, they have a big piece of land, they want to subdivide, no drainage, no roads, they sell the lands, and people buy lands.

I think this Bill will also protect citizens from that kind of abuse because people buy lands in developments, and when they are ready to build, they cannot get approval because there is no outline approval, there is no approved infrastructure, and people get caught between a rock and a hard place, because the local authorities say, well we do not have any approval for this development, but the person is paying a bank loan, and of course, has expectations; you purchase land, and you cannot build your houses. And we have several areas in the country where people, where the citizen, is caught in this manner, and therefore, we hope that this Bill on proclamation, will deal with all of these issues.

The Bill also gives an opportunity to strengthen the establishment of the local government bodies because the Bill specifically talks about the kind of officer that will be required to monitor and to do the work within the departments, and

therefore it is an opportunity, and the unit—the planning unit—at the Ministry, together with the PS, we have already started to look at the kind of officers, the kind of staffing that we will require to give life to this unit. And therefore, in keeping with our strategy, our main strategy to empower local government bodies and communities, we are looking at the level of the Ministry, in terms of the oversight body what is required, as well as strengthening the 14 municipalities to ensure that they will be ready to function on proclamation of this law; that work is ongoing.

Mr. Vice-President, we also talked about the codes and standards. Well, currently there are no codes and standards for buildings in Trinidad and Tobago to govern any system of verifying the integrity of any building construction. And this law also addresses that. That is also fundamental to local government, to the building inspectors, as they go out doing their jobs. So that the work has started on the building code which will significantly improve construction standards in our communities, once they are fully implemented, so that we can regulate areas suitable for building, drainage and basic infrastructural standards for design of buildings.

Also, in case of earthquakes or hurricanes, peoples' homes are at risk now, because we are not sure what are the standards. So there is also work going on, on a small building code for these individual houses, and a new code of physical planning standards.

Mr. Vice-President, building according to code will avoid persons' homes being washed away, and some of what we have been seeing over the years, in terms of people coming to the State, to the Government, for compensation. So once these standards are established and they are enforced, I think we will be on the road to a better and safer building construction in Trinidad and Tobago.

Mr. Vice-President, this People's Partnership Government, in keeping its promise for sustainable development has outlined in Pillar 6 of the Government's national policy which is:

“Good Governance-People Participation”—is committed to:

- strengthening existing institutions
- enhancing democracy
- strengthening execution and delivery capacity.”

It must be noted, Mr. Vice-President, that the Local Area Regional Planning Development Unit at the Ministry of Local Government has made tremendous progress in reaching a milestone with its regional planning programme.

This Government in June 2010, just one month after assuming office, approved 14 municipal development plans, one for each municipality. These were used in 2012 to prepare 14 municipal investment plans, the Local Area Regional Planning Development Unit will also provide oversight for the implementation of the development plans in moving this process forward.

Mr. Vice-President, Cabinet has also mandated that the municipal investment plans be the primary mechanism to implement the development plans, since this will translate the strategic proposals to put forward into tangible, localized, implementable projects and programmes for each community.

The Ministry of Local Government has also played a significant role as a key stakeholder on the National Planning Task Force which was mandated to undertake a technical review of the Planning and Development of Land Bill, 2001. The task force was also able to identify areas within the Bill that needed updating and recommended further adjustments and improvements of the planning system. In the light of this, Mr. Vice-President, it has become imperative that local government continues to be a part of this review process, so that in moving forward the issues surrounding development planning and control are met at the regional and local levels.

So, Mr. Vice-President, I am saying this to you to tell you about the intense involvement of local government in this entire process, and to emphasise the fact that, while this Bill is being debated and contemplated and going through its various stages at the level of the Ministry of Local Government, things are being put in place to ensure that the 14 municipalities are ready, so that when this legislation is passed, we shall have everything in place to implement.

**4.40 p.m.**

There was one other point—I am just skipping through this—yes, the greatest achievement, we think, in terms of this legislation and what it is providing in terms of the participation of the people in fulfilment of our promise to deliver what has not been done in decades, and we are assuring every citizen, even our good friend Sen. Faris Al-Rawi, whether you are in San Fernando West or somewhere up in Port of Spain in the west, and you as well, Mr. Vice-President, you can now contribute meaningfully by participating in the development and decision-making process through the mechanisms of this legislation within your own community.

**Hon. Senator:** “Everybody getting a lil some, some?”

**Sen. The Hon. M. Coudray:** Yes. [*Laughter*] And there are several other things, Mr. Vice-President, that are taking place with respect to this legislation, but I do not believe at this time, the Minister having gone through so thoroughly in terms of his introduction and what we had done at the committee stage. Mr. Vice-President, I just want to profoundly thank my colleague, Sen. Dr. Tewarie, as today I stand eager as Minister of Local Government to receive the changes and benefits proposed in this Bill that would come to strengthen local government, strengthen its capacity and its delivery capability, and this is another testimony of this Government, this People’s Partnership administration to our commitment to people-centred development, the advancement of local democracy and good governance.

This Government’s vision is to promote locally-led economic development so that everyone can participate, contribute and benefit. They would be able to shape their own destiny, attain a level of prosperity and standard of living that they set for themselves. This approach of transformation and the modernization of an archaic system of local government, of planning, is unprecedented and it is the start of true reform in local government and in terms of our planning in this country.

Mr. Vice-President, I thank you and Members of this honourable Senate. [*Desk thumping*]

**Sen. Stuart Young:** Thank you very much, Mr. Vice-President. Members of the honourable Senate, it is with a great sense of pleasure and privilege I rise once again to hopefully make a useful contribution with respect to this important piece of legislation.

Planning and development in my respectful opinion is one of the most important pillars of a nation in moving forward towards becoming a First World country. This legislation, potentially, affects every citizen of Trinidad and Tobago, and this afternoon we have heard from Sen. Dr. Mahabir the various examples of how a lack of a proper planning system or, as he put it, the enforcement of planning legislation, can affect the day-to-day lives of our citizens of Trinidad and Tobago.

Planning legislation reform is overdue, and my understanding is that this Bill is the product of many years of work by the various administrations, including the PNM administration. This Bill seeks to decentralize the planning authority framework and process, and what it is doing is moving the planning approval

process away from the central authority of the Town and Country Planning under the Ministry into a variety of bodies, including making municipal corporations the authorities for planning, approvals and the process which we have quite usefully just heard from the Minister of Local Government, who has just left the Chamber, Sen. Coudray, quite usefully, what it is that they have been doing.

I think it is fair to say that the Bill being piloted by the hon. Sen. Dr. Tewarie here, but which has come about by a useful Senate committee, is revolutionizing the planning framework that currently exists in Trinidad and Tobago. And I would want to emphasize the importance at a practical level of proper planning policies supported by proper planning legislation. And I think one of the most useful examples of it, in my opinion, is if you are fortunate enough to have travelled to some of the larger cities in the world, and the ones that came to my mind were Toronto, Washington and New York, simple issues with the use of their—and the proper implementation of what has to be proper planning policy and legislation.

You see it in the simplicity of, in both their large cities as well as the urban neighbourhoods, the proper setting-out of streets; it is not done in a haphazard manner. You have streets running north to south, east to west, straight across the grid, and simple things that make it very, very useful and very user-friendly. You also have proper infrastructure in place, not only in terms of their drainage systems, but also in terms of sufficient public utilities in the form of electricity, gas, heating, et cetera, and I dare say that these must be the results of proper planning and the utilization of legislation and, more importantly, the respect for the legislation that exists in these jurisdictions.

And I think we as a nation, and this is really a call to the nation by us here in the Senate, that, at the end of the day, and we will pass, I am sure, a Bill will be passed at the end of the day, hopefully after useful contribution by all sides. But it is a call for those members of the public who are the ones who are bound by the legislation to abide by the legislation. We have heard from Sen. Dr. Mahabir, the simple flagrant breaches of the current existing law and what we would seek to do in the reformed legislation is put in place greater enforcement tools. At the end of the day it comes down to every citizen of Trinidad and Tobago to respect the law and abide by the law, whether it be in the simple confines of your private dwelling and you are putting up unauthorized structures which are breaching the current approval process, to the greater development of larger parcels of land, both residential and business. No matter what law and legislation we pass, it is incumbent upon the citizens of Trinidad and Tobago to respect the law and to allow a proper enforcement of the law. [*Desk thumping*]

So, what I would like to say is it brings us—and Sen. Dr. Mahabir really emphasized it quite a bit and I do not think it is necessary for me to go over that in that level of detail—but it brings us to some of the difficulties in Trinidad and Tobago, especially in our suburban areas with a lack of proper infrastructure that we have permitted, by lack of proper enforcement and removal, illegal developments—we see it, as he said, in the East-West Corridor and throughout the rest of Trinidad, I dare say, but it has, within the past few years, affected the Northern Range and the residential, and our capital city, the Port of Spain environs.

We have heard it repeated over and over by this administration, as well as the previous administration, that it was people's flagrant breaches of the planning laws and their development of unauthorized and illegal developments all in the hills and a lack of proper infrastructure, drainage, development, that this has led to flooding, destruction of land. We see it with the slash and burn on the Northern Range hills that then leads to flooding later on in the rainy season, traffic congestion, dangerous structures being built.

I was very happy—and I will touch on—to see in the proposed legislation the implementation of a formalization of building codes. That is long overdue, and I am glad that it found its way before us and I will touch on it very shortly. Quite frankly, the haphazard way that we have been developing our country is not leading towards us reaching First World status, and Sen. Dr. Mahabir touched on Woodbrook as a prime example. It is an example close to home where we sit in the Parliament and we see it, where a predominantly residential neighbourhood has just sprung up overnight to a set of haphazard conversions, most of which I dare say, or some of which, do not have proper planning permission.

So, at the outset of my contribution, I would like to say that the People's National Movement supports the reform of planning legislation and by and large it is progressive legislation. I have looked at both the United Kingdom model as well as the Singapore model and I found that there is a lot of mirror imaging in the current Bill before us with what I saw existing in Singapore. That is why I started at the outset by talking about the need for the population of Trinidad and Tobago to step up to the plate and not always place the blame on the legislators, but they have to start walking the talk as well, I dare say.

In my study of what can and cannot work for us, I turn frequently to Singapore, and I think a page that we need to take out of their book is the nation and the population's desire to become First World, and to give themselves into First World status and not blame it on progressive Governments and look for the hand-out-type mentality. So it is time that we step up as a people.

But, as usual, it is my job to caution, to highlight and to point out issues that may lead to problems, some of which are serious problems that may rear their ugly heads if we do not properly address them and correct them. And like our recent experience with the public procurement legislation last week where we sat in two marathon sessions—and quite usefully between Opposition, Independent Bench as well as the Government Bench, hashed out, I think, very useful and workable amendments—I would like to encourage that we do the same thing with the present Bill that is before us because it is an important piece of legislation.

In my view, Mr. Vice-President, there are certain necessary ingredients for successful and efficient planning legislation. Firstly, I think there must be a clear process. We must know as a citizen what is required, we must know what you have to apply for and what is the application process. Secondly, there must be an efficient and user-friendly process. In efficient, I emphasize as well—and one of the previous speakers here this afternoon touched on it—that we must have a process in place that you know as a developer the certainty of time and when approvals will be passed or can be passed, and we must set time frames, Mr. Minister, and I am hoping this will be done via the regulations, so when we put in applications, what happens next, et cetera.

**Sen. Dr. Tewarie:** I said that in my presentation.

**Sen. S. Young:** Correct, so it was you—thank you for reminding me—who touched on it and I agree with you. I wholeheartedly support and endorse that, and that is something that has to happen.

Thirdly, we must have a proper national plan and policies which, then, the legislation fulfils the implementation; that is somewhat present here. Fourthly, we must have officers who are qualified; we must have continual assessment of national and local plans; we must have systems to reduce potential corruption, because we must recognize and live in reality that these planning and approval processes—and it is not something limited to our jurisdiction alone, but worldwide they are susceptible to corrupt practices. We as the legislators must put in place there, tools to as much as we can prevent it, but also that if it takes place there is something that can be done that is more than just a mere slap on the wrist.

Another key ingredient is we must have a proper and efficient appeal process. Then, lastly, what Sen. Dr. Mahabir started off and focused a lot of his contribution on, is the enforcement process. In fact, it is my respectful view, Mr. Vice-President, that the current legislation has proved to be problematic due to the inefficient process and systems, and the difficulties with enforcement.

Now, one of the concerns I have that is holistic and high level is that once again I find that we are creating a statutory body to perform important tasks and we must ensure that it is functional, and also that it is properly resourced, because we are taking away now from under the Ministry, the department of town and country, and creating a whole separate statutory body, the national planning authority. And, we are giving it a lot of power and jurisdiction, and for it to properly carry out its mandate we must always ensure that it has sufficient resources. This is something that I have found myself having to mention on the few occasions that I have had this opportunity to debate and to contribute towards proposed legislation.

I also had as a major concern that we are giving a lot of responsibility to the municipal corporations, and Sen. Coudray spent a lot of her contribution, if not the vast majority of it, trying to assure us that this is something they are on the ball with and they are trying to resource and ensure that the municipal corporations are geared up and ready to go if and when this Bill becomes an Act and is the law.

A couple months ago we were here debating the Dog Control (Amdt.) Bill, and in that Bill we passed a lot of the power, the responsibility for the carrying-out of that legislation to the municipal corporations and at that stage we cautioned in the Senate that we must ensure that they are properly resourced and there was a lot of doubt as to whether it would be able to fulfil demand. That is a simple and small piece of legislation with a very limited parameter with respect to the dogs, and we cautioned at that stage.

Now, we are passing to the municipal corporations, the planning authority under this Bill, which may become an Act, for the planning and approval process as well as the enforcement process, and that should not be underestimated. And I have heard what the hon. Minister said, and derived some level of comfort, but the test is really in the “eating of pudding”, is what came to mind, and until this is rolled out, what they must do is continue what they say they are doing, which is providing the resources. But, it comes down to a whole change of the mentality in the municipal corporations, and hopefully that is something they will be prepared for when coupled with the appropriate resources.

**4.55 p.m.**

We turn then to what I call the big ticket items under the proposed Bill. And as I say, the first one is, it introduces this concept of decentralization which we find happening time and time again. And I recall a few weeks ago, it being said by

my friends on the other side that there was a PNM plan and policy to limit and reduce the number of public servants, and I smile as I see legislation after legislation, in the short time I am here, come up, and that is exactly what the other side is doing, and they are doing it via legislation.

**Sen. Dr. Tewarie:** Are you referring to this legislation?

**Sen. S. Young:** Well, this legislation, of course, what you are doing is, you are taking the town and country department and you are moving it into an authority, and you are also—*[Interruption]*

**Sen. Dr. Tewarie:** Between local government, National Planning Authority, the Ministry of Planning and the planning authorities which will have to be set up or enhanced, there will be significant expansion of job opportunities.

**Sen. S. Young:** Now, the Minister is using his language very cautiously. I listened to his contribution this morning and he talked about the three things that he can assure, and one of them was there would be this hiring policy. But, of course, one of the concerns is the methodology for the hiring policy. Is it going to be via the issuance of contracts, or is it going to be through the CPO? Is it going to be through a retrenchment exercise of public servants, or are you going to increase the size of the public service?

**Sen. Dr. Tewarie:** You want me to answer that now—right now?

**Sen. S. Young:** No, I do not want you to answer it now, Minister. I am merely marking a spot, if I may.

Under this legislation, as well, another important area and another big ticket item is that we are creating a number of new offices: the Chief Building Officer, the Chief Enforcement Officer, a Director of Planning, and one of the issues that came to—*[Interruption]* Too many chiefs, correct. One of the issues that came to my mind is, these are very important positions and should we not give consideration to putting these positions, or positions like this that you intend to create via legislation, under the ambit of the Integrity in Public Life, and not consider adding them as public officers? *[Desk thumping]*

It just makes sense. We are creating these positions where they are charged with a lot of responsibility and I am not—well, I am sure that just by providing a section in the Act that talks to bribery, that that is not going to be sufficient deterrent, and the Integrity in Public Life is a very useful deterrent because it now calls—if we put them under and make them public officers and they are caught by that legislation, they now have the same responsibilities that we do, which are filling out the forms every year, so we can see. Then, of course, if we find out that they have failed to declare, we know the course that the legislation can take.

Then we are also finding under this legislation now, the use of committees. Now, personally, I am not a person who shares very much—I do not look at committees very favourably but I understand the use of them because I find that when things get tied up in various committees and committees are not properly defined, and then where does it go from committee. It has not been very useful in the past and, certainly, in my experience.

But we are introducing here, by clause 11, the Development Control Committee and other standing committees. It gives a very, very broad power to the National Planning Authority to appoint other standing committees to advise on a variety of issues, and I think we just need to be careful by going the route of farming out and webbing out to various committees, that we are watering down the effectiveness of a centralized body that we are creating in the National Planning Authority.

Then we have the National Spatial Development Strategy found at clause 18 of the Bill, and this replaces what used to exist under the town and country legislation, and it is something that every developed nation has, which is a national plan, and then flowing from that national plan you then have the various planning agencies. In England, all of the councils carry out their own planning, so it flows from there. So that is a good thing.

Another clause that I would like us to focus on when we get to the committee stage is the conflict of interest which is at clause 12. Clause 12(1) says:

“A member of the National Planning Authority or a committee thereof who is in any way, whether directly or indirectly, interested in any matter under consideration by the National Planning Authority or committee shall declare the nature of his interest at the first meeting of the National Planning Authority or a committee at which it is practicable for him to do so.”

I would like to mark—stick a pin here and say that we should consider including in this, “related parties” and an associated definition of “related parties” because we are finding more and more—and we can use the FCB IPO as one current example, as well as Clico; the hon. Minister of Finance and the Economy would be very familiar with the HCU scenario, and now you are reaching the bond and payout stage or moving there—the importance of “related parties” in the definitions. And I think for conflict of interest, we should consider the introduction of it here, that we include some sort of related party definition as well.

Then at clause 34, I thought it—we are talking now—and I have here, “This is an important provision”. Clause 34 is the “registers of applications”. This is a clause that we should definitely endorse and ensure that we get it correct because it is certainly useful, because what we are looking to do now is produce a register that allows for all applications that have been made to the various planning authorities to be put in one centralized position. I wholeheartedly endorse what Sen. Mahabir suggested, which is, in addition to how we have it listed here, we should also request that it be included via the web-based platform and ensure that every planning authority has such, because in this day and age, I think we are moving towards complete paperless many years from now, but it is certainly more user-friendly to have it web-based.

Clause 36, the consideration of the environmental effects. This was very forward thinking and it is something that we need to encourage. In this clause, under clause 36 is the consideration of environmental effects. What we are seeking to do here is formalize collaboration between the National Planning Authority and the EMA. This is something that we must look at very carefully, and consider putting in there some sort of—I do not know who gets the vote, but if these two agencies—these two authorities—are at loggerheads, under this clause we have not identified who trumps whom.

**Sen. G. Singh:** The EMA trumps.

**Sen. S. Young:** The EMA trumps. So I think we need to just ensure that the language catches that, and that makes sense because, obviously, this is to deal with the environmental aspects.

Clause 38, again, this was touched on before, which is putting:

“At least one notice of the grant of permission to develop land be prominently displayed and maintained in, on, or about the land being developed.”

It reminds me of our archaic laws dealing with maritime matters, and when you arrest a ship, our rules still require you to board the ship and staple to the mast of the ship the order made by the court arresting the ship. I am not sure how practical this is. I understand where it comes from and the development, but again, this is something that maybe the use of web-based technology can avoid this old archaic-type of requirement.

Planning agreements at clause 43, an interesting concept. We must make sure we get it right. As I understood it, the suggestion of having planning agreements is really to facilitate enforcement, and what you are doing now is, once you have

granted some sort of planning permission, you are requiring the parties, or the parties may then enter into a planning agreement, and it goes back to the civil litigation principle of breach of contract. If they breach that, it then allows the National Planning Authority to pursue action against the person in breach. It is just an additional tool of enforcement. It is one potentially that can have serious costs associated with it in the enforcement proceedings because those of us who are familiar with the civil litigation, you know that once you commence an action, there is still a process to go through before the enforcement that can lead to appeals all the way up to Privy Council.

So something you have in other legislation—and we should consider it here—is maybe stymieing the right of appeal, to just limit it to our Court of Appeal and it does not necessarily have to go anywhere further than the Court of Appeal and go to the Privy Council.

Turning then along to this provision at clause 49, which has been touched on. Again, it is one that provides some level of discomfort and concern, and we just need to put our finger on it. This is the “Revocation or modification of permission to develop land” and the powers given to the Minister after consultation with the National Planning Authority. When I looked at 49(2), I had some concern with the applicability of (a) because 49(2) says:

“The power conferred on the Minister by this section may be exercised where permission to develop land relates to—

- (a) the carrying out of building or other operations, at any time before such operations have been completed.”

I think we need to consider putting the onus upon the Minister and the National Planning Authority to move a bit quicker, or we limit them as to when this should be done. Because the language as currently drafted, in my respectful opinion—I have my note next to it: “So what if the building is 90 per cent completed? Is it at that moment that we then move to shut it down?” And, of course, we are now being unfair.

Yes, it is a person in breach, but the person does not necessarily have to be in breach. It could be a change in a planning policy or decision. So we should think carefully about whether we impose some sort of earlier time frame. So: before the building or construction is X per cent completed, as opposed to before it is completely completed, which, by definition, means 98 per cent.

Moving then along to clause 60. This again—which is the “Protection of trees” and the formalization of protection of trees. The truth is, when you look at First World and developed country legislation, this is an important part of it. I remember as a young boy

being told, in Canada, that even on your private property you cannot just cut down trees that are on your property. So I was very pleased to see this move. It is a positive move, as we know our resources are limited and the importance of protecting and preserving the environment. So it is an important provision in the proposed legislation and one that I can support.

Then at clause 61, this is an extremely important factor, an ingredient of any proper planning legislation in today's day and age. This is the "Building regulations". I think we should move it from clause 61. This is a very positive step in the right direction, but I think we need to make it mandatory, as opposed to saying that, "he may", because, as we heard Sen. Coudray admit a short while ago, we are completely lacking any building codes and regulations in Trinidad and Tobago, and that can have a disastrous effect at the end of the day on the whole population at large.

So whilst I endorse it, I would want us to make it mandatory, and that this is something that should be moved for very quickly because it must exist. We must already know what are the building codes that are required and what are the right levels for hurricanes, earthquakes, in Trinidad and Tobago, and it is something we should move very quickly towards.

We are now empowering and creating this office of—formalizing this office of—inspectors and saying that each planning authority, which means each municipal corporation, has the ability to appoint inspectors and also their empowerment. Their appointment and creation is found at clause 62, but then their powers, which are very extensive powers, which include them enter into property after getting a warrant by a magistrate, are found at clause 69.

Clause 66 is an important one which is dealing with compliance and securing compliance. This is the enforcement provision that Sen. Mahabir was saying that we have to focus our minds very closely on, and in looking at it—and when we get to the committee stage, we will have suggestions to make. But it is important that we give the authorities the maximum amount of power to ensure that the law is enforced.

Quite interestingly—and as we heard from the hon. Minister in introducing the Bill, we have now gotten into a listing of professionals at Part VII of the Act. And at clause 80, quite usefully—and we must make sure that it is carried out and is properly endorsed; it is properly followed—we are now saying:

“The National Planning Authority shall maintain a comprehensive register of all listed professionals showing the nature and category of applications for

which each listed professional was granted a certificate of competence as well as limitations or restrictions to which such certificate is subject.”

We will, of course, have to add in there some sort of language that ensures that it is made available for the public and, again, that this can be published—I guess that will come via regulations—via website.

### **5.10 p.m.**

Moving swiftly along is the appeal process. At the outset, I had said a key ingredient is the appeal process, and what we are using here is the utilization of, I think, an underutilized body, the Environmental Commission. I myself have only ever done one full matter before the Environmental Commission and it is a very useful well-manned, well-qualified body, and I found it quite interesting that we were utilizing them for the purposes of this planning legislation and not only with respect to issues such as pollution, Mr. Vice-President, but across the board. We are charging them now with the responsibility for the whole appeal process and it reminded me of—I think it was under the public procurement debate I had suggested that you will need a commission, et cetera, and this was one of the bodies I identified as being underutilized, but a useful one.

So we are using that here and I just caution that we must ensure that in the cross-fertilization now, if we have to go back to the Environmental Management Act legislation and ensure that that commission is properly manned to handle this type of appeal process because, of course, it is a completely different frameset. On one, it was limited just to do with environmental matters, but now we are asking them to consider a whole appellate process of a very important sector of society.

In fact, anybody who practises judicial review at the courts in Trinidad and Tobago, would know that a lot of the authority that we follow for judicial review comes out of planning cases in the United Kingdom, and I suspect by going this route of decentralization and as it becomes a more efficient system, we may also find a “surge” of litigation coming out of the whole planning process that we are seeking to create and espouse here today. So I just think we must mark the spot and we must ensure that the Environmental Commission is properly manned, Mr. Vice-President, and Members of the Senate, to handle the type of work that we are now charging it and giving it the responsibility of.

We then move to this clause of bribery at clause 96. I endorse what Sen. Mahabir said, that this is a good clause and I think it is one that we must import into other similar—*[Interruption]*

**Hon. Senator:** It is proposed by my friend here.

**Sen. A. Young:** And I am told it is proposed none other by this side of the bench, by Sen. Al-Rawi at the committee stage. It is an important clause that should find itself in other legislation, similar legislation because it is now codifying and making express this whole bribery provision, and especially in an environment like this with the planning where it is certain officers being charged with the responsibility of allowing huge projects, presumably millions—it could be a project of hundreds of millions—going forward, they are in charge of the approval process.

The power of entry which is going to become, I think, one of the pet areas that I look at with respect to this legislation and other similar legislation, at clause 99 I found it is actually almost on all fours with the Singapore legislation. So it is in fact an important provision in planning legislation. We just need to make sure we get it right. I have heard the suggestion by the hon. Minister of why the fines are so low. But I would like to suggest that at the right stage we reconsider it because I find the fines to be almost minimis of \$10,000 and \$20,000. This is something that we should look at increasing because a fine is also importantly developed as a deterrent factor, and when you are dealing with this type of legislation and million dollar projects going forward, I do not think that they will think that obstructing the planning authorities in doing the job they are charging them with, the fine being \$10,000 and \$20,000, that is something that we factored into as a mitigating cost I am sure. So we should look at increasing it to make it more significant, understanding this is not for a person who is building, as Sen. Dr. Mahabir said, a garage in their private dwelling place. This is equally applicable to the hundred million dollar projects taking place in Trinidad and Tobago.

**Sen. Al-Rawi:** Or billion dollars.

**Sen. A. Young:** Or billion dollar projects like the waste water facilities.

We then have at clause 109 and this is one that I have a serious problem with and I must mark the spot here. Clause 109, this is the injunctions and prohibition orders. It is two issues that immediately come to mind in reading it and 109(1) says:

“Where the circumstances set out in section 51(6) exist or the National Planning Authority or any planning authority is of the opinion that it is appropriate, in lieu of or in addition to issuing an immediate compliance order, the National Planning Authority or planning authority, as the case may be, may...”—on application to the E.C., that being the Environmental Commission—“obtain an ex parte restraining order or other temporary or permanent injunctive or equitable relief to remedy or prevent any breach or further breach of planning control.”

The issue is with the use of ex parte applications.

As my fellow practitioners in here who practise in another place will tell you, the law that applies now in the High Court, coming out of House of Lords and Privy Council decisions, no longer encourage and they actually almost forbid the use of ex parte applications for injunctive relief. It is only in the most dire of circumstances, emergency circumstances. This also is applicable in our Industrial Court and it is the course of conduct now that you no longer make ex parte applications, except in exceptional emergency circumstances.

I think we must not fall into this trap of giving them the ability to make these ex parte applications, especially to this quasi-judicial body. That is a court of superior record, the Environmental Commission, but we must say that they can make an application for restraining order. It is an important provision. It is something that we need to empower them to do expressly, and actually I would like to suggest when we are looking at it that you look at the comparable legislation in Singapore and I will just read it very briefly. It is found at section 33 of the Singapore Act:

“(1) Where the competent authority considers it necessary or expedient for any actual or apprehended breach of this Act to be restrained by injunction, the competent authority may apply to the High Court for an injunction, whether or not he has exercised or is proposing to exercise any of his other powers under this Part.”

In looking at that, if it were me, I would import that full scale into our legislation. So it is recognizing the place to go, the circumstances to go and it is also giving the authority, sending them to the High Court, but it is also providing them with the ability, regardless of what other powers you may have, what else you may be able to exercise, Mr. President, you may make this application to the High Court. That is sufficient power for them to be able to enforce and prevent what are the wrongs and the evils that they are setting out to prevent. But I certainly will not be able to support us giving express authority to the planning authorities, our National Planning Authority to go for an ex parte restraining order or injunctive type relief.

Mr. Vice-President, the rest of my comments and suggestions can be dealt with at the appropriate stage. So in conclusion, I would like to say that the past few weeks we have been seeing the Government press through very hard at a hard pace, important legislation. We heard the hon. Leader of Government Business tell us this morning the various pieces of legislation that they intend to bring and

*SSC Planning and Facilitation Bill, 2013*  
[SEN. YOUNG]

*Tuesday, June 17, 2014*

we intend to debate over the next couple weeks, and I just caution that in doing so we must always recognize that it is our duty and responsibility to ensure we get it right and not necessarily through haste. I wondered why it is that we were doing this and if it was a ticking box process.

But in conclusion, someone recently told me that a Government's response from a political point of view is to pass legislation and that is right, and every Government has that right and that is part of their responsibility. But what I would like us to ensure is from a practical point of view we pass legislation that can work and that is effective legislation, and we must not fall into the trap. We must get this right and we must ensure a proper and systematic development of our country.

This legislation will ensure that we have a proper and systematic development of our country which depends on it, and the public, as I said, need to play a part in it as well and need to obey the law and assist in the upholding of the laws and the enforcement of the laws. So in conclusion, Mr. Vice-President, I would like to say, let us ensure we get this Bill right and take our beloved nation into a First World status. [*Desk thumping*]

**Mr. Vice-President:** Hon. Senators, I intend to take the tea break. Now it is 5.20 p.m., we return at 5.50 p.m. So therefore this sitting is suspended until 5.50 p.m.

**5.20 p.m.:** *Sitting suspended.*

**5.50 p.m.:** *Sitting resumed.*

**Mr. Vice-President:** Hon. Senators, the sitting is now reconvened and any Senator that is desirous of participating in the debate may do so now.

#### PROCEDURAL MOTION

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** I know that Sen. Vieira is desirous of speaking, but in the meantime perhaps we can move the extension of the sitting of the Senate. Mr. Vice-President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until the completion of the debate on the matter at hand.

**Hon. Senator:** No later than midnight?

**Sen. The Hon. G. Singh:** No, no. We are not going so late.

*Question put and agreed to.*

**SPECIAL SELECT COMMITTEE REPORT**  
**(Planning and Facilitation of Development Bill, 2013)**  
**(Adoption)**

**Mr. Vice-President:** Sen. Vieira. [*Desk thumping*]

**Sen. Anthony Vieira:** Thank you, Mr. Vice-President. Senators, this is very important legislation. I dare say I think it is as important as the procurement Bill that we recently debated. This is important not only because it does away with town and country, an institution which has been around for over 44 years and now seeks to establish a new regime, it is also important because it recognizes, for the first time, that our land and our water resources are finite, finite and precious, and it needs to be protected and preserved and managed responsibly and strategically. So with that in mind, I hope to, in my contribution, put the proposed new regime in some sort of context.

I agree with Sen. Al-Rawi that the Bill needs careful scrutiny, and I am not comfortable with proceeding to a third reading without us going to committee. I realize it is 113 clauses, but I have been assured by Sen. Al-Rawi that we can fast-track it, but I do think this is too important to rush through. I also want to say, that like Sen. Dr. Mahabir, the debate kind of catches me off guard because the way the Order Paper lined up I thought we were going to be dealing with the nurses and midwives profession and then come to this. So the order being changed, I had to go back to my office to get my notes and looking at my notes I find them somewhat unfamiliar. I was all primed and ready to debate this in January, but today it is a little difficult. So bear with me, please.

Mr. Vice-President, I must say that a large amount of the frustrations, problems and inconvenience facing citizens today in Trinidad and Tobago arise because of the absence of a proper land use plan, and the inadequacies of the current Town and Country Planning regime. The failure to properly address squatting, sustainable development and environmental concerns has led to a number of woes and hardships being inflicted on us as a people. I will throw out a few examples in no particular order of importance, examples dealing with loss of agricultural land, flooding, haphazard unplanned communities, traffic and parking woes, the scourge of loud and unsightly billboards, and problems with waste disposal.

Mr. Vice-President, our most fertile soil is located in the valleys and foothills of the Northern Range. Unfortunately, a lot of this has been lost due to urban sprawl, housing and squatting. Conversely, some of the poorest agricultural land is now consigned for agricultural use.

**5.55 p.m.**

Our addiction to oil and revenues from natural gas has resulted in a wilful indifference to the need for sound agricultural policies and the ability to be self-sustaining where food is concerned. If this is not reversed, food security, a matter of national importance, will be negatively impacted.

Catastrophic flooding: many citizens have had to suffer damage, destruction and inconvenience because of flooding. However, the type of flooding we have been experiencing of late is, to a large extent, man-made due to the corruption of our hills, our watercourses and wetlands by unauthorized developments being allowed to take place; by those who dump waste in our rivers and watercourses and by those who engage in slash and burn practices. These practices have led to soil erosion which in turn further impacts on the loss of our best agricultural lands.

I agree with Sen. Mahabir when he talked about unhappy residents. Because developments and settlements have been allowed to occur without regard to the environment and the necessary supporting infrastructure, residents in residential areas must endure industrial and commercial operations such as mechanic shops, bars, nightclubs, and other operations that generate noise, traffic congestion and pollution.

Inadequate parking: frustrations and dangers. People's vehicles are routinely wrecked and residents live in frustration because their driveways are blocked. Both residents and visitors alike suffer because of poor planning and a lack of foresight in having multistorey car parks strategically placed in and around Port of Spain.

We have a number of poorly-designed plannings and mass housing developments. I hold the view that one of the sources of crime, social alienation, depravation and youth violence, is the result of cheaply-built, poorly-designed housing developments where people live in cramped apartments with few amenities, no green spaces, little room for recreation for them to have an outlet and to safely express their energies. It has been said that good architecture cannot force people to live in harmony but bad architecture will certainly prevent them from doing so. So, Winston Churchill once famously said:

“We shape our buildings; thereafter they shape us.”

I also want to express a thought that has been bothering me for some time and that is the loss of our best views and vistas. Our best views and vistas of the sea and other beautiful open spaces are being walled off and seeded to the benefit of a privileged few. It cannot be right to allow future generations to grow up without the opportunity to enjoy the sites and views we once enjoyed.

When I was a law student in Barbados, I lived in St. Lucy for a time so I had that long drive up the west coast from Cave Hill to St. Lucy. And what struck me was the vast majority of that coast had been walled off by big money interest. The Bajans could access it but only in small places. I would not like to see that happen in Trinidad. I would like to suggest that when people with money want to build on the seaside, they build on the other side of the road, they do not hog the seaside itself; do like in other countries.

This thing about buildings and lands and development is also affecting the brain drain. We spend an enormous amount of money, time and energy investing in the education of our young people. We promised them that if they sacrifice and work hard, they will get all the good things that life has to offer. But after they have completed their studies, whatever idealism they may have had is shattered because they simply cannot get a place to live on their own. It is disappointing and demeaning for our bright, young adults to have to live with their parents if they are lucky enough to have parents that are willing to have them or to have to share accommodation.

I believe that the failure to provide adequate, affordable and decent housing for our young people, a basic need, is one of the root causes of our brain drain. We lose many of our brightest and best to foreign countries because of this. It is a national failing. I think it is a national disgrace. And squatting itself is a response to the lack of adequate and affordable housing. It is my hope that as part of national policy, the Minister will mandate the creation of affordable micro apartments and starter homes to fill the real and growing demand shared by many young people. The current regime is targeted for the affluent and for those who have connections. Our young adults and emerging middle class are not being provided for.

Billboards and large unlawful signage: the mushrooming of large billboards and electronic advertising displays around our streets and highways are not only unsightly, they also pose a danger and a risk to drivers. Such visual litter is also impacting adversely on Tobago where the aesthetics and the beauty of the island is being degraded, and giving a lie to their motto of being safe, green, safe and serene. We have many laws and regulations concerning the erection of billboards and the display of advertisements under the Advertisements Regulation Act, the Municipal Corporations Act, Town and Country Planning (Control of Advertisements) Regulations, Recreation Grounds and Pastures Act and under the Highways Act, but they are not being enforced and it is my hope that this new regime will change this culture.

Waste disposal: the effective or proper disposal of waste has become a serious challenge from burning waste and we have suffered this year, I think the worst ever in our history. But also what we are not always seeing and paying attention to, is the leaching of oil and gas and lead into soil, our groundwater, our aquifers. In his latest book: *The Future: Six Drivers of Global Change*, Al Gore reports that:

As both human population and the global economy grow in size, we are not only consuming more natural resources to make products, we are also producing larger and larger streams of waste.

According to a recent report from the World Bank, the per capita production of garbage alone from urban residents in the world is now 2.6 pounds per person every day and the total volume is projected to increase by 70 per cent in a dozen years...

And that is just the garbage.

When the waste associated with energy production, the making of chemicals, manufacturing, electronic goods, agricultural waste, and waste from the paper products industries are apportioned on a per capita basis among the seven billion people who consume the results of all these processes, the actual amount of waste produced each day is more than the body weight of all seven billion people.

We need to have a national policy on waste, in particular treating with the disposal of old batteries, chemical spills, discharge of industrial waste and electronic waste which have highly toxic materials. At the Dana Seetahal Symposium on Saturday last week, one of the professors actually made a correlation, a connection, between lead-pollution, lead poisoning and crime. So that is the context. We live on these two rocks with finite resources, and if we are not careful, we are going to destroy it. We need this legislation.

The Town and Country Planning Act came into effect on August 01, 1969, over 44 years ago. It is seriously outdated; inappropriate for the developmental needs of contemporary Trinidad and Tobago. I agree with Sen. Al-Rawi that the current laws are not the best. Under the Town and Country Planning Act and Regulations, approval was based on conformity with set guidelines. In the processing of applications, the focus tended to be mainly on regulation and control of land. The system is rigid, it is formal and there is very little flexibility.

This legislation, Mr. Vice-President, offers a new logic and a new approach, one that seeks to address social, economic and environmental matters in an integrated way; to balance, intermediate between competing demands and to achieve optimum use of the national space as a crucial resource. Some of the things I like about this legislation include: it encourages stakeholder participation by encouraging cooperation and coordination amongst the various interests. It gives local government greater influence over the planning and development of the places for which they are responsible. It is a further step towards meaningful devolution and decentralized administration.

The remit of the regulator is not just limited to land but includes the water and air for which we, the people of Trinidad and Tobago, are responsible. It enables listed professionals to undertake distribution of the approval submission to concerned agencies. This will greatly assist in accelerating applications and allows the regulator to tap into the quality planners. My understanding is that while previously, all the quality planners in Trinidad and Tobago were inside the Town and Country Planning Division, today, most of them now practise outside. The procedure to be followed in the preparation of the development plans will now become more open and transparent.

Sen. Mahabir brought up the matter of compensation. In the case of *Lopinot Limestone Limited v the Attorney General of Trinidad and Tobago*, a Privy Council case, No. 1 of 1985, both the Law Lords and counsel for both parties felt it was important enough to consider and determine whether the wrongful refusal of planning permission attracted compensation. As Lord Bridge put it:

“...it...”—“appropriate for the Board...to determine the compensation issue which, though presently...hypothetical...”—was—“certainly not academic.”

In the event, the Law Lords felt it was inconceivable that the Town and Country Planning Act could have expressed an intention to exclude compensation in respect of the outright refusal of planning permission. Well, this Bill suggests that compensation is payable where a discontinuance order is confirmed by the Minister.

Now, this Bill is lengthy and complex. It is a small book. There are 113 clauses, over 90 pages long, and if it passes, spatial planning will become an integral part of the process of national growth and development. It will involve the systematic assessment of our land and other resources; the alternatives for land use and the identification and adoption of the best land use options. It will involve anticipating the need for change as well as the reactions to change. Now,

this is forward-looking legislation. [*Desk thumping*] It will require the balancing of competing and sometimes conflicting uses in order to secure the rational and orderly development of our land and other resources.

**6.10 p.m.**

It will require protection of our forests, wetlands, beaches, watercourses, watersheds and marine resources. It will require improved agricultural practices geared towards the achievement of food security. It will require the identification and satisfaction of the needs of our citizens within the context of available resources and the best information at hand.

Accordingly, I believe that this legislation can be vital to our country's present and future well-being. However, it will place an enormous responsibility on those who will be responsible for the valuation of applications for developmental permission.

I wish to thank the hon. Minister of Planning and Sustainable Development for arranging a meeting in October last year with all the technocrats and representatives from the various state agencies, including Permanent Secretary and Deputy Permanent Secretary in the Ministry of Planning and Sustainable Development, National Planning Task Force, the State Counsel, Town and Country Planning Division—so, they are not opposed to this; the Town and Country Planning Division is very much involved in this Bill and support it—the Joint Consultative Council, the ODPM, the Tobago House of Assembly.

Mr. Vice-President, I found the opportunity to have these technocrats provide the background, the underlying philosophy and the key provisions of this Bill, very useful indeed. The fact that I could dialogue with them, went a very long way towards alleviating any concerns I might have had about the integrity and bona fides of this legislation. [*Desk thumping*]

I also found that the various reports and publications put out by the Ministry of Planning and Sustainable Development, regarding the National Spatial Development Strategy for Trinidad and Tobago, to be very helpful. [*Desk thumping*]

Mr. Vice-President, in the event, I am quite satisfied that this legislation is expert-driven, rather than politically-driven. [*Desk thumping*] And by that I mean it has not been dictated by the whims and fancies of politicians but by the best technical decisions.

**Sen. Dr. Tewarie:** That just means politics practised at the highest level. [*Desk thumping*]

**Sen. A. Vieira:** This approach fosters transparency and good governance and I commend the hon. Minister for taking the initiative and I hope he continues to do what he is doing in this vein.

Now, I look at the Bill itself, the key provisions. The objects of the Bill are set out at clause 4 and they include: providing the necessary framework for developmental plans to be measured, prepared and adopted; that is, decisions about the ways in which our national space is going to be used and developed. Another object is that it places a duty on those who own, occupy and develop land, a duty to use that land with due regard for the wider interest, both present and future, of society as a whole.

Another object is that it will assist in the orderly, efficient and equitable planning, allocation and development of our resources, whilst taking account of all relevant, social, economic, ecological and cultural factors so as to ensure that the best and environmentally sustainable use is made of land in the interest of all citizens.

Another object is to maintain and improve the quality of both the natural and built environments, including the conservation and promotion of our diverse cultural heritage. This is all new stuff, exciting stuff. Continuing, facilitating infrastructure and public services including transportation and utilities, providing for planning processes that are fair by making them open, accessible, timely and efficient, encouraging cooperation and coordination amongst the various interests for the purpose of achieving the stated objects and purposes.

I believe if Government faithfully follows through with these objects and purposes, great benefits will accrue. [*Desk thumping*] Some of these benefits that I hope to see realized include greater protection of our natural resources and ecosystems, a reduction in flooding and man-made disasters, the preservation of important cultural resources and our heritage buildings, a fair and equitable distribution of community services, facilities and recreation areas, furthering our food security strategy, delivery of affordable and decent homes which are so desperately needed by our young people, a revitalization of our urban areas, a proper, timely and efficient provision of necessary infrastructure and works such as roads, water, sewerage, schools, hospitals and communications networks. If traffic management plans are required to be incorporated in any proposed development, it will foster an improved transportation infrastructure.

Part and parcel of poor planning are the scattered and haphazard overhead electricity wires and underground water mains. The constant digging up of our roads by WASA to repair and service mains, often after roads have just been paved, is a waste of resources as well as an inconvenience to citizens. So, ideally, there should be proper utility corridors as occurs in many developed countries.

Now that there will be a statutory duty to allocate and develop our resources in an orderly and efficient way with equitable planning, allocation and development, I hope we will see some improvements in this regard.

Now, there is a saying that the map is not the territory and the menu is not the meal. So, notwithstanding its laudable objects, for this legislation to work we have to put things in place. So the National Planning Authority, the Municipal Planning Authority and those bodies and persons to whom functions have been delegated, they must have sufficient manpower resources. Plans and policies are made to be put into practice. The effort put into the exercise is wasted if that is not done. Successful implementation can only be achieved if the requirements for staffing, training, infrastructure, supplies, research, timing and budget are met, and not just any staff, we need quality staff.

It goes without saying that operating this new system will be a lot more costly than the current regime, which is administered by the Town and Country Planning Division. It also assumes that the Minister concerned will administer in a proper fashion, that he will give reasonable directives, that when he invokes his power to revoke or modify permission to develop land at clause 49, that he will exercise that power in a reasonable manner.

In the case of *The Attorney General v Lopinot Limestone Limited*, 1983 at 34 West Indian Reports involving an appeal against the refusal of planning permission, one of the points taken was that the Town and Country Planning Act empowered the Minister to make certain regulations but he failed to do so. Chief Justice Kelsick, speaking on behalf of the Court of Appeal, complained that.

There was no evidence of the publication of the current policy of conservation and for that matter no evidence of the company's knowledge of this policy or of the opportunity whereby such knowledge could have been obtained. A word or two may be said here about the current conservation policy. In my judgment the Minister is not, by any means, permitted to keep this policy locked up in his breast and to spring it upon unsuspecting applicants to suit his whims and fancies as and when he chooses. This was symptomatic of his mode of conduct in this case. I think his conduct in the matter left much to be desired and does not lend itself to good administration, nor was it one that could inspire confidence.

Clause 28 provides that all plans shall be made available by the National Planning Authority for inspection and purchase by the public.

Having said that, I would like to suggest that we must go even further. There has to be acceptability from the public. To be effective, plans and policies must be integrated into the community. Regulations must be promulgated and Government's vision and plan must be shared. Do not do like that other Minister who kept it locked to his breast. Land use planning is as much a matter of public education as of land use zoning and regulation.

Further, let us think about it, this regulation is going to replace the current regime with a different staff structure and an unfamiliar planning process. It is going to involve a radical shift in strategy and approach. So, I cannot emphasize enough to the powers that be, that it will behoove you to set up information and other support systems that can guide and assist people through this new process that we are going to be introducing. This could include disseminating to the media, our learning institutions and to the relevant professional bodies, the various reports and publications concerning the National Spatial Developmental Strategy.

Ultimately, the land use plan will have the most effect if it is referred to and offers guidance to all future land use and resource management making.

I want to echo what both Sen. Dr. Mahabir and Sen. Young spoke about when they talked about enforcement. I would like to say that enforcement, but not just enforcement, good example is also critical. It would be a sad day, indeed, if this, like so much other legislation, amounts to little more than words on paper and good intentions only. We have lots of laws and regulations that are observed more in the breach than in practice. Enforcement must not be selective, but even-handed and consistent. I hope the decentralization of power and functions will translate into greater not less enforcement.

And as regards the matter of example, how can the municipal corporations and planning authorities call on people to account to a high standard when they themselves lower the bar? Look at the Port of Spain Corporation between Mucurapo Road and the Audrey Jeffers Highway, that is prime property, right next to our national stadium and it is an eyesore. Why should we have to see garbage trucks in unkempt premises when we drive on the foreshore? The City Corporation should, at the very least, plant vegetation or erect lattices to screen off the unsightly view.

Again, look at the Diego Martin Regional Corporation which has erected buildings right on the access road between Crystal Steam Highway and Diego Martin Highway. If one is talking maintaining and improving the quality of the

physical environment and the aesthetics of the built environment then one has to set the right example. You cannot tell people what to do while, at the very same time, turning a blind eye to one's own inefficiencies and breaches.

Sen. Dr. Mahabir talked about the need for a change in culture and I want to echo that and support that. For this legislation to work, there needs to be a change in attitude from the top-down approach to bottom-up planning. The duty of the planning authorities will have to shift from telling people what to do, to assisting and encouraging them in selecting the options that increase efficient and productive use of their land and meeting the needs of the wider society.

As there will now be a statutory duty on the authorities to encourage cooperation and coordination amongst the various interests, the new regime will change the dynamics of the application conservation. It will no longer be a closed discussion between the applicant, developer and regulator. The law will now allow for a wider discussion involving other stakeholders. Proactive communication throughout the entire planning process will now become necessary.

**6.25 p.m.**

“Those involved in...”—the administration of—“planning applications will”—need to be mindful of their—duty to consult.”—and it should be observed—“Effective consultation goes beyond the statutory requirements.”

According to the United Kingdom's National Planning Policy Framework in terms of “best practice...for consultations in planning applications”.

“The essential elements”—are that, and I quote, consultation:

- “• takes place at a time in the planning programme starting before any decisions are firmly made, and is ongoing, so it continues until the final decision is reached;”

Consultation:

- “• reaches everyone who properly ought or is entitled to be consulted and, moreover, objectively is regarded as interested because of the anticipated impact of the proposed development on their lives, homes and/or workplaces;”

Consultation:

- “• allows the development proposals to evolve and the applicant to respond to ideas and concerns that come out of the provision and discussion of information to a wider audience.”

In general, Mr. Vice President, I find the proposed legislation to be well crafted, carefully thought out and comprehensive. [*Desk thumping*] The clauses are weighted with consideration and care. The Bill both reforms and unifies the planning process. I do, however, have a few suggestions. Conflicts of interest: clause 12 requires that persons:

“...interested in”—any matter—“under consideration”—must —“declare the nature of his interest at the first meeting...at which it is practicable for him to do so.”

Having made such a disclosure, he should “not be present or take part in deliberations when the matter is being discussed”, but here is where it falls short. My suggestion pertains to the situation where a substantial conflict of interest has not been disclosed, or the conflicted person took part in deliberations, or wrongfully sought to influence the decision, or there has been actual or apparent bias. I think these should be offences and in any event, they should constitute grounds for the decision to be set aside.

Sen. Young anticipated my next suggestion, he took the words right out of my mouth. I recognize that members of municipalities, local government authorities, statutory bodies and state enterprises as persons in public life, are required to file declarations of their income, assets and liabilities with the Commission, under the Integrity in Public Life Act. I recognize that Part IX of the Bill, sets out certain offences and penalties in respect of bribery and other inducements. I recognize that under Part V of the Integrity in Public Life Act, persons in public life or any person exercising a public function who commits an offence under the Prevention of Corruption Act, can be subject to an investigation by the Integrity Commission. The Commission has power to consider and enquire into any allegations of corrupt or dishonest conduct.

However, given the potentially high stakes and interests that may be involved, with the potential for “bobol” and corruption, I think it would heighten public confidence in this new system, if the heads of departments in particular the Director of Planning, the Chief Building Officer, the Chief Enforcement Officer and those other persons whose functions have been delegated, could also fall under the purview of the Integrity Commission. [*Desk thumping*]

Not just in terms of the Commission enquiring into allegations of corrupt or dishonest conduct, but their having to file declarations of income, assets and liabilities and to disclose any personal interest which may come into conflict with their duties. I am happy with the amendment made at clause 96(2), but I feel we should go a little further with it.

Trees, again, Sen. Young anticipated my comment. Clause 60 provides for the protection of trees via an interim tree preservation order:

“...that a tree or woodland should, in the interests of amenity or the proper development or conservation of land, be preserved...”

Such an order will be enforced 42 days unless renewed for a further 42 days. But in my respectful view, I think that providing for the preservation of trees is a step in the right direction, but I think that clause 60 is back to front, and it does not in any event go far enough. We need to recognize that trees are important, they contribute to our environment by providing oxygen, they improve air quality, climate amelioration, conservation of water, they serve as fish nurseries, they preserve soil and they generally support wildlife. Trees are essential to our ecosystem.

Mr. Vice-President, I have to tell you, apart from members of the opposite sex, I confess, I find trees to be the next most beautiful thing on this planet. [Laughter] Trees are the oldest living things in our country, they are ecosystems in their own right, and for some of us they have spiritual or special significance, and yet we treat trees with such disrespect and indifference. People destroy trees without the slightest hesitation; that cannot be right. Trees deserve to be protected.

A failing under this legislation is that it continues to allow persons to cut down trees with impunity, and by the time interested persons can get into gear, it is too late, the damage has already been done, and the tree destroyer has done no wrong in the eyes of the law. Left to me, I would legislate that all trees have a right to life, and cannot be cut down or mutilated without permission. If that is not palatable at this stage, [Interruption and laughter] I would ask that at the very least we cast a net of protection over our keystone trees, right.

Mangroves which offer costal protection, [Interruption] mangroves which serve as fish nurseries, provide habitat for our national birds and which host a wide variety of biodiversity. Silk cotton trees, the giants of our forests, these form complete ecosystems. Our silk cotton trees are like the avatar trees that you saw in the movie. Hog plum trees are very important food source for our wildlife. Samaan trees, these again, form complete ecosystems. [Interruption] Immortelle trees, very important for soil husbandry. Mora trees, [Interruption] our Mora trees are disappearing fast, right. I know the Minister spoke when we last met on this matter, the Minister spoke about a tree preservation order to come. Well, I look forward to this. [Interruption and laughter]

**Sen. Robinson-Regis:** Balisier! [Laughter]

**Sen. A. Vieira:** Why not? It is an important plant.

Appeals, clauses 90 and 91 provide for appeals to the Environmental Commission within 28 days of the date on which a developmental order or notice is delivered. The Commission has power to allow, reverse, vary or withdraw the decision, or to reject the appeal and confirm the decision.

My concern is that given the short time frame within which to appeal, and the fact that the average citizen may not know that he has the right to appeal a refusal, unsuccessful applicants should be informed of their right of appeal by either this being endorsed on, or attached to every refusal order or notice. Okay. I do not know if I made that point clearly, but my concern here is that because of the short window of appeal, a person may not realize that he has lost his application, and that needs to be protected. Owners, occupiers and persons with a financial interest in the land are entitled to appeal, but I think that in as much as we are widening the application conservation, should other interested persons, for example, environmentalists, also not have the ability to the appeal?

Duration or permission to develop land. Clause 39 provides that after permission to develop land has been granted, the development must commence within five years from the date on which the permission was granted. Now, I know five years sounds like a long time, but having regard to what it may take in getting the permission and the difficulties in getting projects—[*Interruption*]

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

*Motion made:* That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. C. Robinson-Regis*]

*Question put and agreed to.*

**Sen. A. Vieira:** [*Desk thumping*] Thank you all, I shall not be much longer. As I was saying, I know five years sounds like a long time, but bearing in mind what it takes in terms of getting the permission, moving the thing through the system, I wonder if it might not be appropriate for the permission granted to successful applicants should ensure for the benefit of the land, and all persons attached to the land for at least—I was going to say 10 years, or as Sen. Al-Rawi had suggested, that there be some provision for an extension of time, to me that makes sense.

Last, clause 107 provides that the regulations shall be made subject to negative resolution. Well, just as before with the procurement Bill, I think this is

just way too important to leave it to just negative resolution. I do suggest that it be subject to affirmative resolution.

**Hon. Senator:** That is in the amendments, right?

**Sen. A. Vieira:** No, it is not in the amendments. I thought I heard that, but when I checked, it was not in the amendment. *[Interruption]* No, no, no, look it here, 107(3):

“Regulations made under this Act shall be subject to negative resolution of Parliament.”

So I want to change it to affirmative.

**Sen. Dr. Tewarie:** That is very cumbersome you know, Senator.

**Sen. A. Vieira:** I understand, but too important, too important. These are ground changing regulations and laws. So while I am very much in favour of the underlying philosophy behind this legislation, and while it cannot be disputed that the present Town and Country Planning regime needs substantial amendments in keeping with developmental trends, it needs to be borne in mind that the current regime is relatively predictable and simple. By and large with all its flaws, citizens understand town and country regulations. So I think it will take some time, and it will take some doing, for this legislation to percolate. And moreover, because this is going to involve a radical shift in strategy and approach, we will have to allow for effective transitioning. Because the new planning process will involve so many permutations, and will deal with such a wide range of issues, rather than narrow and specific goals, it will probably not be easily predictable or simple.

When people are unclear or they are confused about a process, it is almost a reflex action for them to allege corruption and impropriety, if and when things do not go their way. So this is where the law prescribing the powers, functions and duties of the proposed national authority, the committees appointed under that body, and the Minister responsible for administering the system, framing development policies and giving directions are going to be so critical. The procedures to be followed and the conditions under which developments may be undertaken, will need to be done in an open and transparent way.

And at the end of the day we need to be mindful that we live in two islands of limited space and finite resources. Government has a duty to ensure the rational and orderly development of our space and other resources, so as to create sustainable developments and to meet the needs of our citizens, their quality of life and the best interest of future generations.

I support this legislation. This type of legislation also has the support of international bodies such as UNESCO and the FAO. As we have heard, the Bill before us today is the result of a long, deep consultation process. It has been in the works for many years. Notwithstanding its chequered history, this legislation is long overdue. Passing this Bill, however, will just be a first step in the process. The real challenge is going to lie in its implementation. And with that, Mr. Vice-President, I thank you. [*Desk thumping*]

**6.40 p.m.**

**Sen. David Small:** [*Desk thumping*] Thank you, Mr. Vice-President. I rise to join the debate and to make a contribution on this very important legislation. I want to begin by indicating to the Minister responsible for piloting this Bill that, just like in the Bill that we treated with last week, I want to commend the Minister. The Minister has expended a clearly significant effort in bringing what I consider to be an almost pure piece of legislation to this table for us to really understand that Trinidad and Tobago, in moving forward, needs to have the proper structures in place.

I want to warn the Minister also that, in bringing this type of legislation, I am going to hold the Government's hands to the fire because I believe that there are things that the Government is taking these matters and addressing them comprehensively, but my preference is not to do it willy-nilly. I saw several things on the table and I am going to hold the Government's hands to the fire because there are things that are coming and I do not want you to cherry-pick the things that are easier out of it. If you are going to do it, do it comprehensively and I think that is one of the things that I want to open with.

During his contribution, Sen. Young made a comment about being in another place and I recall that several years ago when I had a short afro—believe it or not—[*Laughter*] I had the pleasure at the purse of the State to be sent overseas to study. I recall, when I got off the plane and I got on the bus—I actually went to Oxford—I learned something about order and something called civic pride.

I lived in a place, I remember the street, Cowley Road in Oxford, which was just on the outskirts of the city centre. No cars were allowed in the city centre. There is something called “Park and Ride”. This is 1997, and I am like: what is a park and ride? Taxi had to drop me and I had to find another way to get where I was going and I am like, “Okay”.

I moved into my apartment; I set up the TV; I opened the window because the TV was not showing good. The antenna was kind of halfway sticking out the window. I got a call from the letting agent: “You are violating the terms of your lease because you have something protruding out of the window. That is not allowed.”

Those are things that you, in my conception up until that time, what was wrong with that? I had an antenna sticking out of the window, what is the big deal? But in other places where people understand that standards are standards and they enforce the standards, it brought home to me the gap between what I was living in Trinidad and what existed in other places.

I recall also, during that time, I had cause to go visit our High Commission in Belgrave Square and, at that time, they were struggling to get air-condition units installed and they were waiting for like six months to get council approval to install air-condition units. And I am saying, but, are you not paying for the building? Do you not own the building? Yes, but we need to get the council approval to install air conditioning.

So, this helps to understand the frame that if we are moving in a particular direction, these are things that—more than one speaker today has pointed to enforcement. We need to put it on the books, very good; but enforcement is important to make sure that when we put the standards in place, they are held so that Town and Country Planning Division could make a significant contribution to improving the quality of life; more than one speaker has said that.

However, successive administrations have presided over a fundamental disconnect between planning and the Government-of-the-day's agenda and I want to reinforce that comment. I have no problem with the Government having an agenda insofar as development is a core part of that, but that has not yet happened in a sustained manner.

This is why I am saying that I am holding the current administration to the fire. I applaud you for bringing this piece of legislation, but I am going to hold your hands to the fire. If I am the only one, so be it, but I believe this is the way that we should be moving; that we come with a comprehensive plan to get things done and then we act on it.

Mr. Vice-President, I also believe that one of the things that is important in where we are—we talk about implementation and resources, when during the contribution of the hon. Minister of Local Government, a lot of her contribution resonated with me. We were colleagues in the general civil service system in another life and you understand that the effectiveness of systems is stymied by administration inertia. A lot of times there are things that could be done to make things work properly, but often what you find is that people in a system rather than use the system to help, they use the system to hinder and Sen. George would understand what I am talking about very well.

Sometimes people hide behind the regulations rather than to make something happen to make it not happen. Many civil servants have wanted to do the right thing, but have also been stymied by other more powerful forces, which is the point made by the hon. Minister of Local Government. [*Minister of Local Government enters Chamber*] I welcome you back.

I understand it very well and when you made that contribution it resonated with me because at one time and we were almost neighbours in government offices and we understood the challenges and, as much as you would want to do the right thing, we found that other things were at play and, being the obedient people that we were, we obeyed, but it was not necessarily the right thing for the country, but what do you do?

So, I believe that one of the other issues that I want to deal with is that, in all of the things that we are planning, we need to understand that we need the resources. I believe that one of the things that I am not sure should be captured in the Bill, but needs to be dealt with—at least at some point—is making sure that we have a cadre of people trained in town and country planning.

You can do a degree or a masters in town and country planning in Manchester, Dundee; all over the place. I looked at the qualifications you are asking of some of the people and I think that somewhere in the Government's planning process in the Ministry of Public Administration when they are doing scholarships, we should be offering scholarships in town and country planning. You can do it—[*Interruption*]

**Sen. Dr. Tewarie:** Urban and regional planning.

**Sen. D. Small:** Urban and regional planning. There is the Royal Town Planning Institute. This is a science. Sen. Young and others commented: you go to places and everything is orderly. These streets go east-west; these streets go north-south. There are appropriate setbacks; none of that exists here. We heard from Sen. Vieira about setbacks—non-existent.

So that I believe that having a plan for resourcing the institutions and the supporting bodies, understanding that you need peculiar skill sets and that the skill sets need to be in line with what you are looking for; that town and country planning has not been enforced in any significant and consistent way in the country to date, one of the ways to deal with that is to make sure that they have the people with the appropriate skills, and that can be done, and it can be done in a structured manner.

Capacity building is absolutely critical and one of the other things I want to throw out to the Minister is that, in the same way that we looked at the procurement agencies' key officers being treated with in a way in which you try to make sure that these key senior officials are going to be presiding over major, major decisions that affect millions of dollars of projects, the compensation package needs to be looked at very carefully.

I am concerned about the way in which these things have evolved, through having the normal provisions through the SRC or CPO, and I am not sure if that is necessarily the best way. We have seen the experience to date. It is yielding some successes and it is also yielding some massive failures. So that, I think that for the new positions that are being created at the highest levels, in the same way in which we want to make sure that those persons are accountable through the Integrity Commission legislation, which I support, I also believe that you really need to look at the compensation that you offer to these people. If you offer compensation at the current levels, then you are potentially setting those people up for failure because people will come and put big numbers on the table to make things happen or to make things not happen. That is the reality and we need to be aware of it.

I did not see it mentioned anywhere, but I am hopeful that all of the latest available technology will be used—geospatial mapping, photogrammetry, the use of aerial services—so that you can sit with geospatial mapping and LIDAR and do a map of an area; you can sit in the office, do one now and do one six months later and you can see exactly who has encroached.

I am not sure if it is even needed to be mentioned in the legislation, but I am trusting that in the work that is going to be done and that is being done that these are the things that are going to be really—we need to make the most use of the available technology in these areas so that you not only work hard, but you work smart. In that way, it is easy to pick up people who are offending and you really need to apply the penalties accordingly.

I just have a couple of points I want to make regarding the legislation itself. There was a clause, clause 96, where, in the amendment, it reads:

“An officer or other person acting under the authority...who corruptly accepts...bribe...”

Is there a way to not corruptly accept a bribe? *[Laughter]* So I am not sure that accepting a bribe is corruption, so that word is redundant as far as I am concerned. It is a little thing, Minister, but pardon me for my attention to detail.

I have a similar comment around—*[Interruption]* That is why we have a review process and everyone reads the same thing and we all pick up different things, so it is fine.

I have a concern—let me move quickly to allow everyone else to get in time before midnight. I have no plan to speak for an hour today. I believe that this Bill has been comprehensively put together and packaged. When I saw a provision at clause 48, I was not sure what was meant here when it said, “where a decision was made” and stopped it where “subject to review by the Minister”.

If under subsection (1)(a), they have breached the Act, why should it be subject to the review of the Minister? If they have breached it, they have breached it. If you have breached, you have done something wrong. If you do something wrong, why should the Minister review what you have done that is wrong? It is wrong.

So I am not sure what is meant; probably I misunderstood it, so I would appreciate if the Minister could help me with that in his winding up because from where I sit—*[Interruption]* It is clause 48(2) where you delete the word “void” and substitute the words “subject to review by the Minister”.

It says essentially if they have made a decision and they have breached parts of the Act, the decision is void. The word “void” was removed and it says, “subject to review by the Minister”. But if they breached it, I am concerned, if it has been breached, why should it be subject to review by the Minister. It should just be void and start the process over again. In that way, you allow people to understand that there is some firmness in the system. I am subject to correction or further elucidation by the Minister on that.

I had another quick question, Mr. Minister, on clause 11. Now, I partly understand where you use the word in 11(1)(a)(i) to coordinate and expedite the development approval process. I am concerned about the word “expedite”. I like it but I do not like it because “expedite” lends a certain connotation and while in expediting, it is what you do to expedite. I think it is a word that we need to be careful of. I am concerned about the word “expedite”, so that if you are going to coordinate the developmental approval process, fine, but what exactly are you going to do to expedite? And depending on how different persons interpret the word “expedite”, things can happen that we do not intend. I am not saying that it is wrong, but for me it raises a flag. It is used in more than one place and I am just concerned about how the word—I have worked in systems and I understand that 10 different people will look at a piece of legislation and we will interpret what it means different ways to suit different purposes and the word “expedite” could be abused. It may be correct. I am subject to review by the legal parties, but I have a concern about that.

**6.55 p.m.**

And I think that the last little point I made is the same point that was made earlier by my very good colleague, Sen. Dr. Mahabir, about the register of notices, and my issue is making sure that whatever register, whatever notices—I do not even know where to get—I know where to get a *Gazette*, but I have never bought one. I have online subscriptions, so I read the newspaper at three in the morning so, for me, electronic means is the way to go. The Minister mentioned several lovely words about updating the system and everything is being digitized; everything will be web-based. Minister, we have the vulcan mind meld, I would like everything to be web-based—this is where everything is—and I would love to make sure—[*Interruption*]

**Sen. Dr. Tewarie:** We will do that.

**Sen. D. Small:** I think that is important to bring us where we need to be.

So, in closing up my very short contribution here, I have one other point about public education. In the same way in which I got a public education when I moved to Oxford about civic pride and that, you know, all the buses in the city are natural gas fired—this was in 1997. You cannot drive a diesel bus in Oxford City Centre; you cannot drive a private vehicle, you have to walk. You could rent a bicycle. Yeah! I rented a bicycle to move around. That is just what it was. I do not know what it is now, it is probably worse. Public education about what the legislation is intended to do and what are the penalties is very important, because lots of people in Trinidad would walk around and say, “I do not know anything about it.” That is the normal standard operation. People will always claim lack of knowledge, they do not know anything about it. Public education is key.

One of the other things that is very important is what I call multi-agency cooperation: WASA, T&TEC, the National Gas Company. There is a whole nightmare happening on the Beetham Highway. They are trying to put down an extra lane, for how many months now, largely because the amount of utilities that are there, relocating them has taken an inordinate amount of time, and for those of us who traverse that piece of road, it takes—from here to there—30 minutes to clear that junction in the evening time. It is a nightmare.

So that in the planning, I saw in the Schedule you had a whole list of all the agencies, and that is absolutely critical to any planning going forward; understanding where NGC has its pipeline or wants to put its pipeline; where T&TEC has its lines or needs to relocate its lines; WASA for water and sewerage; those things are absolutely critical. We will not get anything done; we will be

tripping over ourselves doing things if we do not make sure that all of those parties are aligned and understand what the plan is, and once everyone is on the page then we can move.

So, Mr. Vice-President, I want to, once again, congratulate the Minister for bringing this tremendous piece of legislation. I think it is another piece of legislation that is starting to build. The Government is putting the building blocks in place to make Trinidad and Tobago a better place [*Desk thumping*] but, in saying so [*Crosstalk*] I am one of those who is going to hold the Government's hands to the fire. Your hands will be held to the fire. Do not bring it; do not promise it and not be able to deliver it, because I will go back to the *Hansard* and say on whatever date and whatever time, I said: "Do not bring it; do not promise it if you cannot deliver it." I think that is part of the issue with Trinidad and Tobago, lots of promises—promises at this high [*Raises his hand*] and deliveries are this low. [*Lowers his hand*]

**Sen. Maharaj:** Promises never materialised—PNM.

**Sen. D. Small:** I am not going there. [*Laughter*] I am not going there. So that I believe that, at the end of the day, this is where we start. We are the legislators, people look to us to do and put policy in place to drive development in the country, and I believe that in moving the country forward we have to as a group. As legislators, we are here, we have a significant responsibility. I am not here because I have nothing to do. Bravo made a century in the Oval today and I am here. That shows commitment, if nothing else. So that I believe that we are here; we have been chartered to do a job for the people of Trinidad and Tobago.

One of my standard comments is, we are here to do a job, and I believe that the Government, in bringing this legislation has done its part, but that is only the first step, and we here—some of us or all of us—would want to make sure that what we approve here, we want to see it come into action. We do not expect miracles overnight. Sen. Vieira clearly pointed out that some of these things take time. We understand that, but we are here to help.

If there are changes needed to be made, to adjust, as we go along, I would expect the Government to come back and say, "Listen guys, we got the first piece done, we need to tweak a few bits to make it work better." We can make this a team effort for Trinidad and Tobago. I have a passion for Trinidad and Tobago, I have no other nationality, no other place to go. I love my country with everything that I have, and I want to do what I can to make it the best place possible. [*Desk thumping*]

*SSC Planning and Facilitation Bill, 2013*  
[SEN. SMALL]

*Tuesday, June 17, 2014*

Mr. Vice-President, with those few short words, I want to thank you for giving me the opportunity to speak and contribute to this debate, and I will allow other people to have time now. Thank you very much. [*Desk thumping*]

**Sen. Diane Baldeo-Chadeesingh:** Thank you, Mr. Vice-President. My contribution today on the proposed Bill is quite short, and will focus on the core principles, plans and actions for both our national development and planning.

The journey of development of Trinidad and Tobago is a national exercise which is ongoing today like this Parliament. The purpose of this Bill is to repeal the Town and Country Planning laws of Trinidad and Tobago by establishing a system for the preparation and approval of national and sub-national development plans, and also to develop a system of planning and development approvals which are designed to secure predictability, simplicity, promptness and transparency in the treatment of development applications.

This Bill is touted as the answer to all challenges of development in Trinidad and Tobago, and they would be solved through the Planning and Facilitation of Development Bill, 2013/2014 and, by extension, the National Planning Authority. But, Mr. Vice-President, pursuant with decision at its first meeting, the members of the National Planning Task Force were invited to meet with the committee on Friday, January 24, 2014, and the National Planning Task Force, an entity established by Cabinet Minute No. 746 of March 24, 2011 and composed of key stakeholders in both the public and private parts of the built development sector, oral submissions were made to the committee via a powerpoint presentation. And, as a consequence, of this oral interaction, the committee gained a greater insight into the purpose of the Bill.

The presentation focused on the following areas: the purpose of the Bill; the history of the legislative reform process of the town and country planning; the issues of note by parts of the Bill; and the differences between the existing Town and Country Planning Act and the Planning and Facilitation of Development Bill.

This legislation, Mr. Vice-President, is the culmination of a process of reforms spanning all administrations since the legislation first appeared before a parliamentary House. But, I want us to remember Independent Sen. Prof. Julian Kenny passed a Motion which I find is still relevant today, 2014. Sen. Julian Kenny's Motion dated February 13, 2001—and this was at the First Session of the Sixth Republican Parliament under the UNC Government. It stated:

*“Whereas* the Government of Trinidad and Tobago has adopted as national policy the general objective of sustainable growth;

*And Whereas* sustainable growth aims at meeting current and future needs of citizens while minimizing the impacts of negative effects of development;

*And Whereas* economic growth and development worldwide has been accompanied with various negative effects, both nationally and internationally;

*Be It Resolved* that Government make a full statement to this House on its plans to meet the objectives of sustainable growth with particular regard to involving citizens in planning the development of the country, minimizing negative effects of physical development, enforcement of planning decisions and meeting its obligations to international treaties for protection of the environment.”

Mr. Vice-President, I wish to refer to three small excerpts from Sen. Julian Kenny’s presentation on his very Motion and he said:

“...collectively, we—and by extension the citizens of this country—may get a feel for perceptions of problems which we all face, whether one is in the administration, in the Opposition, on the Independent Bench, or out on the street.”

He went on to say:

“...involving citizens in planning the development of this country”—is crucial.

And his third point is he said, and I quote him on this:

“...I am going to suggest that top-down planning may not really be in the best interest of any administration in a democracy. I think also that one of the very, very important aspects of development is devising the means of mitigating the damage which may be done to the environment which supports us, by planning the development properly.”

And he further went on to say that:

“I think the other emphasis will be on the enforcement of planning decisions.”

Mr. Vice-President, this was 13 years ago, what has changed? The change is the name of the Act, and a new system the Minister assures would be the answer.

I wish to also refer to the core functions of the division of Town and Country Planning, and the core functions are:

- “Develop and keep, under review, a comprehensive policy framework, a national physical development planning framework, regional plans and local area plans to guide decision making on the use and development of land

- Evaluate and determine on behalf of the Minister, applications for planning permission to develop land, in accordance with land use policies and plans”—and it goes on.
- “Provide an up-to-date database of land use planning data and information for decision making on land use and land development
- Maintain the register of planning applications”

—amongst other things. But, Mr. Vice-President, despite the proposed clause 4 of the Bill, there exist development challenges and they have over the years. There are so many.

The aggregate allegedly stolen to sell to the project of the Point Fortin Highway impact on the environment, Mr. Vice-President. The developers who still breach the Town and Country Planning laws, they pose a challenge, Mr. Vice-President. The developers who without any approval begin construction and cause flooding, they pose a challenge. The homeless who squat in the hills, yet there is the land for the landless and deeds of comfort, Mr. Vice-President, others remain, yet with still no help. This is underdevelopment or non-equitable development, and the change of a Bill will not solve these issues. And, rightfully, the Minister spoke about a cultural dynamic shift and that, perhaps, may be the answer but, how do we begin this shift in behavioural pattern and how robust and realistic is the effective implementation of these proposed amendments if indeed it becomes law?

There still exist, Mr. Vice-President—with new agency to replace the Town and Country Planning Division—uncertainty of the change process and effectiveness of this new agency. Staff training as well, Mr. Vice-President, and a new statutory agency with no public awareness information and education is not quality planning. Effective communication and integrated system of policy implementation with feedback is needed for success.

In conclusion, Mr. Vice-President, the successful function of the system needs more than a name change and details for transition are not explicit. The links with enforcement agents for compliance are not fully established, and the questions of Sen. Kenny remain unanswered, Mr. Vice-President. Terminology does not deliver change and effective system nor true development of its country, and its people.

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

**7.10 p.m.**

**Sen. Shamfa Cudjoe:** Thank you, Mr. Vice-President. Thank you, colleagues. Mr. Vice-President, I rise to make, what I hope, is going to be a short contribution on this new Bill entitled, “an Act relating to the planning and development of land and to repeal and replace the Town and County Planning Act, Chap. 35:01”.

Mr. Vice-President, I would like to cast our mind’s eye back to the first time we came to debate this Bill, and I remember the newspaper articles at the time would have spoken to this. There was much excitement and song and dance around this Bill. Of course, this is milestone legislation; this is legislation that we have been working on for quite some time and both the Government and the Opposition, and the Independents would have had the opportunity to contribute to the development of this piece of legislation. Many public bodies would have also had the opportunity to submit their amendments and their recommendation to the committee.

So, first and foremost, allow me to thank the Members of the committee [*Desk thumping*] who would have dedicated their time and their talent, and for the members of the different public bodies and civil society for being responsible enough to pay attention to the process and to try to get their two cents in. Mr. Vice-President, today is my turn to throw my two cents in and that I would do.

My excitement around this legislation has to do with the opportunity for devolution, and just as Sen. Baldeo-Chadeesingh would have said, if we are dealing simply with the change of a name and not any serious amendments or recommendation to ensure that bureaucracy is diminished and that there is a greater sense of participation in the whole development process, in the planning process, in influencing development in our villages, in our communities, then this entire package would be a waste of time.

I would like to say that especially on behalf of the people of Tobago. You know whenever I stand in this Parliament, Mr. Vice-President, it is always standing in defence of the people of Tobago. [*Desk thumping*] So I want to place our concerns on the record because the Minister of Planning and Sustainable Development is not a taxi ride away. What bands you have down here? We only have blue bands over there? It is not a red band, a yellow band or a green band—they have brown band down here too?

**Sen. G. Singh:** Yeah.

**Sen. S. Cudjoe:** And a brown band maxi to the Ministry. [*Laughter*] It takes time off your work, time off your day, to get on the plane, to get on the boat, to come to Trinidad to resolve any of these matters.

Now, for those of you who are aware and have some knowledge of the Tobago House of Assembly and the THA Act, you would know that the Tobago House of Assembly has responsibility for the planning function in Tobago. So we had the responsibility of sifting through this Bill, word for word, clause for clause, to try to ensure that the spirit and the intent of the Tobago House of Assembly Act is not eroded by the provisions that are set out in this piece of legislation. So I would try my very best to highlight some of the issues that I would have picked up, along with some of the issues that would have been pointed out to the Minister by the Tobago House of Assembly.

In layman's terms, I would present to this House some—when I think about the planning Bill and my hopes to what the planning Bill could do or would do, these are some of the issues that come to my mind. I was a part of a consultation last night on internal self-government for Tobago. As you know, the Tobago House of Assembly is now travelling throughout the island, consulting different organizations and so on, and last night they consulted with the young people, the youth organizations and the sporting organizations at the Division of Works. I like to sit in on these sessions to get a sense of what the people on the ground are saying, and most of the young people were very much concerned about the Ministry in Trinidad or the Minister in Trinidad, having the ability to tell you where to put a drain, how to subdivide, where to put your house. Somebody sits in an office in Trinidad and tells you that is agricultural land, and you are there on spot saying, “No, it is not. There are several houses here”, you know, so it has been an issue of much frustration for the people of Tobago.

I want to give you an example. Quite recently, I am aware of a case where—and this happens every day, this is very normal for us—a case was made where an elder member of the family wanted to subdivide a piece of land so that the cousins, so that the grandchildren could get a little piece. The piece of land is half an acre in size and he reads that out to be four house spots, so he said this half of acre would be for these four. Everybody has a house spot. But when the application was made to the department of Town and Country Planning in Tobago, they were told from the onset of submitting the application: “Are you aware that this is going to be denied, because according to our record here, that part of Tobago, you could only build one house on half an acre because it is recorded as agricultural land”.

The Minister and the officials in Trinidad know, ahead of time, that this is going to happen, but the applicant is being told, wait until you receive your letter of denial. Now you submit the application, you have to wait six weeks before somebody could put pen to paper or could type a letter of denial, and then the applicant is warned—and the supervisor is on vacation, so it may be longer than six weeks. So in addition to the supervisor being on vacation, the basic six-week wait—oh, and it was Easter time too, so that is another time for the public servants, so you are expecting some more delay—and then you have to wait to get that letter back.

They do not hand you this letter over the counter, you cannot go and keep checking on the letter; they must mail it to you to ensure that you live where you say you live. That is another wait time. So you wait for this letter to say that you were denied and then you make another application to the Minister saying, “Hi, Minister, I was denied”, and then the Minister would say, “I would come to Tobago and look at your application on my monthly visit”. Is it a monthly visit, Minister? How often is the visit?

**Sen. Dr. Tewarie:** I make no visits.

**Sen. S. Cudjoe:** Oh, you make no visits. Well, somebody or some official comes to treat with these matters, or the matters come down to Trinidad, but I know we have to wait until it gets to—[*Interruption*]

**Sen. Dr. Tewarie:** The appeal is to the Advisory Town Panel, and they would review, and there is a representative of the House of Assembly who sits on that review committee.

**Sen. S. Cudjoe:** Okay. Thank you. The point that I am making is there is a wait for an official in Trinidad, or a body that meets in Trinidad. Okay. That is the point I am making. There is a long wait time before that happens, and that is just one application, imagine several applications coming, asking for a subdivision.

Nobody wants to deal with that kind of frustration, so what is happening, especially among the young professionals and some of the people that participated in the consultation last night, is an unreal demand for public housing in Tobago. Because you have people that technically own the land, but you have no paperwork because you are waiting on this long convoluted process to take place, so you would give up because you cannot face the bank without these papers saying that you own the land, so you give up and you apply for public housing. All this could be avoided. You know, the Minister and the Government is well aware because this had been one of the issues on the campaign for the elections, both the central government election and the Tobago House of Assembly election.

Governments and parties always try to make a commitment to treat with this issue of land title and planning, and land development in Tobago, but there has been much difficulty in resolving that situation. I hope that we can move to a place where these issues could be treated with in a timely manner. So that is one of my concerns, and I am hoping that this legislation or this new process would be moving towards resolving that matter.

Secondly, applications for permission for certain establishments in certain areas; I know of one case in Tobago where the Tobago House of Assembly would have denied an applicant the ability to open a bar, but the person claimed to have gotten approval from the officials, or the powers that be in Trinidad. So now you have a bar sitting in a community. So you have houses, a bar, and then houses again, and about three or four houses from the bar is the Seventh-day Adventist Church. So when they are having Seventh-day Adventist Church nights—they have this night service—you have the bar a couple of houses down, rolling. So it would be good if we can have these kinds of decisions being made in Tobago or by somebody who is closer to the ground and understands, “Hey, this place that you are going to set up a bar is right in the middle of a community, down the road from the school, down the road from the church; this really cannot happen.”

[MR. PRESIDENT *in the Chair*]

Now, the third example I want to bring to the fore is the recent issue of T&TEC and the Cove Eco-Industrial Park. The Cove Eco-Industrial Park is an eco-industrial park, as I said, where much focus is being placed on the environment and preserving the environment, and so on. When Cove was established, in order to be in compliance with town and country instructions, we were told that there must be a tree buffer zone. Yeah? So there must be a tree buffer zone.

T&TEC, in many cases, and you are hearing other public bodies complaining about T&TEC, T&TEC is a law unto itself. T&TEC does what it wants, T&TEC sends you backchat; Kelvin Ramsook, whoever he is, “gangster”. I do not mean “gangster” in that way, but he is really hard core. You would present a case to Mr. Ramsook and the kind of words he would send back to you with something else. [*Laughter*] You have to really fight up with T&TEC, you hear me.

So we have an order to protect the park with the tree buffer zone and T&TEC comes out of nowhere and plants light poles in the tree buffer zone, and you make your case to T&TEC and the “heavy rollers” in T&TEC sends the message back, “Well bulldoze them, nah”. So I asked the question to the Minister—so we make

the application to the Minister asking—“Does T&TEC have the permission to overwrite Town and Country orders?”, and Minister Baksh came to the House and he had the nerve; he came to the House and provided a town and country approval number.

So town and country provided an approval number and instructions to the House of Assembly and to Cove to protect the establishment with a tree buffer zone and then, according to the Minister, issues another order saying plant poles in the tree buffer zone.

**7.25 p.m.**

So now, who is in compliance with Town and Country? Is it Cove or is it T&TEC, but it cannot be both of us, or maybe we should do as the “heavy roller” in T&TEC say, “bulldoze them”.

So, Mr. President, if this piece of legislation does not bring justice to issues of this nature or does not bring planning and land development closer to the people who are affected by these decisions, then it is a waste of time. However, I do recognize the objectives. I do recognize the effort that is being made by the Government, and is being made by the Minister, and everybody who would have worked on this piece of legislation. I do not doubt for one minute our ability to develop good policy or our ability to develop sound legislation, but I am a little troubled by our ability to implement effectively and to enforce.

It is way too easy to break the rules or for somebody to give somebody a “blich” or to accept a bribe uncorruptly, because I know of a case of a gentleman who works in the Town and Country. I do not know if he is assigned to the Tobago office or the Trinidad office, but I am kind of afraid to raise the case because he helps so many people. He helps so many people. He would meet you out in town and say, “your application is way, way down below. If you pay me such and such, I can get it up”. I am kind of afraid to report him because “he does work”. He works and he is helping out people. [*Laughter*] So I do not know if I want to be the one to bring him down, but it should not work like that, because there are people who do not have the money. It is just not right.

**Sen. Dr. Tewarie:** So, you are supporting the corruption?

**Sen. S. Cudjoe:** No. I am not supporting the corruption. I am just saying there are people who may meet me in the street and be upset with me for them not getting through with getting their business done. So, I do not know if to call him a Good Samaritan. I do not know. I am confused. [*Crosstalk*] He is not a good Samaritan. He is a bad Samaritan, but he is helping out people. [*Crosstalk*]

But anyway, Mr. President, in all seriousness this should not happen. This should not happen at all. The rules and regulations and the structure and the operations of this whole piece of legislation, and the different bodies that are supposed to work in sync to make this thing a success, everything is supposed to be put in place, so that the rich and the not so rich, and everybody could benefit from this piece of legislation. So, I am hoping that as we work together as parliamentarians, as citizens of Trinidad and Tobago we can bring some justice to the whole situation. I know that for us in Tobago it is very, very, very troubling.

So allow me, Mr. President, to go to the clauses in the legislation that would have piqued my interests. I want to start with clause 5. Now, many of the recommendations that I am going to make, as I said before, are generated by a need to ensure that the spirit and the intent of the Tobago House of Assembly Act is kept. The intention of the Tobago House of Assembly and the central government at that time when the Tobago House of Assembly Act and the Constitution were being crafted to give these powers to the Tobago House of Assembly, the intention was for the Tobago House of Assembly to be responsible for the planning function and for the Tobago House of Assembly to have a planning authority with powers and responsibility and authority that is bolstered by the Tobago House of Assembly Act and the Constitution.

So, our first recommendation, of course, is to have rather than to subsume the Tobago House of Assembly under the rubric of a municipal corporation or any other local body entity, we wanted to have a Tobago planning authority that is aligned to the Tobago House of Assembly Act and the Constitution of Trinidad and Tobago.

Now subclause 5 says that:

“The Minister shall be responsible for the administration of the Act.”

Now, the Minister’s responsibility for the administration of the legislation, we believe that it should be conditioned by the Assembly’s responsibility for the planning function as clearly stated in the Tobago House of Assembly Act of 1996.

My second—third observation I should say, is on page 20. It deals with clause 25. I will do the clauses rather than the pages. Clause 25 says—this one is not a major one, but it might have been an oversight. I wanted to point it out. Clause 25 says, in dealing with notices, clause 25(5) that is:

“The notice referred to in subclause (4) shall state—

(a) the date and place of the public hearing;”

I am recommending that it says the “date, place and time of the public hearing”.

My next observation is in clause 36, page 72. Right. Let me find clause 36. Okay. In clause 36, page 72—while I turn my pages, Mr. President—this treats with the National Planning Authority interacting with the Environmental Management Authority in matters relating to the environment. I believe, Mr. President, that it would do the Tobago House of Assembly some good to give the Tobago House of Assembly or the planning authority in Tobago, that ability to interact, also engage in these discussions with the Environmental Management Agency or the associate—what you call it?—the authority, Mr. President. Because many times when the Tobago House of Assembly has an issue or—I imagine that in this case—when the Tobago House of Assembly has an issue that it needs to interact with the Environmental Management Authority, we would then have to wait on this process to go through the National Planning Authority. But when in truth and in fact the Tobago House Assembly, which is responsible for the planning function in Tobago, should be able to have these discussions and this interaction with the Environmental Management Authority.

I move now to page 77, clause 48(1)(g). Now, I had the ability to negotiate and consult with the Minister, and I must say I am thankful for his listening ear and his commitment to making some of these amendments to treat with some of the issues of the Tobago House of Assembly, so I am trusting that he keeps his word, and being the kind of man that he has proven to be, he will keep his word. And my friend, Sen. George, would ensure just that because he loves the Tobago House of Assembly that much.

So, Mr. President, [*Crosstalk*] page 77—No. Do not get between me and Sen. George.

**Hon. Senator:** “Ohhhhh”.

**Sen. S. Cudjoe:** I remember my very first day—I “doh” know if he remembers—on my very first day in this House he offered me Godiva chocolate. [*Desk thumping*] He would not remember that.

**Sen. Young:** That is a gentleman. [*Crosstalk*]

**Hon. Senator:** He is known as the sweet man in town. [*Laughter*]

**Sen. S. Cudjoe:** Mr. President, allow me to proceed.

Clause 48; now that last—clause 48(1)(g), that (g) subparagraph that says:

“involves such other issues as it thinks fit.”

I thought that that was too loose. It opened the floodgate to too many things that could possibly be considered, so we want to change that to say—let me find my recommendation—“other material consideration” rather than as he or she “thinks that is fit”. Okay? I think that tightens it up a little bit, and that I consulted the Minister and he said that he would, he concurs, and he will follow through. So, thank you, Mr. Minister. That is 48(1)(g).

**Sen. Dr. Tewarie:** All right. Yes. Okay. But do not go and commit me to things that—

**Sen. S. Cudjoe:** So, you see, you tell me—[*Crosstalk*]

**Sen. Dr. Tewarie:** I give you my word, you have my word.

**Sen. S. Cudjoe:** You gave me your word behind the board, and I want your word in front of the board. Thank you. [*Laughter*]

**Sen. Dr. Tewarie:** You have my word. You do not have to—

**Sen. S. Cudjoe:** Thank you, Sir. Okay. Well, I will just place on the record, and when you speak you would speak further on it. Right? Thank you. We have a system going on here.

Now my next issue is clause 48(2). That clause 48(2), that reads and I quote:

“Where a decision is made by a planning authority...”—well the revised version says—“by a planning authority or the National Planning Authority in breach of subsection (1), the decision shall be subject to review by the Minister.”

I had recommended that we place, “after consultation with the necessary parties”, but I was advised that the provision under 48(4) that says, these parties are given the opportunity to submit written representations for that purpose. That works out for me, so I would not pursue that matter any longer.

So my next issue which is major to the Tobago House of Assembly, which I would like to place on the record, and I hope some serious consideration can be given to it. It is clause 49(2).

Now, as I mentioned in the very onset of this contribution, the Tobago House of Assembly has responsibility for the planning function in Tobago, and it seems to me here that this clause 49 appears to infringe on the autonomy and authority of the Tobago House of Assembly. It infringes on the autonomy of the Tobago House of Assembly to be responsible for this planning function that I spoke about, especially as it relates to planning permission, and it appears to obviate the requirement for the Minister to consult with the Tobago House of Assembly on these matters.

So, I am hoping, I am requesting, I am urging that some clause be entered in this clause 49 to treat with the Minister consulting with the Tobago House of Assembly. That is in keeping with the spirit and intent of the law of the Tobago House of Assembly Act, protected under the Constitution. So that is one of the major concerns that I had here today.

My final major issue was clause 59(3). Clause 59(3)—now this recommendation is being made to ensure that the stipulation of the Tobago House of Assembly Act, that these stipulations are maintained. And I am hoping that an appropriate amendment could be made to say:

Where the decision to issue an order of discontinuance is incumbent on the Minister in reference to Tobago, the Minister shall exercise the power in concurrence with the Tobago House of Assembly Act.

That is clause 59(3), and I think it is a quite reasonable recommendation and proposal, so I am really hoping that the Minister would consider his policy on this, and adhere to the Tobago House of Assembly Act, concur with the Act, and consult with the Tobago House of Assembly on this matter.

Clauses 61 and clause 62, some of our recommendations were accepted in these clauses, but I want to place on the record that that issue to treat with the tree preservation order, I think that that responsibility should be closer to the Tobago House of Assembly who is on the ground, who is responsible for this area for forestry, and tree preservation and so on in Tobago. I think that that should be closer to the Tobago House of Assembly rather than waiting on the national body or the Minister. But some changes had been made to that part of the legislation. I just wanted to place on record my belief that this should be under the Tobago House of Assembly.

So, Mr. President, I look forward to the committee stage of this process where I can make some further—where I can follow up on these recommendations, and ensure that I can contribute to making this legislation the best that we can possibly do with what we have at this time, and to ensure that justice and fairness is served to, not just the people of Tobago, but also the small man in the municipal corporation who wants to be more involved in influencing the process and cutting out the bureaucracy as it relates to the planning function and development.

So, Mr. President, with those very few words, I want to thank you. [*Desk thumping*]

**7.40 p.m.**

**Sen. Rev. Joy Abdul-Mohan:** Thank you, Mr. President. I want to first of all take the opportunity to thank the Special Select Committee for its hard work and efforts in proposing this Bill and I do think the Bill has great potential for making sweeping changes in the planning and development of land in Trinidad and Tobago.

Now, the Town and Country Planning Division is one of the agencies most often criticized when unregulated construction projects occur, and this is perhaps one of the main reasons, I believe, that gave rise to this Bill, and the reform suggested or proposed. First of all, having existed since 1969, the TCP division has become somewhat of a dinosaur, so to speak. Many have wondered why the State has been asleep for many years or if the State was asleep because of the number of projects, especially the construction of private properties taking place without approval.

Mr. President, it would seem, under the old legislation that the TCP division has faced many challenges in meeting its mandate. The challenges ranged from members of the public building without approval to state agencies bypassing the law to fast-track projects. Unregulated development is a problem in Trinidad and Tobago, and the real problem has always been one of enforcement and monitoring, not so much legislation or reform of legislation, but the enforcement, as several of my colleagues have already stated in their contribution.

Secondly, I was very pleased to hear Sen. The Hon. Coudray emphasize the role of local government in partnering with all stakeholders in ensuring that buildings are constructed in accordance with approved plans and the relevant approvals are received before issuing a certificate of completion to the builders. You see, local government has a greater responsibility to be watchdogs, to be monitors, ensuring that standards are maintained and not breached in the planning as well as in the development process. No one, whether associated with the private or public sector or state enterprise, must be allowed to build without getting proper approval. All citizens must comply; all sectors must comply, and I think that is fundamental. Each one of us has a responsibility. It begins with each individual.

Thirdly, unplanned, unregulated development has always been a contributing factor to the flooding and drainage problems being experienced across the country, and several of my colleagues spoke about that. I am therefore pleased that the Bill reflects ecological preservation. I hope that this Bill will ensure what we call in theology the integrity of the Creation, the integrity of Mother Earth and the ecosystem.

And finally, I hope that with the implementation of this Bill, with the necessary adjustments, there will be greater provision to deal with delays in the processing of the applications to build, of which my family and I have been victims, and I do not have a problem as my dear colleague, Sen. Small, with the term “expedite”—I like that word—but we do so within the confine of the law.

I believe that this Bill, therefore, has the potential to improve human life and the integrity of human life; the integrity of the environment; the integrity of planning and development within our nation of Trinidad and Tobago. Therefore, I stand to support this Bill with the necessary legislative structures, and I await the committee stage to make further contribution.

I thank you. [*Desk thumping*]

**The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie):** [*Desk thumping*] Mr. President, I want to start by thanking all Senators who have contributed today, both on the Opposition Bench and the Independent Benches, for their contribution to this Bill.

I want to indicate that I am open to suggestions for amendments. Again, I want to say that not all amendments may necessarily be taken, but within reason, any reasonable suggestion for improving the Bill and the quality of the clauses will be taken into account.

As I indicated earlier in my initial presentation, the Bill has gone through a long process, including the committee stage and we spent 12 sessions, most of them over two hours, sometimes four hours or more, going through every clause in this Bill and every piece of regulation. So, I think it would be unfair to have this committee of the whole Senate, go through every clause of this Bill again. It would be the height of redundancy, and as far as I am concerned it would be absolutely a waste of resources and time.

However, if hon. Senators would make their proposals for amendments known, I am sure that the Leader of Government Business will facilitate the process and make it possible for us not only to have the amendments, but to consider them seriously applied to the clauses to which they are connected. And I would be more than prepared to do that.

I do not wish to complete the closing presentation today, I would like to be able to come and conclude later to take into account some of the contributions that have been made. On the last occasion when I did that, I actually looked through the *Hansard* of every contribution, and I want to be able to do that again, if I can,

so that I can do justice to it. But I do want to just say a few sentences, perhaps, before I close for today, which is that, you know, Sen. Coudray raised the question of justice and fairness. It is a funny thing, but I think those are the two issues that move me most in the manner in which I conduct my life and in the way I look at the society, and I look at situations. This issue, I think there is a yearning in the society for justice to be done, and I think that there is a yearning in the society for fairness to be the manner of behaviour and the conduct of business and our affairs in every part of the country, and in every part of our lives, but in her own contribution, Sen. Cudjoe also raised the question of the gentleman that she did not want to identify—[*Interruption*]

**Sen. Cudjoe:** I do not know him by name.

**Sen. The Hon. Dr. B. Tewarie:**—who indicated to his clients—let us use that word—or to people who had brought applications to the Town and Country Planning office, she indicated that she was hesitant to do something that would get the person in trouble.

**Sen. Cudjoe:** No, I will get me in trouble. [*Laughter*]

**Sen. The Hon. Dr. B. Tewarie:** You see, and in a sense, and I am not being critical at all of Sen. Cudjoe, I am just trying to illustrate a point, that this is a problem that is at the heart of the business of justice and fairness in this society.

I have had instances, two instances in which there are people who, all the circumstantial evidence in the Ministry indicate, are involved in corrupt activity, and in one instance I have tried for two and a half years, asking every so often, this month, that month, next two months, about the process to bring that person to justice, and it has not been done.

I have had a situation, the other instance, in which the matter came to my attention, I asked for expeditious action in the matter, and when the matter came up for the evidence or the case to be made, there was a great difficulty, and this is the problem in our society.

I want to end on this note, which is, that we all call for justice and we call for fairness, but what we really want are special considerations. And that is the heart, it is at the core of the crisis of values in Trinidad and Tobago, and I want to close at this point until the next day.

Thank you very much. [*Desk thumping*]

## ADJOURNMENT

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** Mr. President, I beg to move that the Senate do now adjourn to Tuesday, June 24, 2014 at 11.30 a.m., at which the Government plans to complete the debate on this Bill and the committee stage, and also, to deal with the committee stage of an Act to amend the Nurses and Midwives Registration Act. We have circulated the supplemental list of amendments, and for circulation informally will be a consolidated track change of the amendments in the Act itself.

In addition, it is our plan to deal with the Retiring Allowances (Legislative Service) (Amdt.) Bill, 2014 and the Judges (Salaries and Pensions) (Amdt.) Bill, 2014.

**Labour Day/Corpus Christi Greetings**

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** Mr. President, I also know that this is a sitting just prior to the Labour Day and Corpus Christi holidays, and that we may also want to bring greetings. We have designated on behalf of the labour component, Sen. James Lambert to speak on behalf of the Government and with respect to the Roman Catholic holiday of Corpus Christi, the Christian holiday, Sen. Gerald Hadeed.

**7.55 p.m.**

**Mr. President:** Sen. Lambert.

**Sen. James Lambert:** Thank you, Mr. President, [*Desk thumping*] and Senators of this honourable House, knowing that Thursday the 19<sup>th</sup> is a very significant day as it relates to the labour movement in Trinidad and Tobago.

Mr. President, it is no secret that the labour of the working class is vital to the success of operations in this nation and, in fact, this is true for all nations. Even the great Dr. Martin Luther King Jr. once said:

“All labour that uplifts humanity has dignity and importance and should be undertaken with painstaking excellence.”

Throughout history, this country has benefitted from the fruits of the labour of the working class, and this may have gone unappreciated and deemed insignificant, had it not been for the struggles and agitation of great men like Andrew Arthur Cipriani, Adrian Cola Rienzi, Tubal Uriah “Buzz” Butler. The contribution of these men, and others, was so significant that their activities were deemed to have set Trinidad and Tobago on the road to independence. These icons set the platform for workers in all sectors to seek the betterment for all.

*Labour Day/Corpus Christi Greetings*  
[SEN. LAMBERT]

*Tuesday, June 17, 2014*

June 19, 1973 was declared Labour Day in Trinidad and Tobago and was actually a commemoration of the anniversary of the day of Butler's oilfield riots, which took place in 1937. That significant date in history was the turning point for the working class as they struggled in solidarity to improve their standard of living. These fathers of the trade union movement paved the way for great men who were able to run with the mantle and to continue to struggle.

These great men have names that are synonymous with the efforts and successes of the labour movement of today. So today, Mr. President, we must think in terms of the present leaders of the day who have been able to take up the mantle of their predecessors to ensure that the working class in Trinidad and Tobago, those who unfortunately cannot do it for themselves—is being done by these present leaders that we have today. Honour should be given to men such as Michael Anisette, Watson Duke, James Lambert—[*Desk thumping*]*—Crichlows, the Sutherlands, the Maharajs, the Alves, Matthews and Audain, to name a few.*

This present Government has not been one to stand by and allow the struggles of the working class to be in vain. They have recognized the significance of the contributions of the working class and have worked together with labour to help bring about a better standard of living in this nation, which had not been by the last administration.

On June 16, an official of the joint trade union movement stated that if all trade unions unite, they will fight the enemy, and so the joint trade union movement will be demonstrated in Fyzabad on June 19 this year. My question today: who is the enemy? The Government is the largest employer of the citizenry of this country and the People's Partnership Government, in particular, has done so much in four years for the labour movement. It is under this Government that we have seen approximately 90 per cent of negotiations settled, [*Desk thumping*] and labour officials have been given the opportunity to serve on state boards. [*Desk thumping*]

It is quite clear that under the effective leadership of the hon. Prime Minister, Kamla Persad-Bissessar, favourable conditions have prevailed for the labour movement. Unfortunately, there were those who expected too much too soon, and have fallen by the wayside, [*Desk thumping*] and have chosen to take industrial relations into the political arena.

One of the things that I am urging the Government of Trinidad and Tobago to ensure before the end of this year, the draft that is being prepared by the Ministry of Labour, Small and Micro Enterprise Development concerning the amendment

of the Industrial Relations Act, be brought to Parliament, and to ensure the convention as it relates to domestic workers, that was approved by the ILO, be made law in Trinidad and Tobago.

As a leader in the labour movement, I want to congratulate the hon. Prime Minister, Kamla Persad-Bissessar, for her outstanding leadership, [*Desk thumping*] and the People's Partnership Government, on a job well done. On behalf of the Government of Trinidad and Tobago, Mr. President, I am very elated to bring greetings for the day that is ahead, on the 19<sup>th</sup> of this month.

Thank you very much. [*Desk thumping*]

**Mr. President:** Sen. Young. [*Desk thumping*]

**Sen. Stuart Young:** Thank you very much. Mr. President, Members of the House, it has become obvious that those on the opposite side do not know the history of the labour movement. I come from Chancery Chambers, which is the chambers that have traditionally and always, and continues, to represent the labour movement of Trinidad and Tobago. [*Desk thumping*] I can also say that being a participant in the labour movement, I know Sen. Lalla, I have never seen him down at the Industrial Court. He does not know about the IRA.

But, anyway, on behalf of the People's National Movement of Trinidad and Tobago, and the history of June 19 being declared the Labour Day holiday, which is now respected and revered by the labour movement in Trinidad and Tobago—I would like to say that came from none other than Dr. Eric Williams under the People's National Movement. [*Desk thumping*]

I would also like to say that we participate—I have participated in the Labour Day marches on June 19 in Fyzabad, and it will be interesting to see who is there this year. Last year, I saw absolutely no one from the other side there. And on behalf of— [*Interruption*] Yes, he was there in a driveway, but he could not venture out onto the street. We have also seen within recent times, the same labour movement that we now speak of, marching in solidarity with many interest groups against those that sit on the other side, the same Government of Trinidad and Tobago.

But putting all of that aside, on behalf of the People's National Movement, we would like to congratulate the labour movement in ensuring that they continue to be an important pillar of society in Trinidad and Tobago, and they continue to uphold the values and the traditions that they have become known for. We certainly will be supporting them on June 19 and walking with them in solidarity, and we wish them, and the country, all the best for June 19.

Thank you. [*Desk thumping*]

**Mr. President:** Sen. Dr. Mahabir.

**Sen. Dr. Dhanayshar Mahabir:** Thank you very much, Mr. President. Mr. President, I wish to thank my colleagues on the Independent Bench for granting me this honour this evening for speaking on behalf of the Bench to the labour movement of Trinidad and Tobago, and I wish to thank the entire Senate for the privilege so accorded.

Mr. President, the event that we will be commemorating on the 19<sup>th</sup>, as we all know, has a very long, illustrious tradition in Trinidad and Tobago. The Cedula of Population that really was centred upon expanding the population of Trinidad and Tobago was a principle whereby the planters who came were granted land to the extent of the slaves that they possessed. The more that they brought in, the more land they were going to be given because there was a shortage of labour, and from the French islands, in particular Haiti and elsewhere, we were going to source and populate labour so that the plantation economy which was the source and the foundation of the origins of Trinidad and Tobago, could be sustained.

We began our history with the exploitation of labour. And when this system ended, there was a crisis in the colony, and I recall—and Sen. Singh would also recall because we both did history at the same high school—there was a standard question that was posed in the post-emancipation period: the fundamental problem facing Trinidad and Tobago was the question of labour. It was a quotation from K.O. Lawrence, and we needed to discuss that.

We saw, again, a shortage of labour, and so what we saw in exchange for the old system was the introduction of a new system of contract labour. So we exchanged one heinous system with another system, where the contract labourers were not given the kinds of rights and privileges that labour elsewhere in the rest of the world was given. There was no freedom of mobility. There were restrictions on movement. The wages were low. The conditions were abysmal and, again, labour found itself being exploited.

But when we study that classic book, the PhD thesis of Dr. Williams, *Capitalism and Slavery*, he clearly explained that the plantation economy could only survive with abundant cheap labour. So in the post-emancipation period, what we found was decades of the exploitation of labour, both on the plantation and in a society which became accustomed to cheap, low-cost labour. This exploitation continued after the end of the indentureship period.

In 1917 the last boat came, but exploitation continued, so much so that in 1937 the anger and the anguish of the working class people erupted in the bloody riots of 1937. There we saw the labour leaders, Tubal Uriah “Buzz” Butler, agitating for

workers' rights, confronting in violent clashes. We saw workers being killed, and in that year we also saw something very important happening. In the year 1937, while we had Tubal Uriah Buzz Butler agitating on the ground, Adrian Cola Rienzi was quietly using his skills as a lawyer—so there are some real benefits to being a lawyer—*[Laughter]*

**Sen. Ramlogan SC:** Nice shot.

**Sen. Dr. D. Mahabir:**—using his skills to create two major institutions which have survived to this day, and which are the foundations of the labour movement in the country. He created, first of all, the OWTU, Oilfields Workers' Trade Union, and he also incorporated a few months later, the All Trinidad Sugar and General Workers Trade Union.

So we had in 1937, the riots, followed by the creation of a valuable institution, the institution of the trade union movement which, from that day on, indicated to the working class that there were other means available for the exploited working class to seek redress.

And as we celebrate Labour Day, what we are really celebrating, Mr. President, are the struggles of the pioneers of the movement who created institutions in this country so that we would be able to find a mechanism—collective bargaining mechanism—whereby the compensations due to workers would be fairer; terms and conditions would, in fact, be comparable to the rest of the world.

We have seen since then, the Industrial Court, participation in the ILO. The working class has come a very long way in Trinidad and Tobago, based upon the contributions of the trade union movement. And so, as we celebrate Labour Day, we recognize the struggles of the pioneers. We remember the dark days of our history and we wish the labour movement all good wishes, as they continue to agitate for better terms and conditions of the working class. We all know that capital has power on its own. Capital has a great urge to reproduce and recreate itself. Capital can be exploitative, and you need the countervailing force of combined labour so that in the economy, as we attempt to distribute income, the distribution will be evenly divided so that labour, as it combats with capital, will always obtain its fair share of the national good.

And so, as the working class continue to struggle for better working conditions, as they continue to struggle for an improvement in the welfare of all who labour, I say we wish them well from this Senate and we will continue to monitor their progress and do what we can to ensure that the working class population, all citizens of Trinidad and Tobago, will be served by the laws we pass in this honourable House.

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

**8.10 p.m.**

**The Minister of Tourism (Sen. The Hon. Gerald Hadeed):** Mr. President, mine is really a happy occasion for me as a Roman Catholic, to bring greetings to our brothers and sisters in Trinidad and Tobago as we celebrate the feast of Corpus Christi on Thursday, in wishing all the citizens of Trinidad and Tobago, especially the Catholic and Christian communities, a blessed celebration on this great feast.

As you are aware, on Thursday, the Catholic community will be celebrating the feast of Corpus Christi. This feast celebrates the presence of the Body of Jesus Christ in the world, but today, I am not only asking you for the reverence due to Christ's body as it passes in procession through the streets of Port of Spain on Thursday, but for us as a nation to consider the Body of Christ which is our neighbour. We are one body, this body is our country. We are one brother's keepers.

As we look around our neighbourhoods, our streets and even our homes, let us look into the eyes of the broken Body of Christ. They may be the Body of Christ through suffering, the body of poverty, the body of disease, the body of drug and alcoholic abuse, even the body of the spiritually poor. These dear brothers and sisters are the Body of Christ. We are all his children in need of his grace, may his gaze be upon us all. Trinidad and Tobago is called the land of the Trinity, a privilege to be called after the Father, the Son and the Holy Spirit. We should not take this name lightly. There is an inherent unity in the Trinity, so we must as a nation seek after the unity. This should be our vocation as a nation, unity.

Ladies and gentlemen, let us not waste precious time in giving our nation back to God. It is said, "With God all things are possible" and I believe in the possibility of our country. I do not believe in the crime though it is present amongst us. I do not believe in violence though it threatens us daily. Yet, despite all the negativity, I must as a father and as a citizen, I believe in the future of our country.

This hope comes from the word of God which says, "I have overcome the World". He is our hope because his word says that he is stronger than death and darkness. Things can and will get better. We live in hope as Christians, the hope that we will be victorious over the forces of evil. It is only through the power of God and through us as citizens that we make this body of Trinidad and Tobago whole again. His people yearn for a new life and a new hope. We are the life and we are the hope. We become what we pray. Let us pray for peace and become peaceful, let us pray for unity and become unified, but most of all let us pray for love that our hearts may become full.

In closing, let us entrust Trinidad and Tobago into the merciful gaze of our Father. May God bless you all, but most especially may he bring us back into unity and harmony so we may become the land of grace which he has called us to be.

God bless us all. Thank you. [*Desk thumping*]

**Sen. Shamfa Cudjoe:** Thank you, Mr. President, for this opportunity to bring Corpus Christi greetings. First, let me congratulate Sen. Hadeed on such a moving contribution. [*Desk thumping*]

Mr. President, I would like to extend Corpus Christi greetings to the people of Trinidad and Tobago. Corpus Christi means the Body of Christ and it celebrates the solemnity and the sacredness of the Blood and Body of Jesus Christ. I am not a Roman Catholic, but as a Methodist and Moravian, [*Desk thumping*] I think the Christian community, we all celebrate Corpus Christi as reminding us to always be aware of the redeeming power of the Blood of Jesus, and I know when we go to Church on that day we sing “What can wash away my sins? Nothing but the Blood of Jesus”. That is a Corpus Christi song for many Christian communities throughout Trinidad and in Tobago.

So, I want to remind Trinidadians and Tobagonians to remember the sacredness of this holiday, and in whatever way you choose to celebrate that it brings us together in one love, unity and understanding as one people in Trinidad and Tobago. No matter what religion you are from, there is some part of your holy book that speaks to one love, that speaks to redemption, that speaks to holiness and Corpus Christi may that be that holiday that brings that memory back to us.

As a Tobagonian, my fond memories of Corpus Christi is planting. It is said to be the best day to plant, and the old people would say, “Anything you put in the soil that day it bound to multiply”. So I remember my grandmother planting peas and corn, and the old men would say, “The sweetest and softest cassava you get when you plant is on Corpus Christi day”. So I look forward for these experiences. I try to do some research as to why [*Crosstalk*] it is the best time to plant and I understand that there is a change of moon or a new moon at that time. Maybe the Government or maybe we, as Trinbagonians, could think about making this a part of our agricultural policy, where on Corpus Christi day everybody plants something, anything.

With that said, Mr. President, whatever it is you choose to do, whether it is simply plant, go to church, or whatever you choose to do on the long weekend, if you want to join the march with the trade unionists, whatever you choose to do, I hope it is a happy and safe weekend that we all enjoy and that we enjoy it in one love and unity.

Mr. President, with those few words, I want to thank you and wish everyone a very happy holiday. [*Desk thumping*]

**Sen. Anthony Vieira:** Mr. President, as you may know, Corpus Christi, Latin for Body of Christ, is an ancient Catholic rite celebrating the tradition and belief in the Body and Blood of Jesus Christ and his presence in the Eucharist known as the Blessed Sacrament.

For many Catholics in Trinidad, the feast of Corpus Christi required going down to the Cathedral in Port of Spain for procession and getting drizzled on. As Sen. Cudjoe also pointed out, for many others the feast required the planting of something, this in the belief that anything planted on Corpus Christi was bound to “ketch” and bound to grow. In light of the contributions today, may I join with Sen. Cudjoe in encouraging all citizens to plant something on Thursday.

On behalf of the Independent Bench, may we wish the Catholic community in Trinidad and Tobago a very happy and holy Corpus Christi, and for the national community as a whole, a very enjoyable and safe long weekend.

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

**Mr. President:** Hon. Senators, I wish to join the Senators who preceded me with tributes both in relation to labour and in relation to Corpus Christi and, of course, because I am one person I talked to both issues, and therefore, there is unity in that alone. [*Laughter and desk thumping*] I did wonder, you know, what was the commonality, the coincidence of these two days. What did it mean, you know? What came back to mind was, of course, the statement by Jesus that “A workman is worthy of his hire”, of his wages. So there is a connection. I heard from Sen. Hadeed about Corpus Christi is not just simply the presence of memorializing the Body of Christ here, but it is also the fact that we are all brothers, and therefore, we see Jesus in the poor, the depressed and all those around us and, of course, therefore in labour. And so, I made that connection.

But even as I heard about the history, you know, I had a connection with labour that perhaps many of you do not know about. My father was in fact the leader of the Trinidad Labour Party in the late 40s, early 50s, and that was the party of Captain Arthur Andrew Cipriani that he founded. [*Desk thumping*] One of the things, of course, is he agitated for fair wages and for holiday pays and these types of things, and therefore, he led many marches on the streets. How I learnt about this is when I looked for my first job, having just qualified as a lawyer, and my interviewer told me that, “You know your father was a rabble-rouser”. [*Laughter*] In fact, it was not long after 1990. So he compared it to another character of those days in relation to 1990, and therefore, there is that connection.

So in relation to labour, I wish to offer all those who participate in the labour movement our best wishes that too with labour, perhaps because these two events coincide, that is more of a sense of bringing unity, unity among the labour. So, in fact, at the end of the day we get the best representation that we have, and at the end of the

day we recognize that we are all one within Trinidad and Tobago. As Sen. Hadeed mentioned, the Trinity is supposed to represent unity among three persons as it were, and therefore, within Trinidad and Tobago we hope that that labour movement will move forward in unity, in search of what is best, not only for labour, but ultimately for Trinidad and Tobago.

Then we heard about planting something on Corpus Christi, and I think that one of the things all of us can plant beyond cassava or whatever it is, we can plant seeds of hope and unity and love in our country, and within our own circle of influence; that is something we can do in order to transform Trinidad and Tobago. And so, whilst we recognize these two holidays combining together in one, and therefore, we get another holiday on Friday—it seems a strange notion to me, but nonetheless that is the custom that we get another holiday.

And so to the Catholic community, we send out greetings on your behalf, on behalf of the Senate, and to the community as a whole, because presumably what we hope is that the Christians will be a leaven among all the people, bringing light to the nations as it were, and therefore, all of us become one as brothers and sisters together. And so we wish them all the very best at this time and we will ask the Senate to send their greetings as we have done.

Before I move towards the question on the adjournment, I call upon the Leader of Government Business.

#### **Alert re: Amendments**

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** Thank you, Mr. President. In keeping with the spirit of unity, by agreement in regard to Standing Orders 56 and 57, we have agreed that specific amendments to the various clauses will be conveyed to the Clerk of the Senate by Monday morning latest in order to convey to all Senators, so that at the committee stage we would not have to visit all the clauses, but specifically in accordance with the Standing Orders those that we seek to recommit. That is an undertaking given and Sen. Young, Sen. Small, Sen. Vieira and Sen. Cudjoe, I just want to alert you about that. [*Laughter and desk thumping*] Thank you very much, Mr. President.

**Mr. President:** And whilst we are on the theme of giving alerts, I will alert you to the fact that I will not be back with you until after July 07 because I take a break of my own.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 8.24 p.m.*