

SENATE

Tuesday, January 15, 2019

The Senate met at 1.30 p.m.

PRAYERS



[MADAM PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Madam President: Hon. Senators, first may I say Happy New Year to everyone. Hon. Senators, I have granted leave of absence to Sen. Daniel Dookie who is out of the country and to Sen. Nigel De Freitas who is ill.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from Her Excellency the President, Paula-Mae Weekes:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,
O.R.T.T., President of the Republic of Trinidad
and Tobago and Commander-in-Chief of the
Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: MR. NDALE YOUNG

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

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the

UNREVISED

Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NDALE YOUNG, to be temporarily a member of the Senate, with effect from 15th January, 2019 and continuing during the absence from Trinidad and Tobago of the said Senator Daniel Dookie.

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 10th day of January, 2019.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,
O.R.T.T., President of the Republic of Trinidad
and Tobago and Commander-in-Chief of the
Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: MR. AUGUSTUS THOMAS

WHEREAS Senator Nigel De Freitas is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, AUGUSTUS THOMAS to be temporarily a member of the Senate, with effect from 15th January, 2019 and continuing during the absence of Senator Nigel De Freitas by reason of illness.

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Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 15th day of January, 2019.”

AFFIRMATION OF ALLEGIANCE

Senator Ndale Young took and subscribed the Affirmation of Allegiance as required by law.

OATH OF ALLEGIANCE

Senator Augustus Thomas took and subscribed the Oath of Allegiance as required by law.

ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS)

(AMDT.) BILL, 2018

Bill to amend the Administration of Justice (Indictable Proceedings) Act, 2011 (Act No. 20 of 2011), brought from the House of Representatives [*The Attorney General*]; read the first time.

PAPERS LAID

1. Annual Administrative Report of the National Flour Mills Limited (NFM) for the year ended December 31, 2017. [*The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon)*]
2. Consolidated Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the year ended September 30, 2017. [*Sen. The Hon. P. Gopee-Scoon*]
3. Unconsolidated Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the year ended September 30, 2017. [*Sen. The Hon. P. Gopee-Scoon*]

4. Annual Report of the Trinidad and Tobago Civil Aviation Authority for the period 2017 to 2018. [*The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)*]
5. Consolidated Audited Financial Statements of Union Estate Electricity Generation Company Limited for the year ended December 31, 2017. [*The Minister in the Ministry of Finance (Sen. The Hon. Allyson West)*]
6. Annual Report of the Trinidad and Tobago International Financial Centre Management Company Limited for the financial year ended September 30, 2018. [*Sen. The Hon. A. West*]
7. Annual Audited Financial Statements of Trinidad and Tobago Tourism Business Development Limited (TTTBDL) for the financial year ended December 31, 2017. [*Sen. The Hon. A. West*]
8. Annual Audited Financial Statements of the Youth Training and Employment Partnership Programme (YTEPP) Limited for the financial year ended September 30, 2015. [*Sen. The Hon. A. West*]
9. Annual Audited Financial Statements of the Youth Training and Employment Partnership Programme (YTEPP) Limited for the financial year ended September 30, 2016. [*Sen. The Hon. A. West*]
10. Annual Audited Financial Statements of the Youth Training and Employment Partnership Programme (YTEPP) Limited for the financial year ended September 30, 2017. [*Sen. The Hon. A. West*]
11. Annual Report of the Police Service Commission for the year 2015. [*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]
12. Annual Report of the Police Service Commission for the year 2016. [*Sen. The Hon. F. Khan*]

13. Annual Report of the Public Service Commission for the year 2017. [*Sen. The Hon. F. Khan*]
14. Ministerial Response of the Ministry of National Security to the Eighth Report of the Joint Select Committee on Human Rights, Equality and Diversity, Third Session (2017/2018), Eleventh Parliament on an examination of the perceived inequality faced by Single Fathers in Trinidad and Tobago with specific focus on custody matters, policies and access to Programmes and Services. [*Sen. The Hon. F. Khan*]
15. Ministerial Response of the Ministry of National Security to the Ninth Report of the Joint Select Committee on Human Rights, Equality and Diversity, Third Session (2017/2018), Eleventh Parliament on an Inquiry into the Treatment of Detainees and Conditions at Holding Cells in Trinidad and Tobago Police Stations. [*Sen. The Hon. F. Khan*]
16. Annual Report of the Telecommunications Authority of Trinidad and Tobago (TATT) for the year 2017. [*Sen. The Hon. F. Khan*]

**JOINT SELECT COMMITTEE REPORTS
(Presentation)**

**Foreign Affairs
Circumstances re Vote at OAS**

Sen. Dr. Maria Dillon-Remy: Thank you, Madam President. I have the honour to present the following report:

Third Report of the Joint Select Committee on Foreign Affairs, Fourth Session (2018/2019), Eleventh Parliament on the Circumstances surrounding Trinidad and Tobago's vote at the Permanent Council, Organization of American States (OAS) on the Request by the Government of the

Commonwealth of Dominica for a waiver of its contribution to the annual budget of the OAS on March 23, 2018.

Public Administration and Appropriations Committee

Sen. Wade Mark: Thank you, Madam President. I have the honour to present the following reports:

Administration of Special Health Care Programmes

Thirteenth Report of the Public Administration and Appropriations Committee, Third Session (2017/2018), Eleventh Parliament on an examination into the Administration of Special Health Care Programmes in Trinidad and Tobago.

Construction, Maintenance and Refurbishment of State-Owned or State-Funded Housing Projects and Units

Fourteenth Report of the Public Administration and Appropriations Committee, Third Session (2017/2018), Eleventh Parliament on an examination into the Construction, Maintenance and Refurbishment of State-Owned or State-Funded Housing Projects and Units.

Cybercrime Bill, 2017

The Minister of Agriculture, Land and Fisheries (Sen. the Hon. Clarence Rambharat): Thank you, Madam President. I have the honour to present the following report:

Interim Report of the Joint Select Committee appointed to consider and report on the Cybercrime Bill, 2017 Fourth Session (2018/2019), Eleventh Parliament.

Gambling (Gaming and Betting) Control Bill, 2016

The Minister in the Ministry of Finance (Sen. The Hon. Allyson West): Thank you, Madam President. I have the honour to present the following report:

Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016 Fourth Session, (2018/2019) Eleventh Parliament.

ARRANGEMENT OF BUSINESS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, I seek your leave to request that this item be deferred to later in the proceedings, that is the two Urgent Questions posted to the Minister of National Security. He is unavailable at this time but he should be available at around 3.00 p.m.

Madam President: Hon. Senators, this item will be deferred until later in the proceedings.

ORAL ANSWERS TO QUESTIONS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, the Government seeks a deferral of the following questions: Questions 13, 14, 39, 40 and Question 101. The Government will be answering all other questions listed on the Order Paper. We seek a deferral for two weeks.

Madam President: Questions 39, 40 and 101 will be deferred for two weeks. Sen. Ramdeen.

Sen. Ramdeen: Madam President, before I pose the question, I think I heard the Leader of Government Business ask for a deferral of 13 and 14. Okay. Question 15 to the Minister of National Security.

Madam President: Leader of Government Business.

Sen. The Hon. F. Khan: No, did I not say—[Crosstalk] No, well, my apologies, Madam President. We also seek a deferral of 15 and 36. My apologies.

The following questions stood on the Order Paper:

**State Witness Protection Programme
(Number of Persons Admitted)**

13. Could the hon. Minister of National Security state:

During the period September 2015 to September 2018 how many persons have been admitted into the State Witness Protection Programme? [*Sen. G. Ramdeen*]

**Police Officers on Suspension
(Details of)**

14. Could the hon. Minister of National Security state:

How many police officers are currently on suspension pending the outcome of the following:

- (i) Criminal Investigations; and
- (ii) Departmental/ Internal disciplinary investigations? [*Sen. G. Ramdeen*]

**Murder Accused at the State Prison
(Amount Currently Awaiting Trial)**

15. Could the hon. Minister of National Security state:

How many murder accused at the State Prison are currently awaiting trial having been committed to so stand? [*Sen. G. Ramdeen*]

**Missing Keys at POS Prison
(Unchanged Locks)**

36. Could the hon. Minister of National Security state:

In the aftermath of the events of 2015 whereby the keys at the Port of Spain Prison went missing for almost twenty-four hours, can the Minister indicate why the locks at said Prison have remained unchanged? [*Sen. W. Mark*]

**Number of Fatalities
(Police Confrontations)**

39. Could the hon. Minister of National Security state:

How many persons have died as a result of confrontations with the police over the last five (5) years? [*Sen. W. Mark*]

**Police Involved Killings
(Number Forwarded for Coroner's Inquest)**

- 40.** Can the hon. Minister of National Security inform the Senate of the number of matters involving police killings that have been forwarded for a Coroner's Inquest? [*Sen. W. Mark*]

**Derelict Police Vehicles
(Intention to Refurbish)**

- 101.** Could the hon. Minister of National Security state:

With regard to reports indicating that there exists over 500 derelict police vehicles, can the Minister indicate whether the Government intends to refurbish said vehicles and when? [*Sen. A. Haynes*]

Questions, by leave, deferred.

**Abuse at Geriatric Homes
(Measures Taken to Address)**

- 37. Sen. Wade Mark** asked the hon. Minister of Social Development and Family Services:

In light of reports that over a recent six (6) month period, approximately seventy-two (72) senior citizens at privately owned geriatric homes were victims of abuse, can the Minister state what measures are being taken to protect this group of citizens?

The Minister of Social Development and Family Services (Hon. Cherrie- Ann Crichlow-Cockburn): Thank you, Madam President. Madam President, during the six-month period, October 2017 to March 2018, the Ministry's Division of Ageing received 72 reports of cases of elder abuse. Thirty of the reported cases allegedly occurred at geriatric homes and 42 at private residences. Inspectors

attached to the Division of Ageing conduct random visits at all geriatric homes to identify instances of abuse or non-compliance with established standards and to provide advice and guidance to residents, staff and owners.

Upon receipt of reports of elder abuse, the Division of Ageing conducts unannounced visits and inspections at both geriatric homes and private residences. Unannounced inspections were conducted at the 30 geriatric homes. During our inspections, we were either unable to substantiate allegations of abuse or found no evidence of abuse at 27 of the homes. We, however, identified instances of non-compliance with established standards in the areas of safety, environment, staffing, policies and procedures and record keeping. In this regard, the homes were required to sign compliance agreements that will address their respective deficiencies within an agreed time frame and are being monitored by the Division of Ageing.

In addition, 12 homes were referred to the Ministry of Health for registration and nine for urgent or immediate action. Verbal abuse was found at one home and the matter was referred to the Trinidad and Tobago Police Service. At two homes, poor, inhumane and/or unsafe conditions resulted in the decanting and relocation of all residents. The owners of these homes were also referred to the Ministry of Health. The 42 private residences were also visited by inspectors of the Division of Ageing who were accompanied by the police where necessary. Twenty-one of the reports of abuse could not have been substantiated or confirmed. Four of the alleged victims were, however, referred to the National Family Services Division for psychosocial support, including counselling, and two to the Social Welfare Division for assistance. Twenty-one instances of abuse were confirmed, four of the victims were relocated to reside with relatives and nine to other geriatric homes. In five instances, caregivers were removed and three matters were referred to the

Trinidad and Tobago Police Service.

The Ministry also implements seminars, workshops and outreach programmes on the issue of elder abuse to educate and build awareness. Since 2016, the Ministry has been commemorating World Elder Abuse Day to raise awareness of related issues and to help eradicate such practices. The Ministry of Social Development and Family Services also highlights the OPIC and services available for elders on the Ministry's website and collaborates with other agencies to educate and inform the elderly and other members of the public on the various agencies and services available to treat with elder abuse.

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

Sen. Mark: May I ask the hon. Minister what recommendations, if any, the Ministry—that is your Ministry—would have advanced to ensure that these private homes do not continue with abuses of the elderly? Can you share with us recommendations and plans for implementation?

Hon. C. Crichlow-Cockburn: Madam President, when abuse is identified, the Ministry identifies the specific abuse and makes recommendation to treat with those specific areas of abuse. We also have the respective homes sign compliance agreements. These agreements contain action plans in terms of what actions are to be taken to eradicate the abuse and we monitor them continuously.

Madam President: Sen. Ramdeen.

Sen. Ramdeen: Thank you, Madam President. Madam President, through you to the hon. Minister. Hon. Minister, having regard to the matters that have been referred to the police, can you tell us how many, or is the Ministry aware of if any prosecutions have been commenced against those persons in relation to those matters that you have indicated were referred to the police?

Hon. C. Crichlow-Cockburn: Madam President, we are not aware of whether

those matters have gone to prosecution. After we have referred the matters to the police service, that is where the Ministry's action stops.

Madam President: Sen. Ameen.

Sen. Ameen: Thank you, Madam President. To the Minister as a follow-up: How would these findings affect the Government funding that goes to some of these homes; how will the funding be affected based on the recommendations?

Hon. C. Crichlow-Cockburn: Madam President, based on our records, none of the homes where we had to remove residents were being provided with a subvention by the Government.

Sen. Mark: Can I ask the hon. Minister what is the time frame for these compliance agreements for these homes whether they be private or otherwise? What is the time frame normally?

Hon. C. Crichlow-Cockburn: Madam President, the compliance agreements have different time frames and it varies based on the extent of the deficiencies identified, so you may find some of them varying from three months, some of them go as far as 12 months, but it depends on the extent of the deficiencies that we would have identified at the various homes.

Sen. Ramdeen: Madam President, through you to the hon. Minister. Hon. Minister, having regard to what you have indicated as to the state of these 72 senior citizens who have been moved and victims of abuse, what steps have been taken by the Ministry to ensure that throughout Trinidad and Tobago where these homes are located that these matters do not repeat themselves to the detriment of the persons who are housed at these homes and institutions?

Hon. C. Crichlow-Cockburn: Madam President, the inspectors attached to the Division of Ageing are required to visit and inspect all homes. These homes are normally inspected. We try to do inspections at least once per year; sometimes it

may not be possible because of the number of homes that we cover, but the intention is to conduct random inspections at all of these homes throughout the year.

**Repair of PTSC Buses
(Rectification of Problem)**

38. Sen. Wade Mark asked the hon. Minister of Works and Transport:

In light of reports of the shortage of spare parts to repair PTSC buses and the impact that this has been having on the travelling public, can the Minister indicate what is being done to rectify this problem?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam President. In July 2018, the PTSC received funding which was used to cover amounts owed to suppliers for spares and for the purchase of new spares. The PTSC continues to work through the Ministry of Works and Transport to secure funding from Ministry of Finance to acquire much-needed spares for the maintenance and repair of buses.

In recognition of the ageing fleet of buses at the PTSC and the rising cost of maintenance of these buses, Cabinet approved and PTSC received 35 new buses in March of this year, 2018. An additional 25 buses are expected to be received in fiscal 2018/2019. In addition, Cabinet has also given approval for the purchase of 300 new buses for the PTSC as part of its bus fleet renewal programme.

Over the fiscal period 2019—2021, the acquisition of these new buses is expected to alleviate the current issues faced by the travelling public. Madam President, it is the aim of this Government as part of *Vision 2030* to ensure a relief, safe and accessible transportation service for all our travelling public. I thank you.

Sen. Mark: Madam President, can the Minister indicate how have these shortages of spare parts to PTSC buses impacted on the travelling public? Can you share with us the crisis or the challenges that the spare parts shortages would pose?

Madam President: Sen. Mark, I would not allow that question. Sen. Ramdeen.

Sen. Ramdeen: Madam President, thank you very much. Through you to the hon. Minister: Having regard to the answer that you gave, can you indicate, just by an average, what is the difference between what has been requested by the Ministry under this Head which is for the repairs of spares to the PTSC buses and what has been provided by the Ministry of Finance to your Ministry?

Sen. The Hon. R. Sinanan: Madam President, I cannot give you an exact figure at this time; however, it was only yesterday at the other place, I answered the question that the PTSC did receive its funding and there was actually, at the end of the financial year, a saving, a difference that was not utilized. So we did get the funding, we did buy the spares and I can tell you that PTSC's fleet is up to 260 with the refurbishment of the existing buses being done in-house. Thank you.
[Desk thumping]

Sen. Ramdeen: Having regard to that answer, Minister, you said it is up to 260, how many are still in need of repairs to bring the fleet up to service?

Sen. The Hon. R. Sinanan: Madam President, I did indicate that the fleet at PTSC, some of the buses are 20 years, 25 years, 15 years with a lifespan that should be about 10. So we are at the point now where we are bringing in new buses because it is not economically viable to repair the old buses and this is why the Government took a decision to bring in 300 new buses so that we can bring the fleet up to close to 500. Thank you.

Sen. Mark: Madam President, can the Minister indicate whether or what system is in place at the PTSC to ensure that spare parts that are purchased are properly secured and not pilfered? Can you share with us?

Madam President: Sen Mark, that question does not arise. Next question, Sen. Obika.

**NAPA Hotel
(Details of)**

69. Sen. Taharqa Obika asked the hon. Minister of Trade and Industry:

With regard to the NAPA Hotel at the National Academy for the Performing Arts, can the Minister indicate:

- (i) Whether a new operating structure has been agreed upon;
- (ii) Has the hotel generated any business for the calendar year 2018; and
- (iii) If the answer to (ii) is in the affirmative, what is the Earnings Before Interest, Depreciation and Amortisation (EBIDA) for the hotel?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, this question was redirected to the Minister of Community Development, Culture and the Arts and I respond on her behalf. In May 2018, Cabinet agreed that the governance and management arrangements of NAPA be placed under the remit of a single entity, the Ministry of Community Development, Culture and the Arts. Prior to this, responsibility for the NAPA was shared amongst different agencies. In this context, proposal to operate the hotel wing of the NAPA was invited by the Ministry of Trade and Industry from the private sector and a preferred hotel operator was selected. Negotiations with the preferred operator are in their final stages and barring unforeseen circumstances, the hotel at the NAPA is expected to open for business later in 2019.

As a consequence, parts (ii) and (iii) of the question are not applicable at this time.

Madam President: Sen. Obika.

Sen. Obika: Thank you, Madam President. Could the hon. Minister indicate who was the successful operator that they are negotiating with?

Sen. The Hon. F. Khan: Cara Suites was the successful preferred operator and negotiations are well advanced for the final agreement.

**South American Cattle Entering T&T
(Health Concerns Arising)**

73. Sen. Taharqa Obika asked the hon. Minister of Agriculture, Land and Fisheries:

Having regard to recent reports of a number of cattle from South America being brought into the country via the South Western Peninsula, can the Minister indicate:

- i. whether the necessary approvals were sought and obtained; and
- ii. if yes, whether any health and safety concerns that may arise were taken into account?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President. The Ministry of Agriculture, Land and Fisheries has received no request for import permits for cattle from South America to be brought into the country via the south-western peninsula. Having said that, Madam President, I am aware of reports of the illegal importation of cattle that the Ministry provides support to law enforcement to deal with from time to time.

Madam President, I thank you.

2.00 p.m.

Sen. Obika: Thank you very much, Madam President. Could the hon. Minister indicate if the Ministry has an idea as to the count of cattle that has been imported, or reported to have been imported?

Sen. The Hon. C. Rambharat: Madam President, unfortunately the Ministry has no such count. Thank you.

Sen. Ramdeen: Madam President, through you to the hon. Minister of Agriculture, Land and Fisheries. Minister, are you satisfied with the steps that law enforcement has taken in order to stop this illegal smuggling of these animals, cattle—inter alia

cattle and others at the south western peninsula?

Madam President: Sen. Ramdeen, I would not allow that question.

Sen. Obika: Thank you very much, Madam President. Has the hon. Minister passed this information to the Ministry of National Security given concerns that the cattle is used for drug smuggling?

Sen. The Hon. C. Rambharat: Madam President, the information moves in exactly the opposite direction. The Ministry of National Security is responsible for the borders and the Ministry provides technical support to the Ministry of National Security on matters of smuggling where the Ministry has to provide advice on the animals, the state of the animals' health, and the risk of diseases and so on.

Sen. Obika: Thank you very much, Madam President. Then in light of the Minister's response, could the hon. Minister indicate if any party or parties have been or are under any investigation regarding the illegal importation?

Madam President: I will not allow that question Sen. Obika.

Flooding in East, Central and South Trinidad (Dredging of Major Rivers)

83. Sen. Dr. Varma Deyalsingh asked the hon. Minister of Works and Transport:

Having regard to the October/November flooding in East, Central and South Trinidad, can the Minister indicate when last the major rivers in the said areas were dredged?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam President. Madam President, in fiscal 2017/2018 the Drainage Division undertook a comprehensive de-silting water course programme called the CDWP. Under this programme, over 296 de-silting projects at various locations were completed resulting in tributaries and main water courses throughout Trinidad being successfully dredged. A detailed list can be provided if requested.

**Automatic Sluice Gates and Pumps
(Details of Installation)**

84. Sen. Dr. Varma Deyalsingh asked the hon. Minister of Works and Transport:

Can the Minister advise whether consideration is being given to installing automatic sluice gates and pumps in the following areas:

- i. Greenvale Park, La Horquetta;
- ii. El Socorro South; and
- iii. Real Springs, Valsayn South; and
- iv. If the answer to (i), (ii) and (iii) is in the affirmative, when will said automatic sluice gates be installed?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam President. Again, the issues at Greenvale Park, La Horquetta are complex and require a thorough investigation before the Drainage Division can recommend a solution to the problem that this area is currently experiencing.

In other words, both internal and external drainage problems may be the issue. Currently, a full investigation is being carried out by various sectors of the Drainage Division and on completion the best solution for effective flood mitigation would be recommended for consideration.

It is to be noted also that the internal drainage concerns are an ongoing matter with the HDC and are being addressed by their consultants. The recommendations of the consultants will also feed into the comprehensive solution for the park as well as sub-catchment areas.

Part (ii), the El Socorro south, both gates and pumps have been earmarked for replacement under the programme of upgrade, and existing drainage pumps and gates inventory. This two-year programme was approved by Cabinet in 2018 and in the absence of unforeseen delays, it is expected that the programme will be

completed by the year 2020.

Part (iii), with respect to Real Spring, Valsayn south, there exists a flap-gate system as opposed to a pump and gate system on the Valsayn main drain, which takes runoff from the Valsayn south area. The Valsayn main drain is a tributary of the Guayabal River.

Part (iv), Madam President, as stated in my response to part (i) of the question, a comprehensive solution to the issues of Greenvale Park, La Horquetta is being looked at. With respect to part (ii), a defined date for the replacement, installation of the gates and pumps is not available at this time. As stated in my response, in part (iii), the question of installation of automatic sluice gates does not arise since a different system exists. I thank you.

Sen Richards: Thank you, Madam President. Can the hon. Minister indicate that while the assessment is ongoing for the drainage situation at Greenvale Park and other areas that may be flood prone, if there is imminent danger in those areas?

Sen. The Hon. R. Sinanan: Madam President, you would recognize that we are now in the start of the dry season, and in the dry season it is not expected to get that volume of rainfall. However, I can give the assurance that the work has started. We are doing surveys now in the Aripo—Arima river and the Caroni area which flooded the Greenvale Park to assess where the banks need to be raised and the HDC is continuing to do their work inside the development.

So the work has started, although the consultations—everything is happening at the same time. Thank you.

Sen. Teemal: Question to the Minister, through you, Madam President. In terms of the pumps, and controls that are being installed, that are being looked at for El Socorro and other areas. To what extent would automation be implemented, because, I recall from some reports that there was not any personnel to turn-on the

pumps and all those things—

Sen. Ramdeen: In Bamboo.

Sen. Teemal:—in Bamboo. Or are we looking at automation together with all the installation of the pumps and everything.

Sen. The Hon. R. Sinanan: Thank you. Through you, Madam President. We do have a programme for the upgrade and in certain areas they will be looking at. We do have automated pumps operating in one of the Bamboo areas.

Unfortunately, at this time and the challenge with funding, we have to ensure that we have pumps that are working. What has happened in the past is that although you had that volume of rainfall if you have the pumps and the land is flooded and the water courses are high, you cannot put the pump on. So there is a myth that if the pump is off, nobody went to put on the pump and things like that. You cannot pump if the rivers are high, because you would be pumping the water into the river and then it breaches back and comes back onto the land. You have to wait for some sort of regulated area before you can start the pumping. In the last flooding, I can tell you for the first two days they could have done no pumping. Thank you.

Sen. Richards: Thank you, Madam President, through you once again to the hon. Minister. I know you indicated earlier on that we are entering the dry season, but given the climatic changes we have experienced around the world, we may not be able to have the comfort of not having erratic weather patterns—

Madam President: Sen. Richards, please, yes.

Sen. Richards:—the question is, is there an urgent time line on the assessment of these situations? Thank you.

Sen. The Hon. R. Sinanan: Madam President, the urgency of the Greenvale area and some of the other areas in Trinidad is of utmost importance to us. However, in

order to identify the solutions going forward, we have to do proper surveys to see exactly where we need to fix the breaches and so. We do have a challenge on the Arima River and the Caroni River, where citizens would have built construction on the entire bank and it poses an access challenge to get to the affected areas. But, I will give you the assurance that the Ministry is working feverishly with the HDC to ensure that we have this area worked on in the shortest possible time.

As a matter of fact, I can tell you there is a meeting carded for tomorrow with the Drainage Division and the HDC to at least be on the same page so that we can have this work started by the end of January.

Sen. Mark: May I ask the hon. Minister whether his Ministry has a timeframe for the completion of these surveys which are so important to address these issues that we have identified.

Sen. The Hon. R. Sinanan: Madam President, my information is that the Arima River would have been completed and all the surveyors are now surveying the Caroni side of it, and the last meeting I had with them, last week Thursday, they indicated by the end of this week we should have the surveys in hand. However, the surveys will give you the areas. Remember, rebuilding banks is just not as simple as someone may think. There are certain types of clay that you have to use to rebuild the bank.

The Ministry of Works and Transport would have—I am in the process of evaluating a contract for St. Helena all the way down to the San Juan/Barataria area for rebuilding the banks of Caroni River. That project should have started since 2013, it is now about to be started, and we have decided to actually start from the St. Helena area going all the way back up to the Arima River as an emergency solution. Thank you.

**Land Use Policy and Guidelines
(Compliance with 'Green Space' Policy)**

85. Sen. Dr. Varma Deyalsingh asked the hon. Minister of Planning and Development:

Having regard to the land use policy and guidelines for the ratio of 'green space' in housing developments, can the Minister advise what is being done to ensure compliance to said policy by developers?

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

[Desk thumping] Thank you very much kindly, Madam President. Thank you for the question. Policies of the Town and Country Planning Division include requirements for community facilities including recreation and other green spaces. Provisions for both active and passive recreational open spaces, must be made in all comprehensively planned developments of over 20 dwelling units. In new residential developments of between 20 to 100 dwelling units, the division requires a minimum of 0.2 hectares per 100 units or 20 square metres per unit and this must be allocated for green spaces.

For larger residential developments of over 100 dwelling units, a minimum area of 0.4 hectares per 100 units must be allocated for a local recreation ground, parks and play lots. In multiple family residential developments, developers are required to allocate a portion of the site of the area being developed to be used by residents as communal open space, amenity and recreational areas.

The development of the open space is the responsibility of the developer and should proceed together with the construction of the residential units and facilities. The development of the open space area or a major portion thereof, should be completed prior to the occupation of homes within the sub-division and on completion of the development, the developers have responsibility for maintenance of these open-space areas until such time as alternative arrangements are made.

The Town and Country Planning Division maintains that developers must design these open spaces as part of any proposed sub-division layout relevant to the required criteria, and these must be shown on the submitted application.

Municipal corporations therefore cannot, or should not grant approval and Completion Certificates to applications that are forwarded to them until the open spaces are provided and developed as approved by the Town and Country Planning Division.

In circumstances where unauthorized built development on approved open space is observed, these matters are handled through the complaint and enforcement process as provided for under section 16 of the Town and Country Planning Act, Chap. 35:01. That is to say, a complaint is made by someone who may observe that the space is not being maintained, and the Enforcement Unit of the Town and Country Planning Division acts to investigate the complaint and to act on the complaint as immediately as possible.

Simultaneously, complaints regarding same can also be lodged with the relevant municipal corporation which also has responsibility for ensuring that required green spaces are developed and that built development does not occur within them. Thank you, Madam President.

Sen. Ramdeen: Madam President, thank you. Madam President, through you to the hon. Minister of Planning and Development. Hon. Minister, are you satisfied within the manner in which the municipal corporations together with Town and Country Planning Division have been enforcing these regulations that are in place to protect these green spaces in these developments throughout Trinidad and Tobago?

Hon. C. Robinson-Regis: Thank you very kindly for that question. Madam President, I would not say that I am completely satisfied, but given the constraints

with regard to staffing and the time that it takes for a complaint to be lodged and also for the Enforcement Unit to examine the veracity of the complaint, it takes a little longer than we have anticipated. And, Madam President, that is why we are before the House today with the Planning and Facilitation of Development amendments.

Sen. Ramdeen: Madam President, through you, Madam President, to the hon. Minister. Hon. Minister, having regard to the four-year limitation period that is encompassed into the present Act which is the Town and Country Planning Act, what steps have been taken by the Ministry to ensure the compliance and enforcement units of both the Town and Country Planning Division and the regional corporations are beefed up to ensure that where there is an illegal development taking place or not in accordance with the guideline, that four-year period does not elapse before steps are taken either by the Ministry or the regional corporation to protect the interest of the communities where these illegal activities are taking place.

Hon. C. Robinson-Regis: Madam President, I would like to indicate that in most instances that is not a very prevalent occurrence, that is to say the development of built development on open spaces. It is not a very prevalent occurrence. But where it does occur and a complaint has been made or an officer has observed the development, we have been making extra efforts to ensure that we act within that four-year period. And I must say that in the recent past it is clear that the members of staff of the Enforcement Unit and the municipal corporations have been working assiduously together. And they have been enforcing much more quickly than they had previously.

So that issue has been dealt with much more expeditiously than had occurred previously. Thank you.

Sen. Mark: Can I ask the hon. Minister what is the level or extent of staff shortages within the Town and Country Planning Division or within the Ministry that is inhibiting the Ministry from professionally and urgently reacting and enforcing the legislation.

Hon. C. Robinson-Regis: Madam President, I do not have the exact ratio that the Member is requesting. But I will say that we have a number of people on contract specifically employed to do enforcement, but it could be a lot more effective if we had a larger staff. Because in many instances, citizens of Trinidad and Tobago have not been complying with the law and as a consequence of that we have gone on a campaign of enforcement and that has been working a lot more effectively.

So that we have had quite a larger number, a much larger number of enforcement matters being taken to the court. And the court is also understanding the importance of adjudicating on these matters more expeditiously and that has been working to some extent. But, of course, it is not perfect but the numbers have improved. But I can provide that ratio in writing if you would like.

Sen. Ramdeen: Madam President, through you to the hon. Minister. Minister, having regard to the answers that you have given, a lot of these cases, as you have said people have not been complying with the law as laid down in the Town and Country Planning Act. It is as a result of some form of corruption, not so much at the Ministry but more so at the regional corporations where people get things done without the correct approval. What steps have been taken by the Ministry to ensure that the internal mechanisms of the Ministry as well as the regional corporations are not subject to that kind of abuse, to ensure that the law is enforced and the citizens of Trinidad and Tobago who are involved in development comply with the law to the benefit of the citizens?

Madam President: Sen. Ramdeen, I will not allow that question. And I will

caution Members, when asking supplementary questions to try and make it as succinct as possible.

**Scotiabank Trinidad and Tobago
(Effect of Caribbean Territories Withdrawal)**

87. Sen. Taharqa Obika asked the hon. Minister of Finance:

Can the Minister indicate whether Scotiabank Trinidad and Tobago will be affected by the recent withdrawal of the Bank from several Caribbean territories?

The Minister in the Ministry of Finance (Sen. The Hon. Allyson West): [*Desk thumping*] Thank you, Madam President. Madam President, the Central Bank of Trinidad and Tobago has advised that Scotiabank Trinidad and Tobago Limited is a subsidiary of Scotia Caribbean Holdings Limited, a regional financial holding company based in Barbados.

Scotia Caribbean Holdings Limited is itself wholly owned by the Bank of Nova Scotia. The entities that are being sold in Anguilla, Antigua and Barbuda, Dominica, Guyana, St. Kitts and Nevis, St. Vincent and the Grenadines, St. Lucia, St. Maarten, and Grenada are either subsidiaries, or branches of the Bank of Nova Scotia and not Scotia Caribbean Holdings Limited.

Furthermore, Republic Financial Holdings Limited, a Trinidad and Tobago based company, has entered into an agreement to take over the Nova Scotia banking operations in these territories. This acquisition by a Trinidad and Tobago company is expected to positively impact the Trinidad and Tobago economy.

To be clear, Madam President, contrary to the premise on which the question was based, Scotiabank Trinidad and Tobago Limited is not withdrawing from any Caribbean territories.

While the Central Bank of Trinidad and Tobago does not currently expect an adverse impact on Scotiabank Trinidad and Tobago of the proposed withdrawals

by certain of its affiliates from the Caribbean, the Central Bank will continue to monitor the developments that are taking place at the group level to determine the impact if any on Scotiabank Trinidad and Tobago Limited. I thank you, Madam President.

Sen. Obika: Thank you very much. I thank the hon. Minister for the submission. However, can the Minister indicate if the Ministry will be doing similar as she has stated that Central Bank will be doing?

Sen. The Hon. A. West: Madam President, as I am sure the Senator is aware the regulator for financial institutions in Trinidad and Tobago is the Central Bank and that is the body that is responsible for ensuring the viability and continuity of the members of that sector. I thank you, Madam President.

Sen. Obika: Thank you very much, Madam President. Under the Ministry of Finance there is a division that relates to the customers of the bank. Has the Minister gotten any feedback from that division?

Madam President: That question does not arise. Any other question, Sen. Obika? Next question, Sen. Richards.

Scarlet Ibis Bird Carcasses (Protection Measures)

88. Sen. Paul Richards asked the hon. Minister of Agriculture, Land and Fisheries:

In light of the report that the carcasses of five (5) Scarlet Ibis birds were discovered in the possession of poachers at the Caroni Bird Sanctuary, can the Minister state what measures are being taken to protect the national bird?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President, and I thank Sen. Richards for this question. Madam President, the most important measure taken for the protection of the Scarlet Ibis is the declaration of the bird as an environmentally

sensitive species under the Environmental Management Act by Legal Notice 143 of 2018 published October 11, 2018. Madam President, other measures include;

1. Programmes to educate the public about the protection measures in place for the Scarlet Ibis, and the importance of the Scarlet Ibis to biodiversity, conservation and economic activity in and around the Caroni Bird Sanctuary.
2. Increase resources directed to law enforcement at the nesting and roosting areas.
3. Increase inter-agency collaboration and operational activity particularly with the Coast Guard, the EMA, Zoological Society of Trinidad and Tobago, Ministry of Rural Development and Local Government, Ministry of Tourism and other community stakeholder groups including tour operators.
4. Advance work with the UNFAO to strengthen protected areas management system in Trinidad and Tobago, and improve capacity building in the Forestry Division and the communities around the Caroni Bird Sanctuary; and
5. The recent establishment of a management committee for the Caroni Lagoon National Park and Bird Sanctuary.

I thank you, Madam President.

Sen Richards: Thank you for your response, Minister. Can the Minister indicate if through these efforts and others in the Ministry if there has been an assessment on the impact on populations of this national treasure?

Sen. The Hon. C. Rambharat: Madam President, all the reports based on observation and based on interaction with the tour operators and other people who are familiar with the Caroni Bird Sanctuary, and visits to the nesting areas over the

last two years, point to no significant reduction and possibly an increase in the population of the Scarlet Ibis.

Having said that, Madam President, the work of the poachers and their ability to remove hundreds of birds in one day is always a risk and that is why we believe that the \$100,000 fine and increase in enforcement should serve as an appropriate deterrent.

**Termination of Jobs at Petrotrin
(Project Details re Fence Line Communities)**

89. Sen. Amrita Deonarine asked the hon. Minister of Energy and Energy Industries:

Given the Minister's statements made in this Senate on November 20, 2018 in relation to the potential impact on fence line communities following the termination of jobs at Petrotrin, can the Minister indicate the details of any projects already undertaken and those yet to be introduced by the Government to cushion this impact on said communities, including:

- (i) the estimated number of fence line community members targeted for these projects;
- (ii) the estimated cost of these projects; and
- (iii) whether any counselling services will be offered to fence line communities as part of said projects?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): [*Desk thumping*] Thank you very much, Madam President. Thanks to the hon. Senator for the question. A number of projects benefiting fence line communities are already in train and others are about to be embarked on. The projects which are targeted for the west, south and southwestern peninsula communities include the following:

- The San Fernando-Point Fortin Highway which is already in train and for which construction is being accelerated in this year 2019.
- The La Brea dry-docking facility: NIDCO and China Harbour Engineering Company executed a cooperation agreement for the development of the facility over a three-year period at a cost of US \$500 million. The construction activity associated with this project will include a deep water channel excavation, offshore reclamation and terminal land construction.
- The construction of the jacket by Tofco in La Brea of bp's Cassia Field Development platform, that is the next big bp project and we are pleased to announce that we have brought back fabrication to La Brea.
[Desk thumping]
- Phoenix Park Industrial Estate, Beijing Construction Engineering Group Company Limited (BECG) and the Evolving Technologies and Enterprise Development Company (eTecK) have executed a memorandum of understanding for the development of the Phoenix Park Industrial Estate, Point Lisas at a cost of US \$104million.
- The San Fernando Waterfront Redevelopment and Regeneration Project modernizing the King's Wharf central and south node at an initial cost TT \$144million.
- The development of an administrative complex at Chancery Lane San Fernando and the restoration and upgrading of Skinner Park.
- A new fishing port in Moruga and associated facilities including a modern fishing facility and an offshore component consisting of berthing and landing facility; and
- Finally, the rehabilitation of the Moruga road itself, from Petit Cafe

Junction straight on to Marac, for those of you who know the deep south.

If required, counselling services will be provided however, more appropriately, there will be community engagement to ensure that members avail themselves to the opportunities. It is estimated that 3,500 direct jobs and 5,700 indirect jobs will be created in the southwestern peninsula. Employment data and other projects will be made available when determined. [*Desk thumping*]

Sen. Mark: Madam President, can I ask through you to the hon. Minister. When will the La Brea dry dock construction commence? When will construction commence at the La Brea dry dock?

Sen. The Hon. F. Khan: As I have said, Madam President. A memorandum of understanding of cooperation agreement has been signed. It will now move on to direct negotiation and as the Prime Minister said on his return from China, it is the first time Chinese direct equity investment will be made available outside of China. China's model for development has always been for Chinese contractors to get work. The President of China was convinced by the Prime Minister of Trinidad and Tobago that China Harbour will have a 30 per cent equity in the La Brea facility—[*Desk thumping*—]—and we hope that construction should begin in the latter part of this year.

Sen. Ramdeen: Madam President, thank you very much. Madam President, through you to the hon. Minister. Hon. Minister, when can we expect this engagement that you have said is going to come to engage the 5,322 workers and the 8,000 indirect workers that have been now rendered unemployed by the decision of your Government to close the Petrotrin Refinery—

Madam President: Sen. Ramdeen, please. Try and—it is a question arising from the answer. It needs to be a little tighter okay. Minister.

2.30 p.m.

Sen. The Hon. F. Khan: Madam President, the projects are ongoing, some are advanced. The highway construction to Point Fortin is already there. It is employing more and more people. TOFCO has already started the fabrication of the Cassia jacket. When the dry-docking facilities, which is a mega project—remember this is Panamax-type vessels coming for dry-docking facilities in Trinidad. China has the largest merchant marine fleet in the world. China is the biggest people in trade. China's vessels virtually monopolize the Panama Canal; America is big in IT. The big American companies are Google and Facebook and Amazon. China deals with ships and actual trade in goods more than in services. So it is an ideal opportunity for Trinidad and Tobago to engage in a Chinese company, which, for the first time in its history, is taking equity in a project, as distinct from telling you, “Come to the Chinese bank, we will lend you money, and take our contractors because we are lending you the money”. It is a whole new business model that has its genesis in Trinidad and Tobago, thanks to the Prime Minister of Trinidad and Tobago. [*Desk thumping*]

EXPIRATION OF QUESTION TIME

Madam President: Hon. Senators, the time for answering questions has expired, and I would ask Members who are Ministers, who were due to answer questions, to have a look at Standing Order 27(12).

Question time having expired, written answers to Questions 104, 105 and 106 were circulated.

Cuban Asylum Seekers (Measures to Assist)

104. Sen. Saddam Hosein asked the hon. Minister of Foreign and Caricom Affairs:

Having regard to reports that over one hundred Cuban nationals seeking asylum in this country are currently housed in a warehouse in Warrentville, Central Trinidad, what measures have been taken by the Government to assist said asylum seekers?

**Austal, Australian Shipbuilder
(Details of Agreement and Copy of Contract)**

105. Sen. Saddam Hosein asked the hon. Minister of Works and Transport:

In light of the December 2018 announcement by Australian Shipbuilder Austal that it has entered into an AU\$97m contract with the Government of Trinidad and Tobago to design and build a 94-metre, high-speed catamaran, can the Minister provide details of the agreement, complete with a copy of the contract?

***Galleons Passage* Ceiling Panels
(Cost of Repair to Damaged Vehicles)**

106. Sen. Saddam Hosein asked the hon. Minister of Works and Transport:

Having regard to reports that ceiling panels from the *Galleons Passage* fell and caused damage to several vehicles being transported to Tobago, can the Minister indicate the cost to the State to repair said vehicles?

Vide end of sitting for written answers.

ARRANGEMENT OF BUSINESS

Madam President: Leader of Government Business.

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, can we revert to Urgent Questions, please?

Madam President: Sure. Hon. Senators, at this stage we will now revert to the earlier proceedings to deal with Urgent Questions.

URGENT QUESTIONS**Trinidad and Tobago Police Service
(Procurement of Goods and Services)**

Sen. Wade Mark: Thank you, Madam President. To the Minister of National Security: In light of reports that the police service is unable to procure critical goods and services because of a lack of funds, can the Minister indicate when this situation will be rectified?

Madam President: The Minister of National Security. [*Desk thumping*]

The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam President, and thank you for the indulgence of allowing me some time to get here to answer Urgent Questions. As has been stated by the Minister of Finance, the Minister of Finance has been consulted. He had a request from the Trinidad and Tobago Police Service, in particular the Commissioner of Police, for a certain sum of money. I think it was about \$80 million; \$20 million has been released, another \$20 million was supposed to be released today, another \$20 million will be released at the end of the month, and then the further \$20 million next month. So the moneys have been now—half of the money has been released with the rest to come.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister share with us whether the shortages, or the short supply of funding to the police service is having a negative impact on their operations? Can you share with this House what impact, if any, this situation is having on the operations of the service?

Madam President: Sen. Mark, I would not allow that question; you have one more that you can ask.

Sen. Mark: Can I ask the Minister whether the report that we have been privy to,

and the public, that the police K-9 unit, as well as the Mounted Branch are unable to buy critical ingredients for those animals in their care because of the shortfall in funding; can you share any light on this matter, whether there is any truth in this matter?

Madam President: Sen. Mark, that question does not arise. Next question, Sen. Mark.

**Trinidad and Tobago Police Service Ammunition
(Criminal Possession of)**

Sen. Wade Mark: To the Minister of National Security; In light of recent reports that criminals are in possession of Trinidad and Tobago Police Service ammunition, what measures are being taken to address this situation?

Madam President: Minister of National Security. [*Desk thumping*]

The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam President. Madam President, as has been quite publicly stated by the Commissioner of Police immediately upon learning of this arising—that is, that certain unauthorized persons seem to be in possession of the Trinidad and Tobago Police Service ammunition—the Commissioner of Police has ordered an audit to be done of the arms and ammunition in the police service.

Sen. Mark: Madam President, in light of the urgency of this matter involving a citizen being murdered by bullets from the police service by bandits, can the Minister share with this House what is the time frame for this audit of arms and ammunition, so that the perpetrators of this crime can be brought to justice?

Madam President: Minister of National Security.

Hon. S. Young: Thank you very much, Madam President. Madam President, those are two very different occasions, i.e. the perpetrators being brought to justice, they are currently being pursued, and I think the police are actively investigating it and

they have been having quite an increase and an uptake in the detection of perpetrators within recent times. In fact, we saw those who had committed the act of robbery at the south plaza in south recently have been held and were taken before the court. With respect to the conduct of the audit, again, this is something that is completely within the purview and the ambit of the Trinidad and Tobago Police Service, and in particular the Commissioner, and he did indicate to the public that there is a level of urgency with which this audit has to be conducted, and I am sure he will press them to have it completed in the shortest possible time frame.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can I ask the hon. Minister, what, if any, immediate measures have been taken to avoid bullets and ammunition and arms from the police service from getting into the hands of bandits and criminals? What immediate steps, whilst the audit is being conducted, are being taken to avoid a repetition of what has happened, Madam President?

Madam President: Minister of National Security.

Hon. S. Young: The proper securing of arms and ammunition owned by the Trinidad and Tobago Police Service. [*Crosstalk*]

Sen. Mark: Madam, I think I have exhausted my question time.

Madam President: You have.

**DEFINITE URGENT MATTER
(LEAVE)**

**H1N1 Swine Flu Outbreak
(Failure of Government to Inform)**

Sen. Anita Haynes: Thank you, Madam President. I hereby seek your leave to move the adjournment of the Senate today, under Standing Order 16, to discuss a definite matter of urgent public importance, namely, the failure of the Government

to adequately inform the nation of the public health crisis facing Trinidad and Tobago, that is, the H1N1 swine flu outbreak.

The matter is definite because it deals specifically with in light of a significant number of confirmed cases of this virus and a poor attempt by the Government to disseminate critical information to the public as to what measures are being taken to mitigate the risk posed to citizens.

The matter is urgent because it was only after three recorded deaths from the H1N1 virus that the Minister of Health publicly described the situation in south Trinidad as a crisis. The matter is also urgent as there are now more widespread reports of persons being infected.

The matter is of public importance because the public must be informed of the severity of this escalating public health crisis and what measures are being taken to effectively stop the spread of the virus.

Madam President: Hon. Senators, I have considered the Motion but I am not satisfied that this matter qualifies under this Standing Order.

JOINT SELECT COMMITTEES

**(Extension of Time)
Cybercrime Bill, 2017**

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Cybercrime Bill, 2017, I beg to move that the committee be granted an extension to May 31, 2019, to complete its work and submit a final report.

Question put and agreed to.

Gambling (Gaming and Betting) Control Bill, 2016

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you, Madam President. Madam President, having regard to the

Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016, I beg to move that the committee be granted an extension to May 31, 2019, to complete its work and submit a final report.

Question put and agreed to.

**PLANNING AND FACILITATION OF DEVELOPMENT
(AMDT.) BILL, 2018**

Order for second reading read.

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Madam President. Madam President, I beg to move:

That a Bill to amend the Planning and Facilitation of Development Act, 2014, and to consequentially amend the Environmental Management Act, Chap. 35:05, be now read a second time.

Madam President, before I start, I crave your indulgence to request that I be allowed, under Standing Order 42(11), to read from my notes?

Hon. Member: You are entitled to.

Hon. C. Robinson-Regis: Thank you very much. [*Interruption*] That is why there is a Standing Order, so I am invoking it. [*Crosstalk*]

Madam President: Minister, continue.

Hon. C. Robinson-Regis: Thank you very kindly, Madam President. Madam President, the Bill before us is as a consequence of amendments to the Planning and Facilitation of Development (Amdt.) Bill, and this Bill also, as I indicated at the outset, will consequentially amend the Environmental Management Act, Chap. 35:05.

Madam President, I would like to indicate that the reasons for the amendments are that whilst we of the People's National Movement were in Opposition when the Planning and Facilitation of Development Act was passed, there were a number of

issues for which we had grave concern. As a consequence of that, on July 18, 2016, the Minister of Planning and Development established a committee to review the Planning and Facilitation of Development Act, and this committee was chaired by Dr. James Armstrong. The objective of this committee was to ascertain whether the Act could be fully proclaimed in its existing form. The committee submitted its recommendations in September 2016, and the Ministry of Planning and Development continued to review the legislation with a focus to ensuring that the legislation could be operationalized. The review therefore has resulted in the amendments which are being presented here today.

One notable disquiet, Madam President, that we had whilst in Opposition and we had when we came into Government was the issue of the qualifications for the Director of Planning, which we saw as a key position within the planning framework. We felt that the qualifications were vague at best, and therefore if not amended, an unsuitable person could have been appointed to this position and not be eligible or recognized by the planning fraternity as being suitably qualified. Madam President, may I indicate that that particular section of the Act was one of the sections that was proclaimed, because in this particular Act it is by proclamation, and certain sections have already been proclaimed.

What we felt though was that the qualifications for the Director of Planning were very vague, very limited, in that it said, and I wish to quote what those qualifications were, or are. And it says in the Act that the person who would be the Director of Planning must have qualifications and a certain number of years of experience. And Madam President, what we felt was that qualifications were very vague, very wide and did not specify the specific qualifications necessary for someone who would be the holder of such an important position in Trinidad and

Tobago, and, consequently, that is one of the main amendments that we are presenting here today.

In addition to that there was also a concern that that particular part of the legislation appeared to be ad hominem, in that it was to allow a particular person to qualify for the position of Director. Additionally, Madam President, there was an even more major concern in that the qualifications that are in the accompanying Bill, which is a Bill that will be before the House for the position of urban and regional planners, the qualifications that were in the Act did not meet the necessary qualifications for such a person to qualify as an urban and regional planner in accordance with the legislation. And so we felt that it was imperative that this particular section be brought before the Parliament to be amended. Madam President, we also had concerns as to how the regional corporations, which were now being constituted as planning authorities, under the Planning and Facilitation of Development Act, were going to be able to carry out the task of planning that was being placed upon them.

Indeed, I am happy to report that this Government understood that the only way to equip these regional bodies with the capacity required to undertake this planning portfolio was through local government reform, and we continue to assiduously pursue this agenda. Finally, Madam President, it is important that further amendments be made, in that even though these amendments are small, they are in no way minor as they will enhance the legislation to the point of making the Planning and Facilitation of Development Act workable.

Madam President, I would like to do a quick recap of the objectives and purpose of the Planning and Facilitation of Development Act. This Act was passed on October 01, 2014, and its objective is to repeal and replace the Town and

Country Planning Act upon its full proclamation. It seeks to reform the planning laws of Trinidad and Tobago by establishing:

- (1) a system for the preparation and approval of national and subnational development plans; and
- (2) a system of planning and development approvals which are designed to secure predictability, simplicity, promptness and transparency in the treatment of development applications.

To achieve these objectives, therefore, the Act provides for the establishment of a National Planning Authority that will collaborate with the Environmental Management Authority and other institutions to safeguard the preservation of the environment as an integral part of the planning process.

The Act also provides, amongst other things, for the devolution of certain decision-making powers relating to development control, amongst other things, to local government through the creation of municipal planning authorities at the local government level. These planning authorities and the Tobago House of Assembly will collectively be called planning authorities. Madam President, the Planning and Facilitation of Development Act, as I said before, was partially proclaimed by Legal Notice No. 151 of 2015. This partial proclamation allowed mainly for the establishment of and appointment of members of the National Planning Authority and the hiring of staff accordingly. To execute this mandate, PricewaterhouseCoopers was formally retained in July 2015, to do three things in the main:

- (1) Design the organizational structure of the national planning authorities, that is to say, job descriptions, job positions and grades, within the overall context for the administration for the new system to be

established.

- (2) Conduct an executive search and assist in the recruitment and selection of persons to fill the key positions of Chief Executive Officer, Corporate Secretary, Director of Planning, Chief Building Officer and Chief Enforcement Officer; and
- (3) Provide strategic recommendations on the salary structure to be established.

Madam President, as at September 2015, when the new administration took office, two deliverables had been completed and paid for before the consultancy was ended. The two deliverables were:

- (1) the inception report; and
- (2) the preparation of a draft value chain for the NPA, that is to say, the National Planning Authority, and also a proposal for comparator organizations for our compensation survey.

Draft job descriptions were also completed, and there was a preparation of an advertisement inviting applications for executive staff.

The consultancy lapsed when a review of the Act was instituted in 2016. Madam President, in 2018, August, it was agreed that the Act implementation would proceed, and, consequently PricewaterhouseCoopers was re-engaged, and this was done at a cost of \$339,000, and this was an adjustment to the original cost of the consultancy, which was \$351,258. Madam President, at this time the consultancy will be completed within the next month, and we are anticipating that by February of this year we should have all that the contract requested.

Madam President, having provided this brief summary of what has happened thus far, allow me now to present the Bill that is before this House. As I said

initially, there are 14 clauses before the House, and the short title and the interpretation before us for amendment. And clause 3, Madam President, is the insertion of a definition of the term, “simple development”. “Simple development” would be inserted after the definition of the word, “road”; and “simple development”, we felt, was not previously defined in the Act. The matters defined as “simple development” would be consistent with those matters that would mainly comprise simple development applications.

Complex development would impliedly be those developments which do not fall within the definition of “simple development”. Applications relating to simple development will all be determined at the level of planning authorities, that is to say, the municipal corporations and the Tobago House of Assembly. The proposed definition therefore of “simple development” is as follows:

“‘simple development’ means development for which an application is made for—

- (a) billboards or advertising signs;
- (b) outline of final planning permission not requiring a certificate of environmental clearance;
- (c) change of use, residential or building developments or any additions thereto where the cumulative floor area with additions, if any, does not exceed a gross floor area of 500m²; or
- (d) land subdivisions, including engineering operations, comprising less than twenty plots, provided that each plot falls within the range of 465m² and 800m² inclusive;”

Clause 4, this is an amendment to section 11, which is the removal and replacement of certain representatives on the Development Control Committee.

Madam President, the Development Control Committee will consider complex applications with national significance as are referred to it by the Director of Planning or the Chief Building Officer. Madam President, upon review of the Act it was recommended that a representative from the municipal or regional corporations, and a representative from the line Ministry with responsibility for physical planning be included on the Development Control Committee. The municipal or regional corporations would have jurisdiction over simple applications, but will have to pass all complex matters that came before them to the National Planning Authority. They should therefore be present for the deliberations of such matters by the committee. The representative, it is clear, must be technically sound. Clause 4 of the Bill, therefore, amends section 11(2)(b) of the Act to include representatives from the Trinidad and Tobago Association of Local Government Authorities and the Ministry with responsibility for physical planning and development of land, and remove from the Development Control Committee, representatives from the Occupational Safety and Health Agency and the Chief Medical Officer in the Ministry with responsibility for health. Madam President, may I indicate at this point that the Chief Medical Officer can be co-opted but will not be a sitting member of the committee.

Additionally, because of the fact that the Occupational Safety and Health Agency is a determining agency as it relates to the health, the safety issues, in built development in particular, we felt it was not necessary for such an officer to sit permanently on the committee, but such an officer could be co-opted if it was necessary. And, as a consequence of this, we have removed those two positions and inserted instead, a representative from TALGA—which is the Trinidad and Tobago Association of Local Government Authorities—and the Ministry, which

would be the Ministry of Planning and Development. Clause 5 is an amendment to section 13 of the Act, and that is in relation to the qualifications of the Director of Planning and post-qualification experience of the Director of Planning, the Chief Building Officer and the Chief Enforcement Officer.

3.00 p.m.

Madam President, clause 5 amends section 13(2) of the Act by providing additional qualifications for a person employed as the Director of Planning, by also specifying the type of engineering post-qualification experience required for the Chief Building Officer, and by revising the post-qualification experience required for the Director of Planning, the Chief Building Officer and the Chief Enforcement Officer.

Madam President, we were of the firm view that the qualifications of the Director of Planning needed to be raised. This was imperative because it needed to be consistent with the requirements of eligibility to register as an urban and regional planner under the proposed Urban and Regional Planning Profession Bill.

Madam President, it was clear that the Director of Planning could not be a person who could not obtain registration under the Urban and Regional Planning Profession Bill that is proposed, and that will find itself within this Act which we are now amending. It was farcical we felt, that the Director of Planning who would be the chief planner in other words, for Trinidad and Tobago, had qualifications or was supposed to have qualifications which did not meet even the barest minimum qualifications to be registered as a planner. This was totally farcical, we were flabbergasted that this was the part of the Act that was proclaimed and it is clear that it made no operational sense, and consequently we are before the Senate today to ensure that this amendment finds favour with the Senate.

And so, Madam President, I repeat, the qualifications of the Director of Planning needed to be raised to be consistent with the requirements of eligibility to register as an urban and regional planner as proposed under the Urban and Regional Planning Profession Bill.

Failing this, the Director of Planning could not be considered as a listed professional in accordance with Part VII of the Act. And the Act specifies that only listed professionals could approve plans, so it was totally farcical.

Madam President, I repeat that the current requirement for Director of Planning in the Act is and I quote, “qualifications without more”—that is not part of the Act, but it is:

“qualifications and at least ten years’ post-qualification experience in urban and regional planning;”

Madam President, I repeat, these qualifications are quite vague and do not point to the significant competence required of a person who as Director of Planning would be responsible for development planning and development control.

What we are proposing now is that the qualifications of the Director of Planning should be as follows:

“(a) the Director of Planning who shall have—

- (i) an undergraduate degree in the field of urban and regional planning and a post-graduate qualification in urban and regional planning or a related field; or
- (ii) an undergraduate degree in a social, environmental or design science and a post-graduate degree in urban and regional planning...”

Madam President, the post-qualification experience of the three positions of

Director of Planning, Chief Building Officer and the Chief Enforcement Officer are also to be amended, and it has been revised from 10 years to seven years to make it easier to fill the post.

But, Madam President, a concern has been raised with regard to the issue of moving from 10 years to seven years, but what we had found when the review was undertaken by PricewaterhouseCoopers, was that that 10-year capability was not readily available in Trinidad and Tobago. However, the degree was very available, the undergraduate degree, the post-graduate qualifications and the experience was more in line with seven years rather than 10 years. And as a consequence of that, we felt these were the amendments that needed be made specifically with regard to the Director of Planning and the Chief Building Officer and the Chief Enforcement Officer.

Madam President, clause 6 repeals and replaces subsections (2) and (3) of section 15, and it relates specifically to the functions of the Chief Building Officer and the Chief Enforcement Officer. This clause clarifies the functions of the Chief Building Officer and the Chief Enforcement Officer by repealing and replacing subsections (2) and (3) and substituting the following subsections:

“The Chief Building Officer shall—

- (a) establish inspection procedures for building and engineering operations;
- (b) forward breaches of”—planning—“regulations referred to him from the National Planning Authority or a”—municipal or regional—“planning authority, to the Chief Enforcement Officer; and
- (c) perform...”—certain—“functions...”—as specified in the Act in—“...sections 62, 66, 67, 68 and 70...”

And—

“(3) The Chief Enforcement Officer shall take action against—

- (a) breaches of building regulations referred to him by the Chief Building Officer; and
- (b) breaches of planning control referred to him by the Director of Planning.”

Madam President, one of the issues that even today has been raised, is the issue of enforcement and the Act strives to ensure that enforcement takes place at a much faster level, at a much faster pace. And consequently, we felt it was imperative that both the chief engineer or Chief Building Officer and the Chief Enforcement Officer had to have specific capability and specific requirements that would ensure that they did their job expeditiously, hence these amendments.

Madam President, clause 7 repeals subsection (4) of section 31, and this provision we felt, is no long necessary because it is already provided for under subsection (3) that development allowed by a Development Order would be subject to such conditions and limitations as may be specified by the Order.

With regard to clause 8, this would amend section 60 of the Act by providing a person with the right to appeal to the Environmental Commission against a tree preservation order.

Madam President, in the Act itself there was no right of appeal against such an order. A tree preservation order, Madam President, is an order against cutting down a tree or removing a tree. It is very similar to what occurs now in the more developed countries, but we felt it was imperative that there should be a right of appeal, and that appeal should be to the Environmental Commission, hence the overlap between this legislation and the Environmental Act.

Clause 9 would amend section 73 of the Act by deleting the definition of “simple development application” because under clause 3 of the Bill we have inserted the new definition.

Madam President, this clause would also amend paragraph (d) in the definition of “professional governing body” in that the governing body on the proposed Urban and Regional Planning Profession Act was not mentioned, that is, the Trinidad and Tobago Council for Urban and Regional Planning and that was an oversight.

Madam President, clause 10 amends section 89 of the Act by providing the Environmental Commission with the power to exercise jurisdiction over appeals of decisions made by any planning authority; that is to say the National Planning Authority or the municipal or regional planning authorities. And the reference to planning authorities was inadvertently left out in the section, and the planning authorities are those authorities which make all decisions except those related to complex matters, and appeals would also therefore arise from those decisions.

Clause 11 amends section 90, and this was generally a clause to tidy up the legislation, as clause 11 would amend section 90 of the Act:

“in subsection 3(c)(i), by inserting after the words ‘planning control’ the words ‘or have been complied with’;”

Madam President, it was clear that there were certain things that needed to be put in place, simple as I said, they may seem simple but they were not minor, because if these simple amendments were not made, the Act could not be effective.

Clause 12 repeals subsections (1)(g) and (h) of section 95, and that relates specifically to the offences. And we were of the view that these provisions are not necessary because failure to comply with the requirements of any compliance

notice, or compliance order, or development repair order, is already extensively addressed under sections 54 and 57 of the Act. Consequently, it just seemed repetitious and unnecessary and we felt we needed to remove those.

Madam President, clause 13 amends the First Schedule and these amendments provide inter alia for the appointment of a Chief Executive Officer of the National Planning Authority, secondment of officers to the service of the National Planning Authority, and extends the period of the exercise of options available to public officers upon the full proclamation of the Act from three months to six months. And I know that Sen. Mark will be very happy about this, as is Sen. Baptiste-Primus, because it is imperative that we give officers enough time to make that decision and to have it done effectively.

So:

“The First Schedule of the Act is amended—

(a) in clause 1—

- (i) in subclause (1)(b)(v), by deleting the words ‘sectoral interests’ and substituting the words ‘sectoral private interests’; and
- (ii) by inserting after subclause (3), the following subclause:

‘(3A) The National Planning Authority shall appoint a Chief Executive Officer who shall—

- (a) be an *ex officio* member; and
- (b) be responsible for the day to day management of the National Planning Authority.’”

So the CEO is an *ex officio* member of the National Planning Authority, and as I said before, deleting the words “three months” and substituting the words “six months” because it is a more practical time frame for the exercise of those options.

Also:

“(ii) by deleting paragraph (b) and substituting the following paragraph:”

—And that is, these officers:

“(b) be employed with the National Planning Authority on terms and conditions no less favourable than those enjoyed by him in the Public Service; or...”

And also, Madam President, we felt that the Public Service Commission indicated to the Ministry that it has no power to transfer persons out of the service and into an independent organization, and the Public Service Commission can merely note the movement from the service into the independent organization therefore, it was necessary to remove the words “with the approval of the Public Service Commission.”

And the amendment goes further by deleting the words “date of the assent of this Act”, and substituting the words “date of commencement of this Act” and that is in keeping with the fact that this Act requires proclamation.

Madam President, after clause 14, we will be inserting the following words and that is “an officer”—that is:

“14A. (1) An officer or employee in the public service, a statutory authority, any domestic or foreign public or private body may, with the consent of the National Planning Authority and the approval of the appropriate service commission or the relevant body, consent to be transferred on secondment to the service of the National Planning Authority.”

—And:

“(2) Where a transfer on secondment is effected, such arrangements as

may be necessary, shall be made to preserve the rights of the officer or employee transferred to any pension, gratuity or other allowance for which he would have been eligible had he not been transferred.”

Madam President, clause 14 is as I indicated from the outset, the consequential amendment to the Environmental Management Act. And this clause provides for the members of the Environmental Commission to be expanded to also have members who have knowledge of, or experience in urban and regional planning.

Madam President, this clause also increased the complement of persons on the commission by one person to facilitate the new inclusion of urban and regional planner as a member.

Madam President, it would have been farcical for us to have the Environmental Commission not have someone with that specific qualification sit on the Commission, because it is clear that there will be matters coming to the commission which had not come to the commission before, and consequently we felt that that specific qualification was necessary to be part of the commission.

Madam President, as I said, essentially those are the clauses that are before this House for debate and approval, and I would like to give the assurance that the objective is upon agreement in this House to ensure that this Bill, that this Act is proclaimed in the shortest possible time.

And, Madam President, as a consequence of that desire, the Ministry of Planning and Development has been working assiduously at ensuring that everything is being put in place to ensure that when the Bill is passed, when these amendments are passed and become law, there will be enough time to ensure that everything is in place and there is no further delay as it relates to the Planning and

Facilitation of Development Act because, as I said, it is an Act that comes into effect by proclamation. And the Ministry has been making every effort to ensure that it can be operationalized immediately upon approval by the Parliament of Trinidad and Tobago.

May I also draw to the attention of this Senate that in the meantime, the Ministry of Planning and Development has started the transformation of the construction permitting system in conjunction with the Ministry of Rural Development and Local Government.

Madam President, this transformation of the construction permitting system is the automation of the application process to an online one-stop shop for planning and building permits. It is also the conversion of historic development application files and map records into a digital form, and the improvement of service delivery at the Town and Country Planning Division.

Madam President, these projects will deliver a modernized reengineered construction permitting system which removes many of the complications and redundancies in the present process, and provides 24/7 access to services and better connects applicants to the permitting agencies.

At the same time, we are making historical records more easily available to staff involved in the day-to-day processes by digitizing existing records. Additionally, these improvements are coupled with initiatives to provide training to staff, to improve the physical work spaces and increase the level of information and policies and procedures available to the public. These improvements will be visible as the automated system will be launched in the first quarter of 2019.

These improvements will also benefit the regional corporations who will now have access to an integrated online system and digital data to enable them to

execute their mandate and ensure that the time limit for producing approvals is cut drastically. Madam President, how much more time do I have?

Madam President: Minister, you have five more minutes.

Hon. C. Robinson-Regis: Thank you very much, Madam President. Madam President, I just wanted to also indicate that there is also progress in the Ministry as it relates to policy development. The hillside development policy has been completed, the planning policy for mobile telecommunications has also been completed, the advertisement policy review has been completed. The Port of Spain land use policy, that is the formation based on codes, the first phase has been completed and there is a draft. The south-west Tobago policy review is in progress. The micro-spatial policy review is an ongoing exercise and that relates to specific areas throughout the country where there is need to change the policy. There is also an update and review of land use policy maps for all regions.

The Aranguez north local area policy review is ongoing, and the spatial planning guidelines, there are 12 spatial planning guidelines which have been approved, and an additional 18 are being developed. And there is also the standardization of outlined planning permission.

In many instances, Madam President, members of the public are of the view that it seems as though they do not have a standardized system for putting in their documents and determining what the development should look like. And so the Town and Country Planning Division has been on a programme of standardizing outline planning permission and making it much easier for the citizens of Trinidad and Tobago.

Madam President, I am of the firm view that there should be no disquiet amongst the members of this honourable House in terms of the amendments which

are before you for consideration and for approval. And, Madam President, I beg to move. [*Desk thumping*]

Question proposed.

Sen. Wade Mark: Thank you very much. [*Desk thumping*] Madam President, I am very happy to contribute to this Bill entitled an Act to amend the Planning and Facilitation of Development Act, 2014, and to also amend the Environmental Management Act.

I listened very carefully to my hon. colleague the Minister of Planning and Development in her presentation, and I want to say from the outset that development, and I want to say, orderly and sustained development requires a coherent and well-thought-out national physical planning framework if a society is to engage in the kind of positive transformation that is required. That national physical planning framework must be legally rooted and statutorily enforced.

And, Madam President, I want to say from the very outset that the only national physical development plan that I know of that is legally enforceable was dated 1984, and is the only one that currently is in existence outside one that was presented by the Chaguaramas Development Authority.

So, we have been engaged as a society, as a nation, in what is called ad hoc development where there are no linkages to the overall physical national development plan for our nation.

And therefore, when this legislation was introduced and passed in 2014, as the hon. Minister said, it followed a journey that began way back in the '80s under the NAR when John Humphrey was part of that arrangement, followed by the United National Congress under the former Prime Minister, when John Humphrey, again, was able to conceptualize a national physical planning framework for our

country.

And then, Madam President, what happened as usual, development planning and conceptual designs aimed at transforming and effecting a modern developmental approach came to a screeching halt in 2010. From 2001—2010, the PNM put a halt to that whole process [*Desk thumping*] claiming, Madam President, that they were concentrating on local government reform. Well, we are still concentrating on local government reform as we speak today.

So, Madam President, I would have liked to ask the hon. Minister in this debate: What kind of consultation went into this amendment to the legislation that we are currently debating? Because I remember that when this Bill which was then an Act No. 10 of 2014, when that came into effect, the Planning and Facilitation of Development Act of 2014, there was widespread consultation, the country was involved in this whole process.

So, I wanted to ask the hon. Minister, in making these amendments to the parent Act, what was the level of consultation that the country engaged in? Or was it just a report coming from a committee, and the Minister, two years after—Madam President, we were told that the report was submitted in September of 2016. We are now in 2019 and we get some spurious limited amendments to our Bill, which if you had effected and operationalized, there would have been a better development process in our country. And, Madam President, the chaos that has visited our country would have been significantly reduced if we had effected that measure in terms of operationalizing this law.

Madam President, I was waiting patiently on the hon. Minister to indicate to this House, what were the specific objections to the Planning and Facilitation of Development Act that the then PNM had problems with? What were the concerns?

What were the areas of the Act that the then Opposition had objection to? I did not hear that, because I read the contributions of the hon. Minister who was then a Senator and I saw no objection as what is being proposed here today.

3.30 p.m.

In fact, Madam President, the then Opposition in the Senate called for a special select committee to deal with this Bill that was introduced by the then Minister of Planning and Sustainable Development, and it went to a select committee, and it was brought back, and the entire report was adopted almost unanimously. Nobody objected. So, I do not know, Madam President, what was this concern? What were these concerns that we have been told and being advanced to us today when at the time, materially speaking, there was no objection. I did not read any. I remember when it went to the other place, Madam President. The now Minister of Finance objected, and he did talk about qualifications. And, you know, Madam President, what happened? The Senate PNM voted for the Bill, but the PNM in the House of Representatives voted against the Bill. So there were two PNM in action in the Parliament at that time. That is what went on.

So, Madam President, I was really interested in hearing from the hon. Minister what special objections they had then, and what was the rationale for those objections? Because I am not really seeing them. And, Madam President, I want to also say that we have to be very careful in making statements without the evidential backing. When you make a statement, as the hon. Minister made today, which is disturbing and dangerous, that the legislation before us today, and legislation that was brought by the then Minister of Planning and Sustainable Development, was designed specifically to suit a particular person, and the

Minister just makes that statement arbitrarily, whimsically, and there is no backing, there is no evidence for what the Minister has said. But she has impugned the character of those persons who are not here, as you would advise me, Madam President, to defend themselves. But we are told this by the hon. Minister “ad hominum”?

Sen. Ramdeen: Ad hominem.

Sen. W. Mark: Ad hominem, yeah, legislation. That is what we were told.

So, Madam President, I wanted to bring these opening points to your attention, because this is our legislation, and all I am hearing from the Minister is that the Government will do everything in its power to implement and operationalize this legislation so it could be properly implemented shortly. But I heard that song already being sung. I know about the procurement legislation that we were told would be operationalized, and it is now almost four years [*Desk thumping*] and we are still waiting for the operationalization of the procurement legislation. So we are now being told here, Madam President, an Act became law on October the 1st, 2014. We are now in 2015, the 15th, I understand, of January, and we are being told by the hon. Minister, support this legislation, it will be operationalized. Madam President, what I am saying at this time, what assurances do we have from this Government that anything will be operationalized? The Government is interested in operationalizing this law? Why did it take the Minister of Planning and Development two years to bring these simple amendments, right, Madam President, to this Parliament?

Madam President, there are some areas that we are concerned about in this legislation, and I would like the Minister to explain to this Parliament—there are some simple amendments. It would not cause any delay or detention. But, I did not

hear or appreciate from the Minister why this amendment, Madam President, was being advanced. I am talking about—in clause 4, we are advised that section 11(2)(b) of the Act is amended. And when you go to the parent Act of section 11(2)(b), you would see the section that is being proposed for amendment, Madam President, and we are talking about some Development Control Committee, and it is comprised of a number of representatives. And one of the representatives, Madam President, comes from the Occupational Safety and Health Authority and Agency, and the other one comes from the Chief Medical Officer in the Ministry with responsibility for health. These are two very important positions on this committee called the Development Control Committee. The Minister without offering—I have not heard and maybe I was outside at the time when the Minister was speaking, so if I am wrong she would guide me, the hon. Minister that is, but I did not get from the hon. Minister a proper rationale for the Government's decision to delete and to remove a representative from the Occupational Safety and Health Authority and Agency from the Development Control Committee, nor did I hear why we must remove the Chief Medical Officer in the Ministry with responsibility for health.

Now, Madam President, we are talking about development, and we are talking about a control, and control, and we are saying that this planning committee, the National Planning Authority, has serious responsibilities. So, why would we want to water down, reduce, the level of representation on this committee by removing these two important agencies or representatives? But, Madam President, what is even more shocking is the proposed replacements. We are asked in this Parliament to remove two important representatives, and we are being asked to replace these representatives by who? In the law, in the amendment

that we have before us, the Trinidad and Tobago Association of Local Government Authorities. We are asked that a representative from that body must now replace the OSHA representative on that Development Control Committee.

We go further. The Ministry with responsibility for physical planning and development of land is also going to have a representative. But I thought the Ministry with responsibility for physical development and planning is the Ministry of Planning and Development?—and the Minister has already a lot of power under this Act. Why would the Minister want more power by putting a representative on that particular body?—the Development Control body. And you know, Madam President, the Development Control body approves plans, both outlined plans and final plans. So the Minister wants—so no explanation offered to satisfy us as to why you are putting a local government person on that body. What is the reason? What added value are we going to get here, Madam President? So, I am asking the hon. Minister to reconsider this position. Is this not a watering down of the legislation, Madam President? Why would you remove OSH, Occupational Safety and Health representative, and a representative from the Ministry of Health, and this time the Chief Medical Officer? And, Madam President, you know that if you are submitting a plan for approval, whether it is for housing, or for commercial purposes, or industrial purposes, or land-use purposes, there are health and safety issues involved in these things. Why do you want to remove the health representative? Why do you want to remove the health and safety representative?

Madam President, I want to ask the hon. Minister to reconsider this position, because to me and to us on this side it does not make sense. You bring a local government representative. What are the skills of that local government representative? In fact, the hon. Minister just sought to convince us that the reason

why the Government is seeking to increase the qualification and make it more specific for the Director of Planning is because it was too vague in the original Act, and the Government wants to make it more specific. In this instance you are appointing, Madam President, a representative of the local government body. What is that, Madam President? The majority of persons who form local government and end up forming this executive committee to run this body would be the party that wins the majority of local government seats. So what does that mean? What does that say? It means to say that the PNM or the UNC, whoever has the majority in the Council, will now have a politician represented on this body. To replace who, Madam President? A professional occupational and health representative, and the Chief Medical Officer. Tell me what a local government councillor knows about health in the context of a Chief Medical Officer? Can a local government councillor equate with a Chief Medical Officer, Madam President? And you taking away. As I said. So, I do not want to—I have made the point.

So, it is an area, Madam President, we would like the Government to consider, because we do not support that. Because I was inclined to think before the announcement was made today that Sandals has pulled out of this country. I was about to say, Madam President, whether this legislation is designed for Sandals. That is what I was about to say, but events have overtaken my submission. So, Madam President, that is an area, as I said, we are concerned about.

Now, the question about qualifications that deals with—Madam President, if you go to clause 5, you will see where the Minister is proposing that the Director of Planning needs an undergraduate degree in the field of Urban and Regional Planning, and a postgraduate, and goes on. Madam President, I do not know if

what is being proposed—in fact, the Minister, a Freudian slip of the lips, indicated that it would make recruitment easier, or it would make it easier to recruit people. So, you are watering down the brandy, Madam President, in order to fit whatever you have out there. That is the impression one gets from what is being advanced. So, Madam President, why would we want to reduce the period in terms of experience from 10 to seven years?

Again, Madam President, I do not support the argument advanced by the hon. Minister as to the rationale for this decision, and it is not only the Director of Planning. It is also, Madam President, the Chief Enforcement Officer, and I also believe it is also the Chief Building Officer. These are the three pillars responsible for the execution of policy, and programmes, and major decisions at the level of the National Planning Authority, Madam President. These are the three positions that have been advanced in this legislation for revision, both in terms of qualifications, and the years of experience being reduced from 10 to seven years. And what is even worse, Madam President, is that when you look at what is being proposed here, the Chief Building Officer, or let us say the Chief Enforcement Officer, has certain functions in the legislation, and we see where the Government is seeking to remove certain functions. So let us go to the legislation, Madam President, and see what the Government is proposing as it relates to the Chief Building Officer as well as the Chief Enforcement Officer.

Madam President, as I see it here, the Government is proposing that we delete from this office, that is the Chief Building Officer, the following functions: I believe that what is being proposed is that we delete under section 15 of the law subsection (2)(c) and (d), Madam President, of the legislation, and we would like to know—these are functions that are currently ordered and supposed to be

executed by this particular office holder, but we are being asked that it should be downgraded. So, in clause 6 we see where:

“Section 15 of the Act is amended by repealing subsections (2) and (3) and substituting the following...”

And, Madam President, whereas in this subsection we have five functions clearly outlined for the Chief Building Officer in the amendment that is being proposed here, that has been reduced from what I am seeing to three. So this Chief Building Officer is now going to be responsible for:

- “(a) ...inspection procedures for building...
- (b) forward breaches of building regulations...”

—and then they said that functions that are already in the Act that the individual is already carrying out is repeated in section (c). But in the meanwhile, Madam President, what goes is the following:

- “(a) ensuring compliance with all building regulations;
- (b) monitoring all building and construction procedures to ensure compliance with approved designs;”

Right, Madam President? And what is also going is

- “(e) submitting...bi-annual and other reports to the National Planning Authority on the performance of his functions in a form specified by the National Planning Authority.”

So, Madam President, we are removing functions from the Chief Building Officer. We purportedly are adding functions that are already in the law, and we are removing functions under the provision that governs the duties of the Chief Building Officer. And again, Madam President, we would like to have clarification from the hon. Minister as to the rationale for this development.

Madam President, we know the importance of land use policies. We know the importance, Madam President, of development within that prospective. But I also would like to emphasize, Madam President, and it was argued by a colleague of mine, that one of the things that we need to pay attention to in the legislation is the whole concept of facilitation, facilitation of development. And the question that is being posed, and some people are asking, is whether the hon. Minister may not want to look at the establishment of a facilitation development unit within the structure that is being proposed. You see, Madam President, he has a lot of controls, but this Act is about facilitation of development, and we need to pay attention to that as well, Madam President. And maybe the hon. Minister would want to look at that in the context of the National Planning Authority.

Madam President, I do not believe that we should be watering down or reducing the experiences that are required to give effect to this legislation, and that is what we are being asked to do this afternoon so that it could be made easier to recruit people for those positions. So, can I ask the Minister whether there are people out there that the Government has already targeted to fill these spots? Are there people with seven years of experience, and they are already being targeted to fit this Bill? And, Madam President, what I could not understand as well, you met PricewaterhouseCoopers doing a project, doing a—they were employed to do an assignment. They were carrying out the assignments, according to the Minister, but because it was a People's Partnership Government, forgetting that the Minister in the Ministry of Finance, before she became a Minister in the Minister of Finance, Madam President—

Madam President: Sen. Mark, just—

Sen. W. Mark: No, I am not casting aspersions—was at work for

PricewaterhouseCoopers? So whether it was the UNC or the PNM, PricewaterhouseCoopers is a professional team, and we employed them to carry out an assignment. Why did the Minister and the Government discontinue the work of PricewaterhouseCoopers at the time? And you know what, Madam President, is more amazing? We are told by the Minister the same PricewaterhouseCoopers was re-employed in 2018. So why you discontinued them, and they now have to re-employ them; to do what? And they are continuing a project. I think that is— Madam President, that is a kind of situation that we should avoid as much as is possible.

So, Madam President, I saw a very interesting piece here, and I would like the hon. Minister to clarify it for me. Madam President, join me on section 9 or clause 9? We are being told that

“(a) in the definition of ‘professional governing body’ in paragraph (d)...”
— we shall insert—

“...after the words ‘urban and regional planners’ the words ‘the Trinidad and Tobago Council for Urban and Regional Planners’”
—and then of course we are—

“(b) ...deleting the definition of ‘simple development and application’.”
—or development application.

I have been in consultation with professionals in this country who are planners, who are involved in urban and regional planning, and I have been advised, Madam President, that there does not exist in the Republic of Trinidad and Tobago something called Council for Urban and Regional Planners.

Hon. Senator: What?!

Sen. W. Mark: I have been advised by professionals, planners, urban planners and

regional planners, what is the—so why are we inserting into legislation a body that does not exist? And do not tell me it was done before. If it was wrong then it is wrong now.

Hon. Robinson-Regis: Why?

Sen. W. Mark: I have been told. Madam President I have been told that this body does not exist. So, why are we being asked by the Government to approve a ghost council? [*Laughter*]

Hon. Robinson-Regis: Why you did it before?

Sen. W. Mark: Well, if you did it before, I “ain’t” doing it. [*Laughter*]

Hon. Robinson-Regis: And why you did it?

Sen. W. Mark: I am not doing it. [*Desk thumping*] I am not doing it. I am not employing, or I am not approving or supporting ghost. I know it has ghost gangs.

Hon. Robinson-Regis: Since when?

Sen. W. Mark: But I am not supporting ghosts.

Hon. Robinson-Regis: Since when?

Sen. W. Mark: Long time. So, Madam President, I know for a fact, and the Minister should be aware, my hon. friend should be aware that on August the 4th, 2014, in the very Senate that the hon. Member was a Member of, and I served for some 20 years in, so I know about the Senate. I come like I make the Senate. [*Laughter and desk thumping*] “I living here.” I know here. So I know about the Senate, Madam President. So, I am saying that on August the 4th, 2014, the Bill was introduced.

Madam President: Sen. Mark, you have five more minutes.

Sen. W. Mark: Thank you very much, Madam President. That is why I tell you I have been here a long time, and that is not even enough.

Madam President, so my hon. colleague would be aware that there was a Bill that was introduced, and there was something prepared called “Bill Essentials” that all of us are familiar with. And I have a copy of Bill Essentials here, and it states:

“The Urban and Regional Planning Profession Bill, 2014 was introduced and read for a first time in the Senate on August 4th, 2014 by Sen. the Hon. Dr. Bhoendradatt Tewarie...”

It was read, but it lapsed after a first reading when it was tabled. Apparently it never went through. For whatever reason, I cannot say.

But you know what is sad, Madam President? What is sad? The Minister of Planning and Development has been in office for three years and six months, or four months, or five months, but going to four years, and, Madam President, the Bill that lapsed in 2014 is yet to reappear in this Parliament. [*Desk thumping*] And what the Minister is attempting to do is a shortcut as we call it. “The Bill eh come, so you know what he say, ah going to introduce the Bill in this amendment”. So that is going to do what? Maybe speed up—

Hon. Robinson-Regis: What you doing in this Senate? You do not understand what is going on?

Sen. W. Mark: I “doh” understand what is going on? I know. I know I understand what is going on.

Madam President: Minister, please!

Sen. W. Mark: No, on it is okay man, I could deal with this lady.

Madam President: Senator! Sen. Mark.

Sen. W. Mark: Sorry, Ma’am.

Madam President: Yes, please! Do not respond to anything. Please continue in your contribution. You have been telling us how long you have being here

[*Laughter*] so you know what you should be doing.

Sen. W. Mark: And that is why I ignore. So, Madam President, I think I am on my last few seconds, and I just want to indicate to my hon. colleague who piloted this Bill, we are going to propose some amendments for your consideration.

We believe, Madam President, that this Bill being our Bill, we want—when I say so, the Act of 2014 is ours, and the Bill that is amending it is coming from there, that Act. But there are certain weaknesses. You see, Madam President, when you do not design something it is very difficult to really follow through, you know. [*Laughter*] The vision is not there. Remember she is following us. The hon. Minister is following the Government of the People’s Partnership. [*Desk thumping*] That is what the hon. Minister is doing. So I know there are some difficulties in conceptualizing and understanding the vision of the United National Congress, and all those forces. So here I am in the Senate to give the support and assistance to the Minister so she can better understand our vision that we had for the legislation. [*Desk thumping*]

So, Madam President, we intend to propose amendments for the Senate’s consideration so that we can have stronger legislation, more relevant legislation, and legislation that will benefit the interest and the general welfare of the citizenry of this country. I thank you very much, Madam President. [*Desk thumping*]

4.00 p.m.

Sen. Deeroop Teemal: Thank you, Madam President, for this opportunity to contribute to this Bill:

“An Act to amend the Planning and Facilitation of Development Act, 2014 and to consequentially amend the Environmental Management Act, Chap. 35:05.”

Madam President, in terms of the proposed clause 3 of this Bill, in the context of the definition for “simple development”, a totally new development, not a totally new definition I think that was said because if we look at section 73 of the existing Act we would see that this definition is being brought forward from section 73 under the definitions here. I agree, probably it is more appropriate in this position in the Act.

What I would like to say is that from the content of the definition of “simple development”, it seems as though the approach is to equate simple with small, because billboards, advertising signs—not more than gross floor area of 500 square metres, less than 20 plots—tend to suggest equating simple with small. But again, in the context of planning and engineering, small could be very complex, in that small developments, to 20 plots or just billboards and advertising signs, could be on poor sub-surface-condition soils, could be in difficult terrain; and like billboards, for instance, in terms of the increasing size now, particularly digital billboards, could be susceptible to very high winds during hurricanes and all of these things.

So small does not necessarily mean that the development is simple. And what this—in the development of—in the definition of “simple” really and truly it is to negate the need for submittal of an application where it is prepared and submitted by a registered professional under this Act. So we may have simple developments that are of such complex engineering and planning challenges, for instance, a billboard on the side of the highway that borders the swamp, as it is common going down the Uriah Butler Highway, that may require pile foundations for instance. So by excluding or by trying to equate simple development with small development we are running the risk by not having a category of simple development due to

technical factors that require the inputs of a registered professional.

And I think it would be safe in this Act if we could address that by saying that the National Planning Authority reserves the right, after considering a simple development, an application for a simple development, the National Planning Authority reserves the right to call for that application to be referred to or to be prepared by a registered professional.

In terms of clause 5 of the proposed amendment, we come to the key positions under the National Planning—this Bill dealing with the National Planning Authority. And really and truly when we read through the Act, the entire Act pivots around the three heads of department that are being addressed in this amendment: the Director of Planning, the Chief Building Officer and the Chief Enforcement Officer. It pivots around these three critical departments. In fact, the Act only seeks to define the responsibilities and personnel surrounding these three departments. And what we are seeing here, what is being proposed by the amendment, is that for the Director of Planning a reduction in the experience needed from 10 years to seven.

Now, of course, there has been an addition with regard to tightening up on the specific qualification required, by saying an undergraduate degree in urban planning and regional planning and a postgraduate qualification in the similar field or a combination of social, environmental or design science undergraduate degree, but, of course, a master's in the urban and regional planning. And the question would arise, would that postgraduate qualification be equivalent to three years' experience to justify the reduction from 10 to seven years? Madam President, in most professions one year postgrad study being equated to three years' experience is very, very, debatable particularly in this discipline.

Madam President, if you would allow me just to refer to my notes here, we are speaking of heads of department for these three key positions. And the heads of department as part of their duties they are required to make decisions with far-reaching consequences on the successful operation of that organization. Heads of department also make authoritative decisions and recommendations that are conclusive and have far-reaching impact on the authority that they belong to. Heads of department need to demonstrate a high degree of mature judgment in planning, organizing and guiding extensive regulations of major consequences to national development.

In this particular case, heads of department lead an entire programme of critical importance, of national critical importance. They also decide the policies, procedures and type of planning and engineering and other related sciences needed for accomplishing the objectives stated in this Act. Heads of department are also required to mediate on critical issues with top-level planners and engineers from other organizations and the private sector, including specialist consultants with far more experience than 10 years. And they are also required to represent the authority at major technical forums, both locally and internationally. Against the context of those—some of the basic requirements for these three heads of department, Madam President—I am asking, if against that, seven years of experience is really adequate for a person filling these positions?

Madam President, the American Society of Civil Engineers, they have graded the profession from grade one to grade eight. And it is interesting to note, if we look at the key requirements for heads of department that would come under directors, department heads, they call for postgraduate qualification and 15 years of experience. Now, let us scale it down, because we may say we are dealing with a

smaller land area, less challenges; even if we are to scale down, by comparison, seven years, really, appears to be a bit on the low side for these heads of department. I know our hon. Minister of Planning and Development did say that the reason for coming down to seven years from 10 years was that Pricewaterhouse in their inception report, or in one of their reports, advised that it would be difficult to get someone with 10 years' experience.

Madam President, the urban planning profession and the engineering profession and also the Act allow for the Chief Enforcement Officer to come from the legal profession. Within the Act, it also allows for the possibility of a legal person taking up that position with the right amount of experience and qualification if, with those professions established for decades, if we really cannot find such persons locally to fill these positions.

Another point is that we have registered bodies here in Trinidad. We have the Board of Engineers, we have Urban Planning Associations, and in terms of looking at the experience, reducing the experience to 10 years, I am wondering what consultations were held with these bodies, with the existing bodies in terms of the responsibilities of these heads of department under this Act—what consultations were held in terms of what those bodies would have recommended in terms of experience? Madam President, is it a case of relaxing our qualifications to allow persons to literally limp into a job?—I ask.

Madam President, I would like to go to clause 13 of the proposed amendments in which the amendment, the proposal to amend the First Schedule of the Act is being proposed here, particularly, subclause (ii) of (a). Where it says:

“(ii) by inserting after subclause (3), the following subclause:

‘(3A) The National Planning Authority shall appoint a Chief

Executive Officer who shall—

- (a) be an *ex officio* member; and
- (b) be responsible for the day to day management of the National Planning Authority.”

Madam President, section 13 of the Act itself deals with appointments of officers, in particular, heads of department and I am just wondering, the question is, why are we seeking the amendment to appoint someone as key as the Chief Executive Officer to appoint them as an amendment under a Schedule in the Bill? And also, to give that person that appointment, that Chief Executive Officer, the position of *ex officio* on the National Planning Authority when none of the heads of department have that particular privilege or necessity.

Madam President, when we speak of day-to-day management of the Authority, really and truly day-to-day management, we would be most familiar within all organizations, really fall within the purview of an operations manager. And a Chief Executive Officer is really charged with the responsibility and given executive duties and powers to really run, literally run the organization and is really just accountable to a board. The heads of department under this Act, if we read the Act and look at the responsibilities of the heads of department, we would see that they are the ones that are responsible for the day-to-day operations of the proposed National Planning Authority. The powers they have been given and the duties assigned to them under the Act strongly suggest that the intention is that the heads of department would really be—that is the Chief Planning Officer, Chief Building Officer and the Chief Enforcement Officer—would really be responsible for the day-to-day operations of the National Planning Authority.

So if we are proposing a Chief Executive Officer who is charged with the

responsibility of the day-to-day management of the Authority, how is that position and how is that person going to function and interact with the heads of the department? And I think it deserves to be given a lot more consideration. Is the Chief Executive Officer, without the responsibilities and the duties being spelt out here within the Act, is the Chief Executive Officer going to assume those responsibilities and duties?—going to be directly responsible when the Act specifically pinpoints the Chief Building Officer and the Chief Enforcement Officer with certain duties and responsibilities to ensure planning approval, planning compliance, construction compliance and building compliance under this Act.

Madam President, it is very brief, this amendment about the Chief Executive Officer and—reports to who? Who would the Chief Executive Officer report to? How much executive powers would be granted to the Chief Executive Officer? And as I mentioned in terms of, how much is it going to conflict with the responsibilities of three key heads of department?

The qualifications of the Chief Executive Officer: There is no mention here but the amendments pay a lot of attention to qualifications and there is no mention here of qualifications, experience or professional registration as per heads of department. In section 14 of this Act, Madam President, it states specifically in section 14 that the National Planning Authority can delegate such functions of the National Planning Authority as it sees fit. That section is specifically written into the Act, where the NPA, National Planning Authority, can delegate as it sees fit any function. And I am asking the question, if that coordinating role of, the necessity of a coordinating role to coordinate the work of the Authority and the various department heads is a necessity in order for the proper functioning of the

proposed Authority rather than to create a new post of Chief Executive Officer under section 14, an appropriate delegation of further functions to either of the three department heads would fulfill the intention of having a Chief Executive Officer.

Madam President, other than those comments, I think in terms of the other amendments that are proposed, some of them as the hon. Ministry of Planning and Development said may seem minor, but I agree with her. I do agree that they do have an impact on the functioning under this Act and I would support those amendments. I thank you, Madam President. [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, thank you very much for the opportunity to join the debate on this Bill, which seeks to amend the Planning and Facilitation of Development Act, 2014 and my colleagues on the other side, Sen. Mark on behalf of his colleagues, have already claimed ownership of that Bill.

Madam President, I listened attentively to Sen. Mark and there are about seven areas that I want to respond to very quickly. Both Sen. Mark and Sen. Teemal have focused on the changes to the minimum level of experience being reduced from 10 to seven in this Bill. And, Madam President, my view is that the threshold is being lowered. It does not make it mandatory that someone with seven years' experience is going to be recruited. In fact, nothing in the Bill even suggests that there is somebody selected for these positions. All it does is that it brings to bear on the legislation the experience that some of us have had in the public service. The fact is that sometimes we fix entry levels into public service positions which make it very difficult to recruit people, because after a certain time, after they have gathered a certain level of experience, they move on to other places.

Many times in the public service, in our experience, you have positions, particularly technical positions, where it is impossible to find people because those persons who have gathered a significant amount of experience, move on. And Sen. Mark knows. I am sure he has had to take Notes so he has been in a Cabinet where Notes have been brought to suppress public service positions, because we cannot attract people who meet the minimum threshold, because the threshold is set so high.

So all that does, and it also recognizes, Madam President, that when as a country we took steps to encourage persons who had been in the public service for long periods but had not graduated from a university, somewhere in the mid-2000 there was an aggressive, through GATE and otherwise, there were aggressive steps to get public servants into the University of the West Indies, upskilled and graduated. So you may find in the public service, very experienced public servants whose period of postgraduate work is very short but they are experienced. And some of them may be able to take up these positions if we lower the entry level. [*Crosstalk*] This does not water down the brandy, Sen. Mark, I am not an expert in brandy. But what it does, it changes the entry level, the minimum threshold and we ought to leave for the recruiters, the decisions based on what is acceptable in terms of a candidate, and I assure you that the Government has no horse in the race. We just want to fix the legislation.

The second point I want to make in relation to Sen. Mark's contribution, he focused on clause 6 and accuses us of removing some of the functions of the Chief Building Officer. Madam President, we have done no such thing. The amendment that is proposed, the Government is proposing that where subsections (2) and (3), if you go to the Act, which my friends have claimed, "parentcy", if you go to section

15, you would see at subsection (2) and (3), there is an attempt to be very prescriptive in terms of the functions of the Chief Building Officer. And as Sen. Teemal has correctly pointed out, the Chief Building Officer has significant responsibility under the Act. And all we have done is that we have included, by removing subsections (2) and (3), we are proposing a replacement of subsection (2) by a new subsection (2), and if you look at the proposed subsection (2)(c), you would see a specific reference to sections 62, 66, 67, 68 and 70 of the parent Act. And I do not want to painfully go through because, Madam President, a few seconds in and you would stop me.

But if you go to the parent Act, and the parents are sitting there, if you go to section 62, you would see. Section 62 deals with the responsibility of the Chief Building Officer to approve certain plans of the parent Act. Yes, section 62 and at subsection (2), 62(1), you would see that the Chief Building Inspector has a responsibility to approve the procedure for issuing and the method for authenticating any permit, notice or other instrument. You would see that the exercise of the functions of the Inspector is subject to review by the Chief Building Officer. If you go to section 66 of the parent Act, your Act, you would see at 66(4):

“...the Chief...Inspector may order that...any part of the construction or demolition”—and so on.

If you go to 67 of the parent Act, you would see at 67(1):

“...the Chief Building Officer may issue an order prohibiting the covering or enclosing of any part”—and so on.

You would see at 67(2), duties under the Act being assigned to the Chief Building Officer.

If you go to 68 and 70—the point I am making, Madam President, is that by

reference to these sections and my colleague, the Minister of Planning and Development has said, that there is no value in duplicating. And what we have done is that we have set out in the new 15(2) some specific responsibilities which are set out at the new 15(2) and 15(2)(b) and we have referenced the other responsibilities which are contained in sections 62, 66, 67, 68 and 70 of the parent Act. And I know you are happy for that clarification, you are happy that the brandy remains strong and you are happy to support the amendment which you misunderstood up until a few minutes ago. Thank you very much.

Madam President: Hon. Senators, at this stage we will suspend the sitting and we will return at 5.00 pm.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam President: Hon. Senators, before I call on the Minister to resume his contribution, I would direct all Senators to Standing Order 9(3). Minister?

Sen. The Hon. C. Rambharat: Thank you, Madam President. Madam President, before we took the break I addressed two areas covered by Sen. Mark and Sen. Teemal. In the case of Sen, Mark, the issue of clause 6 and his interpretation of it as a reduction in the duties of the CBO, and I have answered that, and in the case of Senators Mark and Teemal, the issue of the change in the threshold from 10 years to seven years.

Madam President, Sen. Mark also raised the issue of operationalization and blamed the Government for failing to operationalize the 2014 legislation since September 2015 when we took office. And, Madam President, it is a valid point in relation to operationalization because a lot of times we find that legislation is passed, assented, proclaimed and not fully implemented.

And just to go back to a history of that Planning and Facilitation of Development Act, the Act, of course, was—the second reading was on the 14th of January, 2014, a little more than four years ago—a day more than four years ago—and the Act was assented to on the 1st of October, 2014, and the partial proclamation of the Act took place on the 3rd of August, 2015, 10 months later.

Now, Sen. Mark referred to the extensive consultations and so on that went into the development of that Act. Now I could stand here and say that you conducted all these consultations; you brought your legislation; you got it passed; you waited 10 months; you did not do anything, and then when you did something 10 months after in August 2015, you only proclaimed sections of the Act. But I understand the challenges. As a legislator and as a Minister, I understand the challenges of operationalization, and even after the legislation is passed there are so many things still to have done, and I do not think, if I have to account for our time, I would say that there are two reasons why we have taken the time before bringing this Bill. The first is, most importantly, to make sure that this Bill—and I do not want to anticipate. We campaigned on a platform of local government reform. Consultations were conducted across the country engaging both local government practitioners and the members of the public on the issue of reform, and some of what is in the Act, and some of what is in this Bill also fits into local government reform. And the Government spent a significant amount of time trying to strike the right balance between the working of the Planning and Facilitation of Development Act as we propose to amend it, and the working of the local government reform which was being developed along the way.

So that, in part, accounts for the time. And then my colleague, the Minister of Planning and Development, in piloting, has made the point that she, as Minister,

and we, as a Government, were addressing some of the administrative and staffing and other issues that arise in dealing with the Act and this Bill to ensure that once, with the support of our colleagues, we pass this amendment, we are able to fully proclaim the remaining sections of the Act, even those which are amended by this legislation.

The fourth area Sen. Mark raised, Madam President, is the issue of, by example, raising the procurement legislation. And, again, I do not want to labour the point, but I want to say that Sen. Mark is not being accurate or fair. The fact is that once that legislation was passed, it was not implemented, and one of the early things we did as a Parliament, we made certain changes to the procurement legislation, in particular the issue of—we addressed the issue of the Procurement Regulator, the term of office and some other issues of the Procurement Regulator. Once that amendment was made, then it fell elsewhere for the work to be done on the operationalization of the legislation, in particular the President of the Republic having to do two things, which is, one, to recruit a Procurement Regulator, and two, to appoint a board. And that was entirely out of the Government's hand and those two things have been done. And it is the Procurement Regulator who is charged with the responsibility of operationalization of the procurement legislation.

And, in fact, I do not think I will run afoul of any Standing Order if I refer to a public hearing conducted by the Finance and Legal Committee of the Parliament where the Procurement Regulator, and members of the board who were present, set out a potential time frame for being ready for the full proclamation of the legislation. And in that appearance before the Committee, the office of the Procurement Regulator set out, in writing, and articulated before the Committee

what has been done so far, in particular the work of training and the recruitment and the confirmation of the budget and all those things that go with operationalization, and then a series of activities that should take place in 2019. And when asked about readiness for full proclamation of the legislation, they gave an outside date of September 2019. So I do not think, Madam President, it is fair to blame the Government for what has happened with the procurement legislation. In fact, such important legislation and legislation that carries significant implications, it is in the hands of the regulator and the board to implement and to operationalize the legislation.

And, Madam President, I do not want to go too much into this clause 9 and the argument of the T&T Council for Urban and Regional Planners and the inclusion of that. I would say, Madam President, it struck me as strange—and I think that has been ventilated in the other place—it struck me as strange that the 2014 Bill which was laid in the Senate and debated—it struck me as strange that the Bill included reference to legislation that did not exist at the time. And when this Government, in dealing with it we have left it as it is. In the other place there was very robust discussion on that decision, and the Minister of Planning has dealt with that, and I suppose if it comes up again she would deal with it in her closing, but I do not want to belabour the point.

Sen. Teemal raised two issues, one relating to the “simple development”. And I would say that the “simple development” definition is moved from one part of the existing legislation into section 3 under the definition section. In the current legislation, the parent Act, we describe it, it is described—it is defined as “a simple development application”. And now it is moved from that part, and I will point out the specific area shortly. It is moved into the definition section under section 3.

And in answer to Sen. Teemal—and my colleague will detail it a little more—the National Planning Authority does, in fact, have the overarching power to require any application to be modified or to be developed in a different way, having regard to the review and the finding in terms of the complexity of the development. So I think my colleague will deal with it, but it does not—an application under the definition of “simple development” does not exclude the National Planning Authority from treating it as something that is more complex.

And in relation to the issue of the CEO, I really did not—I would say your point is valid about the inclusion of the position of CEO in the First Schedule, but that is the decision, or the structure of the parent Act is to deal with the composition and responsibilities of the National Planning Authority in the First Schedule, and in the current structure, it is the best place to put the position of CEO. That is the first thing, and that is a matter of structure. But more importantly, I would say this. The reason why the qualifications and the responsibilities of the Chief Building Officer and the Chief Enforcement Officer are spelled out in more detail in the Act is because the Act specifically, as I outlined with the Chief Building Officer earlier, the Act specifically imposes statutory responsibilities on those offices, recognizing the technical nature of what they do, and also the consequences in terms of compliance and non-compliance—the consequences of what they do. And the proposed amendment specifies that the Chief Executive Officer has day-to-day management—responsibility for day-to-day management of the National Planning Authority, which really does not require statutory responsibilities as the other offices require. And I do not think it is unusual for legislation which creates statutory positions and confers powers, and including powers where you have criminal consequences, to set out in detail what those

powers are.

Madam President, as my colleague said in piloting the Bill, the Bill addresses 12 areas of the parent Act, and I should point out that on August 03, 2015, when the parent Act, the Planning and Facilitation of Government Act was partially proclaimed, this Bill addresses some sections of that Act which are already proclaimed and some sections of that Act that are not proclaimed, and I will point those out. In relation to clause 2, I have already said that clause 2 includes in the definition section, the definition of “simple development”, and if you look at—as I said before, if you look at section 73 of the Planning and Facilitation of Development Act you would see at section 73 a definition of “simple development application”. In that Act there is a definition of “simple development application” which means an application for billboards or advertising signs or outline of final planning. So that provision already exists—that definition exists. And clause 3 of this Bill proposes that that exact definition be moved from section 73 of the parent Act into the definition section of the parent Act, and I do not see anything of significance in that.

The second effect of this Bill is in relation to section 11, and Sen. Mark has made a lot of weather out of this. And I was quite surprised and I am surprised that Sen. Ameen was not surprised, that Sen. Mark did not see the significance of local government being represented on a National Planning Authority.

Sen. Ameen: That is not what he said.

Sen. The Hon. C. Rambharat: Yes, he said.

Sen. Ameen: I would explain it for you after.

Sen. The Hon. C. Rambharat: Right. Thanks. [*Laughter*] He made it very clear. In fact, he asked the question: “What are the skills of a local government rep?”

That is the question he asked. In other words, he was saying, this is not the place for a local government rep. And it is not a local government rep we are asking for inclusion here. It is specific that we are saying the amendment will provide for representatives of the Trinidad and Tobago Association of Local Government Authorities. So we are going to this body to ask for a representative, recognizing, Sen. Ameen, that one of the challenges—and I am happy, Sen. Teemal, you opened with the bird sanctuary area, and I intended to raise that as an example, because I was there on Sunday and, you know, raised my blood pressure yet again.

But the significance of the changes that are being made in relation to planning and development in the country ties into local government in a significant way, and I will use the example of the Caroni Bird Sanctuary. When you look at that area, you see all the challenges with planning in this country. One, the proliferation of billboards in an area that is an environmentally—it is not declared environmentally sensitive, but it is an important area from an environmental point of view. It is only a matter of time before somebody tries to plant a billboard in the swamp. So you have that. You have all these shacks and all these structures, and so on. When you enter the Caroni Bird Sanctuary you have private land on one side; you have state land; you have a mix and it is very difficult to manage an area where you do not have total control over the development. We have seen on that strip further south of the bird sanctuary—we have seen the back-filling that is into the mangrove that is most likely being done without any type of planning permission, without oversight, and so on. So that area represents what we are trying to address in the parent Act, and through the amendments, and the challenges.

When you go Toco, for example, you see residential structures on the beach.

When you go to Carenage; when you go to Cocorite, you see all sorts of structures on the beach, and the beaches are the responsibility, by and large—there are some coastal areas which fall under the Ministry of Tourism, but the beach is the responsibility, on the one hand, of the Commissioner of State Lands and on the other hand, in terms of day-to-day management, in the local authorities. And if ever there was a case for a strong involvement of local government in national planning, that is the case. In fact, in my experience so far, particularly as a Minister, I believe that ultimately the more authority that is given to local government, the more effective we would be in enforcement and administration.

[Desk thumping]

The issue of the Chief Medical Officer, now, I would say, honestly, I have met the Chief Medical Officer and I have said to the Chief Medical Officer: “When do you get time to do your work?” If you go through the development of the law, you have a significant amount of legislation that requires the Chief Medical Officer, and, again, from both practical experience and from a stylistic point of view, the title “Chief Medical Officer” is read as the CMO, the person, and it is not something that is delegated, unless you have the power to appoint alternates, and so on.

So what the Government is saying in this amendment is that, one, it gives the Ministry of Planning a greater opportunity to contribute and support the work of the National Planning Authority by being able to have a representative, but it does not exclude the Chief Medical Officer who can be invited, who can be part of the discussions and the deliberations and support the work of the National Planning Authority, recognizing that in local government development in particular, the role of health is an important role in all those permits, in the approval of plans, and so

on. The medical authority in the municipal corporation is a significant authority, having to sign off on a lot of those development plans, and it does not exclude the involvement of the Ministry of Health or the CMO, but it allows for a strengthening of the planning authority with the inclusion of a representative from the Ministry of Planning. And I do not think there is anything there to be worried about.

Clause 6, Madam President, I have already addressed that by making the point that it does not—the proposed amendments do not diminish the responsibility of the Chief Building Officer, but by reference makes it clear that the two new provisions, 15(2)(a) and 15(2)(b) are in addition to what already exists. In relation to the new 15(3)—and I do not think Sen. Mark addressed that—it actually—if you look at the parent legislation, you would see that the reference in the parent legislation—the reference in 15(3) to a specific power of the Chief Enforcement Officer, 15(3) says:

“The Chief Enforcement Officer shall enforce the building regulations and shall take action on matters referred to him by the Chief Building Officer under subsection (2)(d).”

So that is a limiting provision, and what we have done is that we have removed the reference to subsection (2)(d) and given two broad—broad in some way but specific in some way too—broad powers, which are in (3)(a). The new (3)(a) that:

“The Chief Enforcement Officer shall take action against—
(a) breaches of building regulations”

—which I consider to be broad, but narrowed by what follows:

“referred to him by the Chief Building Officer”

—and likewise in the proposed (3)(b):

“Breaches of planning control

”—which is broad in the context of the legislation but narrowed by the words—

“referred to him by the Director of Planning.”

Clause 7, Madam President, what clause 7 does is to, by simply removing the word “or” and a “fullstop”, by making a change which removes the existing clause 31(4)(c), which states that a “development order” made by the Minister under section 31 may:

“(c) impose any condition or requirement provided for in section 37.”

And, again, my colleague has pointed out, in piloting, that it was deemed that that reference was not necessary and that particular 31(4)(c) is removed so we remain with 31(4)(a) and (b).

Madam President, clause 8—again, clause 8 specifies that an appeal—this deals with the power—section 60 in the parent Act, if you look at the parent Act, section 60 of the parent Act deals with the power of the National Planning Authority to make an interim tree preservation order. Now I am not—I am sure everybody here is familiar with trees, but I will tell you a story. Some years ago, maybe 15 years ago, Madam President, I was in a French-speaking European country, but still my eye was drawn to the television. And I was in the room for more than five or six hours and it seemed as though the setting had not changed. It was the same group of people and some talking in French and very aggressive discussions at some point. And I asked a French-speaking person who was also there, you know, “What is happening there?” The person explained to me there is a development project involving the removal of a tree, and the debate was over the

removal of that tree, and I could not imagine that the removal—in fact, we had just cleared land in Trinidad for Union Estate, sending wildlife and monkeys scattering all over the place. And I was saying to myself, this is a very significant thing.

Having gone to North America I also observed as there were developments, you would come across a place where the trees are wrapped in an orange plastic. And I asked: “What is happening here?” And the developers, in many states, had to do two things. One is, if the tree had to be removed they had to pay a significant sum, in many some cases US \$10,000 for the removal of the tree, one, and secondly they had to commit to replanting a designated section of green field that required reforestation.

And this section 60 appears innocuous and the concept of tree preservation, but, Madam President, I do not know if you have heard me talk about the Savannah last year in celebration of 200 years of the Royal Botanic Gardens. We planted 200 trees around the Savannah and we have about four left, because everybody who wants to play cricket, root out some; football and everything. And the point I always make, when we get around in a few months to April and everybody is excited about the Poui and the yellow around the Savannah—well, I am sure my friends are extremely excited. [*Laughter*] The issue of—

Madam President: Minister, you have five more minutes.

Sen. The Hon. C. Rambharat: Yes—the issue of making an investment, what we enjoy now is an investment somebody made 60 to 100 years ago and we have to continue to make. And what this amendment does is in relation to the power of the National Planning Authority to make an interim order for the preservation of a tree. It specifies that the right of appeal from that order is to the Environmental Commission.

Clause 9 deals with the references to the Trinidad and Tobago Council for Urban and Regional Planners and my colleague will—I have dealt with it and my colleague will expand on it.

Madam President, clause 10 of the Bill deals with section 89(1) of the parent Act, and 89(1), when you read the parent Act, makes provision for the Environmental Commission to exercise jurisdiction from appeals by the National Planning Authority.

5.30 p.m.

And, Madam President, what this amendment does, it expands the power, the appeal power to include decisions made by a planning authority. So basically what this amendment does, the appeal power is not restricted to decisions made by the National Planning Authority, but it now includes decisions made by “planning authority”, which is defined as the THA, the municipal corporations, or special planning authority, or joint planning authorities appointed under section 16 of the parent Act.

Eleven. Eleven simply introduces the words “or have been complied with”, and what that allows is that a grounds of appeal of a decision of the National Planning Authority and an additional ground of appeal is where the prescribed requirements have been complied with. So it makes the decision unnecessary, if I would say that.

Clause 12 amends the section dealing with offences and penalties by the removal of two of the offences, the one prescribed at 95(1)(g) and (h) and, of course, my colleagues—I have already addressed the main issue in the change to the First Schedule which is to define the creation of the office of the CEO and give the general authority of the CEO for the day-to-day management of the National

Planning Authority.

And finally, Madam President, clause 14, very importantly as my colleague has said, increases the number for the Environmental Commission by one, especially for doing two things, increasing it by one, and specifying that that additional member should have qualification in urban and regional planning, and I thank you very much, Madam President. [*Desk thumping*]

Sen. Saddam Hosein: Thank you very much, Madam President, for allowing me this opportunity to join in today's debate on a very important piece of legislation which is "an Act to amend the Planning and Facilitation of Development Act, 2014, and to consequentially amend the Environmental Management Act, Chap. 35:05".

Madam President, this is a very important piece of legislation, as it was a People's Partnership Government who would have introduced this into the laws of Trinidad and Tobago. They would have drafted the legislation, debated, passed and placed it on the law books of Trinidad and Tobago, and I think the last administration needs to be commended for reforming the planning and development strategy in Trinidad and Tobago. [*Desk thumping*]

Madam President, it was under the astute leadership of Kamla Persad-Bissessar, the Member for Siparia, through her competence, through her capability—[*Crosstalk*—she was able to understand the basic needs of citizens and the challenges in which persons and developers face in getting timely approvals for plans and development in our country. It was a caring government whose plan to do that. Now, I am hearing a lot of crosstalk from the other side because they always get offended when we say that they are an uncaring Government.

Planning and Facilitation of Development
(AMDT.), Bill, 2018
Sen. Hosein (cont'd)

2019.01.15

Sen. Mark: And incompetent.

Sen. S. Hosein: Incompetent, uncaring Government. [*Desk thumping*] But, Madam President, every person in Trinidad and Tobago—[*Interruption*]

Sen. Mark: Would soon be history.

Madam President: Sen. Mark.

Sen. Mark: Sorry, Ma'am.

Sen. S. Hosein: Every person will agree with me when I say that the current structure of the town and country, the model is very outdated and inefficient and, therefore, this was the reason why this Act, the Planning and Facilitation of Development Act, was made law in this country. But when we left the Government in 2014—when the Act was assented to on the 1st of October, 2014—the Act was assented to in July of 2014. Sorry, it was partially proclaimed in July of 2015—we had five years in Government. We had five years to consult, we had five years to draft, to debate, to assent and to partially proclaim and we did it, Madam President. This PNM Government is in their fifth month of their fourth year of Government, and they bring a Bill to this House with a mere 14 clauses—one, two, probably being inconsequential—to now say this is the reason why they have not proclaimed the legislation.

Madam President, this is inexcusable because of the hardship that citizens face in this country [*Desk thumping*] to get timely approvals. There is no excuse for that. But I understand that this Government, they do not have the capability and they lack the competence. That is why they have to build on the work that we have left for them because that is what this Bill does. It is good law and we agree that as time changes, amendments will have to be made, and on this side we will consider the amendments being brought by this present administration in order to strengthen

and tighten the legislation as we go forward, but I would just like to rebut a few points that Sen. Rambharat would have made during his contribution. He said that when we look at the Chief Building Officer, when we look at the Chief Enforcement Office, the time period or the experience was reduced from 10 years to seven years, and he said that it does not make it mandatory that a person with seven years' experience will get the job.

But, Madam President, if you reduce it to seven years, it means that a person with seven years' experience can in fact get the job. What assessment was done? Who informed the Minister or who informed this Cabinet that it should be reduced from 10 to seven? On what basis was this done? I understand that several reports were considered by the Minister at the Cabinet in terms of bringing this Bill to the Parliament. Now, why do you not make those reports available to all of us in the Senate, [*Desk thumping*] full and frank disclosure so that they can understand—

Hon. Robinson- Regis: You do not know that Cabinet is confidential?

Sen. S. Hosein:—why you are making these amendments. Now, the Minister said that, yes, Cabinet is secret, it is confidential, but everything this Government does is secret and confidential. That is why today, Madam President, Sandals “pick up their jahaji bundle and gone”. That is why. [*Desk thumping and laughter*] Everything is secret for this Government. It is a Government by secrecy.

Then the Minister of Agriculture, Land and Fisheries spoke of local government reform that this Bill is necessary for when the local government reform is coming. Well, quite frankly I read the Bill and it has nothing to do basically with local government reform. They just substituted one person from TTALGA into the Development Control Committee. That is all. This Bill is no foundation for any local government reform. This Bill before us today, it is not.

Then the Minister of Agriculture, Land and Fisheries made some excuses of why the Act was not proclaimed, why it was not fully implemented, and he went on to make a distinction with the Procurement Regulator. I understand he had the opportunity to say, “Well, the Procurement Regulator is appointed by the President of the Republic.”

I understand that, but when you look at the offices in this current Act and in this current Bill which we are amending, the Chief Enforcement Officer, the Chief Building Officer, these appointments are made by the National Planning Authority who is appointed by who? The Cabinet. So it is at the feet of the Cabinet, the responsibility for the enforcement, proclamation and full implementation of this legislation lies. So do not make any excuses and compare this Bill to that of the procurement Act because it is two different things. It is chalk and cheese you are comparing here, Madam President. Two different things.

Now, I want to go—I promise I would not be too long because I understand that a lot has been said in this debate, but I want to go and delve into clause 4 of this Bill, and clause 4 of the Bill deals with the composition of the Development Control Committee that I spoke earlier of and it changes the composition somewhat. When you look at section 11 of the parent Act, which establishes what we know as a Standing Committee of the National Planning Authority, the Development Control Committee, I just want to go through some of the duties of this Development Control Committee. The first is it is in charge of coordinating and expediting the development approval process and grant final approval and render binding advice on behalf of the National Planning Authority and the agencies and officers. It also has the duty to advice and make recommendations on the National Spatial Development Strategy, land policy and development code.

Now, these are very important duties being vested into this Development Control Committee. So we would understand the importance of this committee. As such, we should populate this committee with persons who are capable of exercising the powers that are being vested in it. So when we look at the committee, you have a rep from WASA, EMA, Chief Building Officer, Highways Division, Drainage Division, Chief Fire Officer, OSHA, Chief Medical Officer, T&TEC, and any other agency would be designated by the Minister. But they are removing in this particular section the rep from OSHA and the Chief Medical Officer. Now, I want to go into the OSHA rep, Madam President, and when you look at the OSHA rep in this situation, I am of the belief that it is very pertinent to have inputs from a representative of OSHA with regard to the approval of property where that property is going to be used for a commercial purpose. And I looked at Part XI of the OSHA Act, and there is someone called the Chief Inspector, and at section 59 of that Act it says—59(1), if you would allow me to quote from the Act:

That—“No person shall undertake, without the prior”—construction and—
“approval of the Chief Inspector—

- (a) the construction of any new factory or warehouse;
- (b) the reconstruction of any existing factory or warehouse or the extensive installation of any new plant or machinery therein; or
- (c) the alteration, modification or changes in the existing plant or machinery which is likely to change significantly the working environment in a factory or warehouse.”

Now, the rep from OSHA, under the OSHA Act, will be able to have all of this technical knowledge with respect to properties being used for a commercial purpose. So I do not think it wise that this Government is now coming to remove

the rep from OSHA. I cannot understand what is the rationale for doing so. Because under the OSHA Act, there are very important duties being placed on the Chief Inspector with regard to the approval of factories and warehouses, and also for the public interest in terms of the occupational safety and health of the workers who are employed in these establishments.

Now, they also removed the Chief Medical Officer on the basis because the Chief Medical Officer is too busy, he has too much work. But, Madam President, the Chief Medical Officer will determine the public health issues in terms of sewerage, in terms of drainage around the homes, why remove this person? Why not give them the resources? Why not give them the power to delegate their functions, their duties, their responsibilities and keep the Chief Medical Officer there? Amend the section and put “the Chief Medical Officer or any person designated by him, or delegated by him”. [*Desk thumping*] Do not just sit here and say, “Well, he takes too long”. No you cannot do that, Madam President, because at the end of the day these are very important inputs that this Chief Medical Officer will be placing into the planning stage.

My colleague Sen. Ameen, who has been a local government practitioner for quite some time will go into the issue with TTALGA, the Trinidad and Tobago Association of the Local Government Authorities, but Madam President, I want to also recommend to the Minister that when I looked at the persons who populate the Development Control Committee, there is one office that is not present there and that is the Office of the Director of Surveys. The Director of Surveys has a very important duty under the Land Surveyors Act, and without approval of the Director of Surveys no plans or surveys in this country can actually be used unless you have his approval by law, and when you submit any application to Town and Country,

or through this new National Planning Authority you will have to have approved plans. I wonder if the Minister will consider having someone from the Director of Surveys Office also populate this committee, and that is for the consideration of the Minister. So those are the issues I would like to raise with respect to the Development Control Committee which is amended by clause 4 of this present Bill.

Madam President, when I look at the other amendments by this Bill—and again I go back to the point by saying that it cannot take this Government so long to bring these amendments to this Senate, this honourable Parliament, because clause 3, there is a definition of the “simple development” which was moved from section 73 into section 3. Now, I cannot understand the rationale for this because simple development only appears in one place of the Act, which is in section 73. So it has no weight, it is inconsequential, it is a petty amendment.

Clause 7, you add the word “or” and some punctuation. Clause 8, you reiterate a right of appeal that already exists, again another petty amendment. Clause 11, change up some words with some synonyms. In clause 11, you would see that it was proposed that you change the words “altered or revoked” and substitute the words “varied or set aside”. Inconsequential again, Madam President. So these amendments are unjustifiable for why the Government took so long in bringing this to this Parliament. They are not ground breaking. It is not rocket science. This could have been done a long time ago.

With respect to the issue where Sen. Mark raised that the urban development planners and regional planners do not exist anywhere in law, Sen. Mark is quite right and I would like to say that the Bill was attempted twice already in this Parliament. The Bill is called the Urban and Regional Planning Profession Bill,

2013, and 2014. The first one was introduced on the 23rd of September, 2013, the second was on the 4th of August, 2014, and this Bill is what would have established the Urban and Regional Planners Profession Council. When you look at the timing of when these Bills were brought, it was right before the partial proclamation of the Planning and Facilitation Act which was in 2015. This Bill was brought in 2014. So there was some—when you look at the dates it showed that the Bill should have been passed in time for the full proclamation of this current parent Act, which is the planning Bill, and I am surprised that the Minister did not bring this Bill at the same time. Because if you are going towards full proclamation and implementation, well at least ground these councils or ground these positions in law before you continue forward.

So I ask the Minister if she can answer me during the wind-up, Minister when can we expect—is it on the legislative agenda?—the Urban and Regional Planning Profession Bill? Now, it is a good Bill because we drafted it. So it will not be very difficult for you to pilot and we can pass it. I could assure you of that, Minister.

Let us just now review the section that the Minister of Agriculture, Land and Fisheries also raised with respect to the tree preservation section where he said the appeal would lie. Sen. Ramdeen would go more in depth in terms of the process of the appeal and the right of an appeal. But Sen. Rambharat did say that while he was in this country he understood that they were fighting so aggressively with regard to saving one tree, but, Madam President, we have a Government right now who does not seem to care about the environment because on one hand you come and you say that you want to preserve the environment, but your actions say something else. Because right in Curepe you want to build HDC houses over the

St. Augustine nurseries; in Tobago you wanted to destroy the mangrove to put the Sandals resort; when you go down Sangre Grande you are clearing forested areas to put a highway. And this Government is blowing hot and cold at the same time. Make up your mind. It seems as though that this Government is not interested in protecting the environment.

We had to fight tooth and nail in this House for an answer with respect to the signing of the Paris Agreement that deals with climate change, and this is the way in which this Government continues to operate in this country. It is a Government that you cannot trust at all. One that we cannot, cannot trust because they tell us one thing and they do another. So as soon as this Bill is passed—because you do not need our support in this Bill; it is a simple majority Bill—I want to ask you—well, the Bill is going to be passed tonight if we finish the debate tonight, but when are you going to proclaim the Act? What is the deadline, what are the timelines, what is the time-tabling for the implementation and the proclamation of this Act? Do not say that this is going to just be passed because you want to go on a political platform and say “we do this and we do that”.

Minister of Planning and Development, through you, Madam President, respectively, the performance of that Ministry in this entire Government’s term, five months into their fourth year, you bring two Bills to this Parliament, this Bill which is an amendment to an already existing Act, and then in another place you have another Bill, the Statistics Bill. I cannot understand that you are preaching Vision 2020, you are preaching development, but yet again—

Madam President: Sen. Hosein, at this point I have to now caution you. I have allowed you ample time to make your points, but you are now starting to veer off course, and I would ask you, please, to remain relevant to the issue at hand.

Sen. S. Hosein: Madam President, I am just winding up my contribution now in terms of these issue that I would like to be clarified.

So, let us not just pass the legislation to say that you have done something. Minister, there are people suffering out there. We do not want situations like what happened in Greenvale again through improper planning. So therefore, I ask and I plead with this Government, let us bring some sort of relief to the people of Trinidad and Tobago, and I thank you for the opportunity, Madam President. [*Desk thumping*]

Sen. Dr. Maria Dillon-Remy: Thank you, Madam President. I am pleased that the issue of planning of our spaces is being addressed in Trinidad and Tobago since year after year we face the consequences of poor planning and/or poor execution of what current plans that exist. Some of these development breaches we see and hear about every day and some of them have been spoken about already, like the use of agricultural land for development of housing, what has happened in Greenvale, unscrupulous developers cutting down hillsides, et cetera, consequential flooding, and the list can go on. My expectation is that once this Bill is passed and assented to, all necessary human and other resources would be put in place to make this Authority function so that what we currently experience in Trinidad and Tobago would be significantly diminished. That is my hope.

We have talked about what has gone on before in terms of the genesis of the Bill, the Act of 2014, and what is happening now in terms of the amendment, and I would just like to focus on an area specifically related to Tobago—the relationship between the planning authority and the Tobago House of Assembly. According to the Tobago House of Assembly Act, 40 of 1996, planning function falls under the Tobago House of Assembly and when this Bill was being debated in 2014, on July

the 28th, there was much discussion on the relationship between the THA and the planning authority. The THA, the planning authority and the Minister with responsibility for planning as described in the *Hansard*, page 34 of June 24th that refers. That Bill of 2014, the Planning and Facilitation of Development Bill of 2014, in section 16, it talks about:

“The Minister”—the Minister of Planning—“may, by written instruction after consultation with the National Planning Authority, and subject to conditions, directions, reservations and restrictions as the Minister considers proper, appoint a special planning authority for the purpose of—

- (a) preparing a development plan, other than a development plan for the whole of Trinidad and Tobago or for the island of Tobago; or
- (b) determining applications for permission to develop land, except in relation to the island of Tobago; or
- (c) discharging other development control functions under Part V, except in relation to the island of Tobago.”

And the concern here is what happens to planning in Tobago right now. Currently, what happens to planning in Tobago for these developments is that even though Tobago House of Assembly is responsible for planning, plans go to the Town and Country Planning, Tobago Division or Tobago section of the Town and Country Planning, and then to the Division of Health, and then to the planning section of the Tobago House of Assembly. The Town and Country Planning still has a significant role in planning in Tobago.

When this Act is assented to, what happens to the function for planning in Tobago? Is the Tobago House of Assembly going to take over that role that right now is performed by the Town and Country Planning? Do they have the staff? Will

they have the necessary people in place when this Act is proclaimed? In your presentation Minister, you talked about simple development and you said that for simple development the planning authority deals with those—let me actually read it. It says that the section 3—“the simple development means development for which an application is made for billboards”, et cetera. What you said was that these simple developments would come to the planning authority and that is delegated to the regional corporations and the Tobago House of Assembly. The question I would ask is: What happens to development that is considered complex, for Tobago? In other words, not simple for Tobago, do they have to come to the planning authority, or to the Minister, or are they going to remain with the Tobago House of Assembly?

I am saying these things because in the past we have had situations where for developments in Tobago you can have a development that has been applied for in Tobago and it has not necessarily been accepted in Tobago and then the developer would come to Trinidad, get it accepted in Trinidad and then they come back to Tobago to develop. What I am saying is that these kinds of discrepancies should not be, once you have an organized type of planning going on. So that is—the second point I would want to make is that I am, too, concerned about the lack of a medical presence on the control committee that the Chief Medical Officer was removed from. Other people have made the point and I too am concerned about that. If not the Chief Medical Officer, then at least some other person with that type of skill I think is necessary for that committee.

And my final point would be when—because of the significance of the functioning of this particular piece of the legislation, I too agree with my colleagues who went before, about where you have decreased the number of years

of experience for the three positions that had been mentioned before. And I am saying this because of the great importance of what has to be done by these people in those positions and in a situation where, particularly now where we are focusing on ensuring that planning is done appropriately, I would not like us to start off on a footing where you have people with not the necessary experience to do the significant job that is necessary. And that is end of my contribution.

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

6.00 p.m.

Madam President: Hon. Senators, may I congratulate Sen. Dillon-Remy on this, her maiden contribution. [*Desk thumping*] Minister of Energy and Energy Industries.

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. I make a short intervention here just to make some basic points about planning and society. But just let me personally congratulate Sen. Remy for brief, concise and what I will still consider a sterling contribution. [*Desk thumping*] But as I speak of her, let me just clarify one point she made about seven years' experience. It is seven years' post-qualification experience. There is a difference. You can have your bachelor's degree, you can work in planning because we are saying now that your bachelor's degree does not necessarily have to be in regional and urban planning but it could be in a related field. You could be a geographer, you can be an environmentalist. You work and then you have a specialized degree in urban planning.

But what is happening in the world today is that people seem to be specializing too early. There are very few basic degrees at university anymore yuh know. Long ago, you go university, you do medicine or you do law, you do

geology, you do engineering or you nat. sci., social sci. in the humanities and then, if you want to proceed further, you choose your specialty. Now, you have undergraduate, diploma courses in your speciality as you leave secondary school. That is probably how the world is going, I make no further comment on that, I am not educator or educationist. So you can have somebody with 15 years of experience in the planning process but only seven years in the post-qualification scenario. So this post-qualification experience in urban and regional planning takes that into consideration.

Madam President, I join this debate to make some developmental points because I like to speak philosophically sometimes. You see, the world is divided into two: developed societies and underdeveloped societies. It is clear as the sundry songs of summer. You go to Europe and you see order. Europe has been in modern western civilization for over 1,000, 1,200 years. 1066, the Battle of Hastings. “They say ah like meh history even though I am ah scientist.” But you still go to Europe, you see greenery, you see highways, you see industries, you see cities, you see hamlets, you see villages, you see towns, and it feels an ordered society. You go to the United States, the most complex network of roads in the world. The interstate built by, I think, Roosevelt after World War II, kept America’s economy booming, every state is connected via an interstate but it looks ordered. You pass small towns, you pass cities, you pass industrial areas but it is an ordered society. You juxtapose that and you go to Latin America and you see disorder. You go to Africa, similar disorder. You see, you come to the Caribbean, you see same level of disorder.

So, while there is a lot of criteria that is being used for developed and underdevelopment, this is one of the main ideas you could see in the

underdeveloped society is a lack of spatial planning and the spatial aspect of development has now become fundamental to the world. So it is in that context, I want to put this piece of legislation. It has been said already, “is not PNM fault, is not UNC fault, we build on floodplains” and this is the useless argument to say “who build Greenvale, who build this”. “Who build Kelly Village? Who build St. Helena?” Who went and live in the lagoon in Debe? Who went to Cucharan Trace? [*Crosstalk*] There is nothing derogatory about lagoon. It is a lagoon. A lagoon is a filling basin of water. Who went to live there? People lived in Kernaham in the Nariva Swamp which was part of my constituency. So people live in floodplains. Historically, that is how our society evolved. People build on the river banks. They have built in the past, they continue to build in the present and hopefully, if this legislation works, they would not continue to build in the future.

They build on steep slopes. Come to the Northern Range. The Laventilles and the Morvants developed post-emancipation on the hills of suburb of Port of Spain. It is a fact of life. There was no planning then. The ex-slaves just came, they formed their villages and they survived. We have littered the southern slopes of the Northern Ranges with unplanned settlements. One of the most beautiful villages in Trinidad is in the hills of Paramin but under modern planning principles, a Paramin would have never been approved. So we have a historical evolution. What we have to do now is start to order the society, spatially for the future and that being said, the principle that needs to govern the future is that development and the environment can co-exist side by side and that is the challenge of developers and planners today because development has to happen. Because the world population “ent growing, Homo sapiens feel dey own the earth” and they have the first right for space. Monkeys have no more rights, tigers and lions have no rights, “gouti,

lappe and manicou”—none. So how do you co-exist peacefully between the environment and human development? And there are societies that have successfully done that.

So when Sen. Saddam Hosein talk about the highway to Sangre Grande as the Minister of Planning is on record as saying, it is the only megaproject in Trinidad and Tobago that had all statutory approvals before one blade of grass was moved. And there is a big hullabaloo because the development has go to North East, Trinidad. The development has to go to the port of Toco for the ferry service to connect for the inter-connectivity to Tobago but it can co-exist side by side with the environment, and that is the principle of this administration’s plan for development that is articulated in our *Vision 2030* and pioneered in earnest by the Minister of Planning and Development.

Sandals, because “meh mouth jumping to talk about Sandals eh”. One of the aspects of underdevelopment is when political forces fight down projects, good projects for the nation, on the basis of political agendas. And, Sen. Hosein got up in his glee and said “Sandals take dey jahaji bundle and gone” because there are serious businessmen in this world, you know. People who are willing to invest their money for the future of an industry and when they get these negative vibes and negative feedback from societies that do not even know what they want, these are the consequences of it. And the very same UNC spokesperson for tourism it seems, the Member of Parliament for Couva North, asking this administration: What are your alternatives plans for Tobago? We had a plan for Tobago, “is allyuh who catspraddle it”.

Sen. Mark: So yuh calling—[*Laughter*] Blame Kamla. Blame the Opposition.

Sen. Ameen: Blame UNC.

Sen. Mark: Go to the people in 2020 in Tobago.

Sen. The Hon. F. Khan: So what I am saying, I just made a reference to it to show that they are in their glee. “They ain studying the people in Tobago yuh know. Dey rant and rave about the ferry service as if they care about the people in Tobago.” The key developmental project for Tobago has been now been “catspraddled” and “dey in dey glee”. That is patriotism, UNC style. [*Crosstalk*] But I say no more on that. [*Continuous crosstalk*]

Madam President: Sen. Mark.

Sen. Mark: Sorry, Ma’am.

Sen. The Hon. F. Khan: Then there is something, in Trinidad that we seem to like, is ribbon settlement. Ribbon settlement is not the best form of settlement. So you have a road—you go to Europe, you pass a village, the village ends, the town ends and you see greenery for 20 miles and then you meet a next small town. Here, as “yuh build ah road, everybody want ah front lot dey does call it”. So from the Mayaro, from the beach in Mayaro in Plaisance straight to the Library Corner in San Fernando, Naparima/Mayaro road, house from left, right and centre. So you are driving right across the island. It is only in Pool and Tableland, you might see “ah little piece ah cocoa, or something like that and all the pine farmers take over everything right up to the road. So it is not the best form of development but it is something we saddled with again. We may have to live with that.

So this, in the context of the legislation, which is both the amendment and the Act. The Planning and Facilitation of Development Act was introduced to reform 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 a system of planning and development approvals. The

Planning and Facilitation of Development Act was assented to in October 2014 but to date has only been partially proclaimed. Yes, it is good legislation nobody has denied that, and yes, the UNC brought the legislation. I am an honest person, I will accept that but “lemme just tell you something about UNC”. In most cases, they do the wrong thing. In most instances, they do the wrong thing but on rare occasions, they do the right thing but always for the wrong reasons. [*Crosstalk and laughter*] And the reason was to put somebody as director of planning. So they did the right thing but they did it for wrong reason and today, we have to bring these major amendments to the legislation to regularize what would have been a travesty to this nation.

So let me spend a few more minutes because I have made my basic points with regard to certain clauses. Clause 3, the definition of “simple development”. There is more simple development in this country than complex development because in the bodies, there are more arteries and venules than veins and aortas. So for every amount of small developments—complex development, probably for every one complex development, you may have five or six simple developments. Sen. Saddam Hosein said that that is an inconsequential amendment and it is now firmly under the jurisdiction of the local government authority.

I just want to for the records read into records simple development. Probably the Minister of Planning has already done so but I will do so very briefly.

- “(a) billboards or advertising signs;
- (b) outline or final planning permission not requiring certificate of environmental clearance;
- (c) change of use...
- (d) land subdivisions...”

In particular:

“...comprising less than twenty plots...”

Because in the context of the local government reform and “they saying, oh, how we bringing the local government reform”. The local government legislation should be in the Cabinet either this week or next week and I want to go on record, Madam President, to say that that piece of legislation would be the most fundamental change of the governing structure of Trinidad and Tobago since the adoption of the Republican Constitution in 1976. [*Desk thumping*] Let me repeat that [*Crosstalk*] because it is not a simple thing and it is a fundamental statement. It will be the most fundamental change in the governance structure in Trinidad and Tobago since the adoption of the Republican Constitution in 1976. [*Desk thumping*] And we have worked long and hard, myself included, led by the Prime Minister, and now my successor, the very competent and hard-working Minister of Rural Development and Local Government. [*Desk thumping*]

And when we kept those consultations, the idea of a Ministry of Rural Development and Local Government and transforming local government to the responsibility of the regional corporations and then leaving the Ministry of Rural Development on its own was a concept that originated from our Prime Minister. When we had the consultations, we had 14 consultations and there has never been a consultation in this country that had buy-in in every single section. The Minister of Planning accompanied me in most of them and there was buy-in at all levels of the society. In the UNC, Sen. Ameen was on some of those. Good? What I remember most about this and I will just share this as a joke but it is not a joke. [*Laughter*] When we went to Princes Town, the former MP for Princes Town, Subhas Panday, got up and said, “Minister, this is not decentralization, this is true

devolution of power”. A former UNC MP and when the current MP for Princes Town, the hon. Barry Padarath, says he supports that, “ah say Frankie, yuh good boy” [*Laughter*] because when you get the current Member for Princes Town to support something the PNM say, “yuh ha’ to be good”, so I will take some credit for that.

But it is fundamental and it builds on this piece of simple development jurisdiction and the Minister of Local Government will join the debate later and probably add a few more points to the aspect of local government reform as it affects the Planning Bill. The development of the central committee, the inclusion of TTALGA and the Ministry of Planning representatives have been very well articulated by the Minister of Agriculture, so I will say no more on that.

But let me add a little two cents from the Director of Planning. The Minister who piloted the Bill indicated you will be qualified, it did not say what qualification you need to have and 10 years’ experience, only to find out that under that definition, you could be the chief planner of Trinidad and Tobago and not qualified to be registered as a planner under the other Act. Madam President, who are the lawyers here? Sen. Vieira and Sen. Chote. That is like appointing a Solicitor General who is not a lawyer. It is as ridiculous as that. Okay? So, again, it may seem trivia in terms of changing the legislation but these are fundamental issues to the whole governance of Trinidad and Tobago and I already dealt with post-qualification as distinct from overall experience.

And I close by making one final point. All these bodies that will be populating these various committees and positions have to be people, highly qualified but of impeccable integrity. I do not want to say it would come like Lot in the *Bible* when you say show me three righteous men and I will save the city.

“Trinidad eh dat bad.” We will find people of impeccable integrity because the stakes here “large you know”. The stakes here are very big. Imagine, a man has a 10-acre parcel of land, agricultural, umm, today’s market, probably worth \$100,000 an acre, depending on where it is. If it is in the middle of Biche, probably less. If it is somewhere in central Trinidad in the plains of Caroni, it may be worth that. Ten 10s is 100 so that is about \$1 million. Without lifting a blade of grass, he gets outline approval for development of those 10 acres into a complex development without investing a cent. “All he pays is ah planner and a quantity surveyor and ah surveyor to develop ah infrastructure, a reticulation system for the water and done. He know somebody in planning, he know somebody in Town and Country, he knows the Director of Planning and he gets outline approval and he walking home with \$10 million minimum”.

Sen. Ramdeen: “Yuh know the thing.” [*Laughter*]

Sen. The Hon. F. Khan: That is what is at stake here. [*Laughter*] That is what is at stake here so we may laugh [*Crosstalk*] but this is serious business and you deal with corruption in two ways. By dealing at the root cause through the education system through the values in society which takes time and you dealing with it in the other way with robust legislation. That is the only way to deal with it: robust legislation and enforcement. Okay?

So, Madam President, the planning process in Trinidad is at a particular junction. We have lived with unplanned settlement, with an unplanned behaviour pattern where anything goes and any port for a call. Those days have to end and I think this piece of legislation with this amendment is a long way in doing that and in that context, I totally support this legislation as presented by the Minister of Planning and Development. I thank you. [*Desk thumping*]

Sen. Khadijah Ameen: Thank you, Madam President. I always enjoy listening to the Leader of Government Business in the Senate because he tends to take an overall view of things and not just look at clause by clause, letter for letter but a philosophical approach. He often takes a philosophical approach. And I sit here just reflecting and you know the truth is, Madam President, that the average citizen, not only in Trinidad and Tobago, but generally, tends to think that parliamentarians “talk for talking sake”, that we sit and debate for the sake of debating, that “we argue” for the sake of arguing and in this case, I wonder if it is a case of bringing a Bill for the sake of bringing a Bill. And I want to agree with those who went before me who compared the significance of the Bill, the parent Act and how miniscule these amendments are and the fact that it is not or it is not absolutely necessary to have these amendments without doing the implementation and getting the thing work done. [*Desk thumping*] So while there is credit to some of the sections, of course, some of them may add value but when you compare the value of the parent Act and you compare what, I really felt that we could have done something else in today’s sitting and perhaps utilize our time better.

Madam President, that parent Act was really a new regulatory system that was largely geared towards ensuring that new development is appropriate, that it is sustainable. And, of course, one of the things that we hear very often when we speak about planning is a backlog, poor planning, non-conforming of developments and a legacy in Trinidad and Tobago of previous planning and regulatory systems that have to be addressed over time and certainly over administrations. So it is good that the present administration could build on the parent Act by the People’s Partnership and the implementation certainly will—well, because we are already in the fourth year of their term, the baton will be handed back to the next Government because in 2020, all of the recommendations,

all of the features will not be fully implemented. So the next Government will certainly have to take that baton and continue with this to ensure that these features of poor planning that have been festering for so many decades can be changed.

Madam President, there are a few areas that I want to bring some clarity to which previous speakers mentioned. There was quite some toing and froing about the representative of TTALGA that is to be put on to the board and the fact that there is an element of local government. So, Madam President, this is clause 4 and the clause specifically says it will remove the representative of the Occupational Health and Safety Agency and it will remove the Chief Medical Officer in the Ministry with responsibility for health and it also said that it would provide two new representatives to be included on the development control committee, one, and a representative from the Trinidad and Tobago Association of Local Government Authorities and one from the Ministry with responsibility for physical planning and development of land.

I know the hon. Minister of Planning indicated that a representative of the Occupational Safety and Health Agency and a representative of the Chief Medical Officer may be included on the committee when they are making decisions but it is now not absolutely necessary. The amendment, as it is does not convey that. So even if it may be the intent of this particular Minister to have that as a practice, then—and I mean, Ministers come and go all the time, administrations change and someone else may interpret it differently, there is nothing in the present amendment to suggest that either officers may be a member of the committee. And I support that they should be on the committee but perhaps the Minister might want to make a change in the amendment that is put forward to reflect what she indicated her intention was to have those members voluntarily there.

6.30 p.m.

Madam President, the inclusion of a member—a representative—of the Trinidad and Tobago's Association for Local Government Authorities, is—in my view it sounds nice. It sounds as though local government is finally getting a say in the big boys' party.

This Development Control Committee, Madam President, I agree, it does need representatives of the local authority. For the information—I am sorry Minister Rambharat is not here, but I promised him I will explain in my contribution how TTALGA is not comprised of technical expertise, and that was the point raised by Sen. Mark that Sen. Clarence Rambharat, I do not think he fully grasped.

The Trinidad and Tobago Association of Local Government Authorities is established by the Municipal Corporations Act. And it is basically—the membership is automatic for all councilors and aldermen and it is voluntary for members of the THA. And the members do elect a chairman, vice-chairman, they have an executive committee, they have between five and nine members who are elected by the members of the Association. So the members of the association are local government councillors and aldermen, generally. Of course, all of these people contest—belong to political parties, they contest elections, they serve a term of three years at present and they have representatives on the board.

What happens, Madam President, is that when there is an election for TTALGA to select these officers, one of the political parties will have a majority. So, if you have plain one man one vote, you will end up with all the members of the Executive belonging to the party with the majority of local government representatives at that particular time.

So, over the years there has been a gentleman's agreement between the political parties where the chairman comes from the party with the majority, and the vice-chairman comes from the party with the minority in terms of leaders. So the party with the minority usually has the vice-chairman and one other member on board. So that board tends to have a membership in line—their majority tends to be in line with the political majority in the country at the time. And it is expedient because very often when one party is in power they are also in charge of TTALGA, their local association body. The Minister of Rural Development and Local Government could verify this. But the staff of TTALGA is assigned from—I think the Statutory Authorities Service Commission where they assign staff and so on.

And I am sharing the composition of TTALGA with you in the hope that you would have an appreciation that the persons who sit as members who are elected are often councillors or aldermen. Their term is very short, it is a three-year term. They are politicians. They may have a background but there is no requirement because of the Representation of the People Act for a qualification for any elected person.

So, there is no guarantee of any technical expertise. And that is the point being made by Sen. Mark, and which I endorse. And I am sure that any person who had any involvement in local government could bear me out on that. For that reason, I think it may be better for TTALGA as the association to recommend a representative with technical expertise, whether it is in planning and development or some area that is suitable.

This person should also have experience in local government and should be able to visit or have a relationship with the corporations where the development

under discussion is taking place. So that they can go on site, go on field with the officers of the corporation and have a first-hand appreciation. So that when they sit on the Development Control Committee they can make an input, based on their technical expertise, based on their relationship with the local government authority, because there are 14, and based on their first-hand knowledge on seeing the development. So to me that will be the role of TTALGA. TTALGA, as a representative body of the councillors and aldermen, could recommend someone from any one of the regional corporations or even from the Ministry but who will have a good relationship with the municipal corporations.

All regional corporations have planning officers, the Ministry has a department as well headed by well qualified persons and those are people who could be considered as representatives. But certainly, if they are endorsed by TTALGA it gives the elected representatives a say. So, an elected representative may not have any ill intent. They just do not have the qualifications in that area. They may expertise no other areas as well.

But, Madam President, I want to come—that is in terms of that specific clause 4. But I want to come to something that I think is the crux of the faults of planning in Trinidad and Tobago, and that is lack of enforcement. When the parent Bill, the Planning and Facilitation of Development Bill was being drafted, there were a lot of consultations. There were a lot of different persons who were consulted. I had quite a bit of literature to look at in terms of looking at the process. In addition to the actual law, there was also a recommendation for a transition process for the new planning and development management regime and quite a few of the measures recommended, mentioned local government, mentioned municipal corporations. And, in fact, it went on to say that critical aspects of the

implementation will require further dialogue with the Ministry of Rural Development and Local Government and collaboration on local government reform.

I trust that, because it is very detailed and I do not want to spend a lot of time going into details in my contribution. But, I am certain that in the exercise—the local government reform exercise being undertaken by this Government, because they promised it since 2015 and they are in their fourth year and they have not delivered it, I would hope it is because they are the recommendations made by the technocrats during the People’s Partnership term in Government, on the features of this Bill, that they are taking these recommendations into consideration so that it will be well integrated in whatever they put forward for local government reform.

Madam President, speaking of local government reform, the Leader of Government Business, who spoke before me, Sen. Khan, served previously as the Minister of Rural Development and Local Government. During his time in office, I attended several consultations—well they were called consultations that were held; one in each municipality. And I thought that was the beginning of the consultation. These were public meetings, these were well put together presentations. There were nice screens, the Minister spoke, he had on a nice mike, “cordless mike and ting”, and, you know, lovely presentation. People who attended had the opportunity to make contributions. Many of the contributions were complaints and not recommendations for legislation.

There was never a draft paper circulated so that members of the public, technocrats, academics, could make recommendations based on something. So those meetings would have grasped from the public what concerns they had. At no

time had any person in the reform or the consultation exercise that this Government is having, at no point has anyone had the opportunity to make any input into legislation or what would become legislation.

And I was also part of the reform exercise when Mrs. Hazel Manning was the Minister of Local Government and there was a draft White Paper and the process was very different and I thought we would have had that from this Government in that you would get the issues in the first round of consultation but you would have a second round with a draft White Paper or a Green Paper, but, your proposed legislation, so that people could make—so that you will have consultation on actual legislation. I am still waiting for that. We are in the fourth year of this Government's term in office.

Madam President, that reform is seen as a ray of light for regional corporations who are straddled with issues when it comes to dealing with illegal structures, dealing with improper planning, buildings without approvals.

So, I want to start from the small man come up. Minister Clarence Rambharat—Sen. Rambharat—mentioned beaches. It is true that some beaches fall under the municipal, some municipal corporations—

Madam President: Sen. Ameen—

Sen. K. Ameen: Yes.

Madam President: A lot of what you have said, you talked in response to what the Leader of Government Business had raised in his presentation. He touched on local government, there is an aspect of local government in the Bill, but this is not about entirely about local government. So, I am going to ask you to be very specific as you continue your contribution.

Sen. K. Ameen: Thank you, Madam President. Yes, and I want to respond to

Minister Rambharat, I want to correct some of what was said by Minister Rambharat. When you have roadside development—he mentioned roadside development and shacks and so on going up without approval—the truth is that these same corporations do not have the legal, the engineering, or the planning capacity to regulate that and I will leave that there. Part of it has to do with legislation, but a lot of it has to do with political will and that ball falls into the court of the Senator who is the Minister of Rural Development and Local Government at present.

Madam President, another area in terms of the recommendations for this transition process which I thought could have featured, if you had to bring meaningful amendments, had to do with—again with enforcement, and I thought, Madam President, that I would have seen something pertaining to illegal—well, squatter regularization. The Leader of Government Business mentioned the fact that you have so many unauthorized structures going up. But the truth is that these amendments do not address that and, the law as it stands, the squatter regularization Act and the amendments—

Madam President: Sen. Ameen, what is before us is a Bill seeking to amend a particular Act. And that Act dealt with various aspects of planning. This Bill that is before us with 14 clauses, this Bill deals with certain matters that are to be amended under the parent Act. So I really do not think that we should be going into squatter regularization and that legislation because it really is irrelevant to what we are doing today. Okay?

Sen. K. Ameen: Thank you, Madam President, thank you. Madam President, I want to touch on clause 4 where they are dealing with the appointment of the Development Control Committee and Standing Committees and the amendment

that we have before us provides for the appointment of the Development Control Committees and other Standing Committees, all well and good, the details in terms of the appropriate representatives of specific agencies who will be on the board.

So, I spoke about the second part of that clause which has to do with the OSHA representative and the medical representative being removed. But, Madam President, in the first aspect, again, this again is something that in my view, in terms of going in to define it, it does not bring any significant change to the parent Act that was crucial, that was necessary to be brought.

All right. My other point has to do with clause 5 which deals with qualifications. Madam President, I appreciate the explanation of the Minister with regard to the change in the qualification. However, I just want some clarification. The qualification—the legislation often establishes an office. The parent Bill established the office of Director of Planning of the Chief Building Officer and the Chief Environmental Officer. Qualifications coming in legislation is something that, again, in my view, Madam President, is not absolutely necessary. Very often recommendations such as qualifications, the remuneration terms and conditions are made by the Service Commission where they make a recommendation that is similar to public officers and that usually holds. So that it can be established without it necessarily coming in legislation.

There are many instances of officers established in legislation where the qualifications are dealt with separately. *[Interruption]* I can tell you about, for instance, in local government where you have chief officers, you have the office being established by the Act but you do not have their qualifications. But later on you had—*[Interruption]* “eh?—the chief officers in local government.

Madam President, I do not know if I should be responding to the Minister

directly?

Madam President: All I know is, you should be talking to me.

Sen. K. Ameen: Yes. But, I know that the Minister would want to respond—

Sen. Obika: Do not be distracted, do not be distracted.

Sen. K. Ameen:—so I just provided as an example chief officers in municipal corporations. But there are several agencies, institutes developed in law where positions are established by the legislation, but the qualifications are not necessary in the legislation. That is my point.

So that is something that I feel that this clause 5 again, how necessary was it? I understand the change in the qualification, or if you felt that there was a need to change it from 10 years to seven years for post-qualification experience. For example—changing it is fine, but the question is whether it needed to come to Parliament to have the agency go forward, the committee go forward, and begin to function.

Madam President, the National Planning Authority. So this is clause 10 where you had an amendment to section 89 by providing the Environmental Commission with the power to exercise jurisdiction over appeals of decisions made by the planning authority. And all it does is insert the words “or a planning authority” after the term “National Planning Authority”. I do not know if the Minister would be so kind as to share in terms of what significant difference that makes. And again, if the recommendations and all the work done in terms of the technocrats having a plan for roll-out and implementation of this Act would have significantly stymied by something like that. I am just asking?

Madam President, in the meanwhile though, what we have in the present system of approvals has given space for certainly a lot of corruption or a lot of

allegations of corruption at the municipal level as well as at the town and country level. There are many instances where people who—young people who want to get development approved for them to build one house; ranging from people who want to build one house, to people who want to build a development with several houses. And what happens is that they are frustrated, they are sent in circles running round and round. The officers who have to give the approval, who keep rejecting them on very petty issues, tend to have consultation companies on the outside who they refer them to. They fix their defects for a fee and then send them back to be approved by themselves in their official capacity within the corporation or within the Town and Country Planning Division. That is what happens.

So, you do not call it a bribe. The officer in the agency who is to give the approval refers you to a consultation company that he is part of where you pay a fee to get the defects fixed to come back to the officer in his official capacity to get the approval. And there are people who are—

Madam President: Sen. Ameen, again, I understand all that you are saying but you need to present what you are saying in the context of this amendment Bill, please. Okay?

Sen. K. Ameen: Madam President. Thank you, Madam President. My point is that the issues like that and I always try to make my contribution to the amendment not just be about the letter of each clause but about the spirit and the application to the small man and how people, who are citizens, what they face.

Madam President: Sen. Ameen, okay. And that, yes, that is part of a presentation. But it cannot be that you are talking about things that you say are happening, but you are not relating it to the Bill at all. I am asking you to go clause by clause, but I am certainly asking you, it is not everything in life about the Town and Country

Planning Division or about planning. It is not everything that is being addressed in this Bill. Okay?

Sen. K. Ameen: May I? Madam President, I—

Sen. Khan: I am guided.

Sen. K. Ameen: I am guided. [*Laughter*] I am guided. Madam President, I think sometimes people take different lengths of time to make the connection and maybe I am taking too long to make the connection. Maybe I am taking too long to make the connection.

Madam President, my point is that while we took a whole session of Parliament, which I am happy to participate in the debate, the amendments to be made, and the fact that the implementation of this Bill is still not fully implemented, the fact that, and I support the Minister's call that she indicated—the Minister indicated that there are shortages in staff. Well she said that if she had more staff it would have been better, and I agree with that. But, the fact is that the debate on this Bill does not deal with the corruption at the higher and lower levels. It does not deal with the bribes, and it does not deal with the lack of implementation, the regularization of squatting and the unauthorized buildings, and in my view Madam President, I really would like to see Parliament be used to deal with issues that are going to make a difference in people's lives in a more meaningful way.

So, while I applaud the fact that planning is being looked at, I just felt, Madam President, that the amendments here really are not significant in the whole scheme of things.

I want to thank you for the opportunity to contribute, Madam President.

Sen. Charrise Seepersad: [*Desk thumping*] Thank you, Madam President, for the

opportunity to contribute to the debate on the Bill to amend the Planning and Facilitation of Development Act, 2014 and the Environmental Management Act, Chap. 35:05. At this point, I would like—in doing my research, Madam President, I contacted James Armstrong and he made available to me his notes and observations and I just want to note that I used some of the information that James gave me to develop my contribution.

I have two concerns. The first is the importance of social consideration in the planning stream of development, and the second is the inordinately tedious and lengthy process for the submission of an application for the development of buildings and other projects to the time that the project is approved.

Madam President, allow me to elaborate. The National Planning Authority in my opinion will remain focused on the traditional land use and buildings whereas modern urban planning and development advocates the integration of social and economic planning in spatial development decisions. Broader aspects of spatial planning are not part of the decision making process in Trinidad and Tobago and modern development planning should also include disciplines in the behavioural sciences.

Now, this may be a little hard to convince people, but in my opinion you need to take broad view, Madam President. This is particularly important in countries like ours where land is at a premium.

And I think clause 14 of the Environmental Commission Act should be amended to include expertise in urban and regional planning. It seems to me that the National Planning Authority will still focus primarily on the built environment with respect to development control and not sufficiently on the broader aspects of planning and the actual facilitation of development.

Madam President, another concern of mine is the actual approval process for land and building development. Anybody who has had to interface with the relevant agencies knows that the process is painfully slow, and causes undue inordinate delays. Sometimes it runs into years, and I am talking from personal experience, and the increase in development and building costs, in some instances, these delays cause the project which was previously viable to become uneconomical. And I would strongly recommend that these issues be addressed. Thank you, Madam President. [*Desk thumping*]

The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein): Thank you, Madam President, for giving me the opportunity to make a small contribution to the debate on the Planning and Facilitation of Development (Amdt.) Bill, 2018.

Madam President, I would like to first begin with thanking the Minister of Planning and Development, my colleague, for bringing this Bill to the Parliament. Because, Madam President, I have been in politics for over forty-something years and in politics timing is everything. And this Bill is coming in the timing with the local government reform which will be brought to the Parliament in about—less than two weeks to three weeks' time.

Madam President, in keeping with the spirit of local government reform, development control is the pillar of the reform, which is the ability of local government bodies to fully participate in planning and development of communities just beyond plans and construction of dwelling houses and simple construction.

Madam President, the vision of this Government is to create a self-sufficient and self-oriented local government system that will create balance and

development at the local level. The Bill, on the full proclamation of the PAF Act will empower all local authorities to meet the needs of people, shape and their plan and spaces. And the people will benefit because they will feel more connected to development ongoing in their communities.

7.00 p.m.

Madam President, I had the opportunity to serve in another capacity, as you all know, as the first citizen of the City of San Fernando. I have encountered a lot of problems where people keep coming to me, writing me, coming to me, encountering problems with Town and Country approval and local government approval. And as passionate as Sen. Ameen was about local government, we should really look at the corruption that takes place at all levels, Town and Country level and local government level. A simple thing, Madam President, like getting a plan passed, what you have to go through—all was said before, because a lot was said here as very little I could say now, although I have a lot to say here; it just would be repetition. A lot has been said, as I said, and what I want to add to this, Madam President, is the “simple development” clause 3, section 3 of the PAF Act, to clarify the definition of simple spaces. One “simple development” is billboards and signs. I remember I tried to take down some billboards within the City of San Fernando. I took down a few and I was met with an injunction, and I could not continue. [*Interruption*] Yeah.

So, the billboards come and go over, come up and go all over the country and nobody has control over the billboards. I do not know if they pay taxes, they just find a space and put up a billboard. I remember this said Minister, a few years ago, I was much younger than—you tried to stop that. Madam Minister was not younger then, but— [*Laughter*] and I remember you tried to stop this billboard

Planning and Facilitation of Development
(AMDT.), Bill, 2018
Sen. The Hon. K. Hosein (cont'd)

2019.01.15

issue throughout the country, and I do not know what happened then, I was not so much into it. But I think this is a very important aspect of billboards and signs. People advertise, they put up a sign; Town and Country is supposed to have full control over that, nothing is being done. Billboards go over, all over the bypass, all on the highways, byways, unsightly, the things that go up on them with—

Hon. Senator: Immoral.

Sen. The Hon. K. Hosein: Immoral, that is the word. Immoral—bodies, and so on, go up on them, and you have children passing and watching these—

Sen. Ameen: Inappropriate images, yes.

Sen. The Hon. K. Hosein: Yes, inappropriate images. You know, children are passing and seeing these things. Billboards all over the country, and I am glad to see that this is coming, so we at local government level could have a say where this is concerned. And whatever we might do or whatever we might say, local government is part and parcel of every single thing we do.

I want to say, thank you, Madam Minister, for ensuring that—a simple thing like the change of use, residential or building development, people are developing right through the country. Long ago you had a street with only dwelling houses, if you pass on that same street today it is commercial buildings, and that is part of Town and Country. Town and Country gives the approval, the corporation has the final say. In the end the corporation will have most of the say, because with the local government reform coming into power, coming into Act, the councillors, the community will have a say, and they will try as much as possible to make things happen. Municipal corporations will undertake developments within their boundaries without overburden to investigate and improve complex projects.

Madam President, clause 4 of the Bill amends section 11(2)(b) of the Act to

ensure that there is a TTALGA representative on the Development Control Committee, and, Madam President, I applaud this. And throughout the 14 corporations every local government representative will applaud this Act. I want to just respond to Sen. Ameen, that in the local government legislation we had a representative from TTALGA on that legislative committee, so they spoke for everybody. *[Interruption]* Yeah, they spoke for everybody. *[Interruption]* One person. Madam President—*[Interruption]* Yeah, but TTALGA—you all know TTALGA is a body. *[Crosstalk]*

Madam President: Minister, just a second. Sen. Mark, please. Members, allow the Minister to speak. Minister, could you address the Chair, please? Okay? Thanks.

Sen. The Hon. K. Hosein: Thank you for your guidance, Madam President. Section 17 of the PAF Act, administration, it speaks to the delegation of planning functions to officers of local authorities. If proclaimed, it gives municipal corporations that authority over developmental planning and control under its purview. Madam President, this replaces the Town and Country Planning for matters of simple development, so it makes this process easier for the public.

We all know the stigma associated with Town and Country, the length of time it takes. The loss of documents, you have to go and you have to come back, and sometimes it will take months, sometimes it will take years, because I have experienced it. People come to me all the time, you know, in this position I have. It happens at both levels, not only at the Town and Country level, it happens at the local government level too. I also want to mention to you, section 51 makes important provisions for enforcement of planning and control, again, local government will be there when enforcement begins. The majority of breaches occur at the local level: people building on boundary walls, extending their

driveway on the roadway, putting another level on their house without approvals, and so on. So this legislation will strengthen the mechanism through the municipal corporation and enforce this. A number of enforcement mechanisms will now be available to local authorities through the relationship with the National Planning Authority in order to ensure that unplanned development and illegal development are stopped at a timely manner.

Madam President, I want to add too, that transparency and accountability, the public will have their right to know if the buildings that are going up in their communities have the proper approvals. They will have an idea of what they will look like and how they will be impacted. The Act expands development to include demolition, because as we modernize, Madam President, we are rationalized in our space and recognition of our communities. We have a lot of dilapidated buildings all over the community, and to get one of these building down, because a lot of illegal activities take place, people—it is unsightly. As I said, illegal activities take place, and to get rid of these buildings the owner should take it down for themselves with the permission, so they could give the corporation the permission, or we will have to take them to court, and this is a long and timely process. A lot of people in the community—I remember we were sitting right here, the former Senator had a problem with the community where a building was there and people were selling illegal substances, and so on, and they could not get rid of the building; no matter what area they went to, it could not happen. So this will come in timely too.

We also will have a transformation unit by August 2019. Some of the key benefits for this is an organizational capacity analysis of municipal corporations. The unit will ensure a municipal authority that has required critical staff and

spacial planning and building expectorates, revise and update position of description, such as spacial planning units. A series of process maps will be completed to guide new work programmes. Madam President, in closing, I will like to, once again, thank the Minister of Planning and Development for bringing this Bill in a timely manner, and in time with the new local government Bill which is to follow in a couple of weeks' time, and I am here to support this Bill. Thank you. [*Desk thumping*]

Madam President: Sen. Obika. [*Desk thumping*]

Sen. Taharqa Obika: Thank you very much, Madam President. As I rise to join the debate today on the Planning and Facilitation of Development (Amdt.) Bill, 2018, I want to start with a phrase from the hon. Minister who has just resumed his seat. The purpose of this legislation, in the parent Act, is to meet the needs of the people, and when we are considering, and if we look at the Bill Essentials, it says that:

The—"...Act was introduced to reform 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 a system of planning and development approvals."

If we turn, Madam President, to clause 13 of this Bill, which seeks to amend the First Schedule of the Act, and when we turn to the First Schedule under the first part of that, it introduces—well, it states there, a number of professional bodies and persons who have specific roles and functions, one of which is socio-economic planning, and this Bill seeks to introduce certain aspects regarding the Chief Executive Officer.

Now, whilst it may not be in the Bill, because of the purposes of this legislation,

and because the principal purpose is to establish a system for national and sub-national development plans, I want to propose to the hon. Minister of Planning and Development that a house price index be entertained, Madam President. The hon. Minister of Planning and Development, if I can only get the hon. Minister's attention, I wish that this Bill could introduce a house price index. If it cannot be done in this Bill, it should be done thereafter. Now, the reason for that, Madam President, before this debate today I spoke with members of the Association of Real Estate Professionals, as well as the Bankers Association. And when one considers this Bill and the assertion of the hon. Minister of Rural Development and Local Government, and its purpose, you would see that a house price index allows for transparency in the home market, which will increase competition and liquidity. So, for instance, if one—and to support that argument, Madam President, one only has to turn to the Central Bank's document of April 2017, the *Public Education Pamphlet Series No. 3*, titled, "The Residential Mortgage Market in Trinidad and Tobago", and on page 1 of that document it states where the Governor at that time, I believe it was Mr. Ewart Williams, lamented that many mortgage applicants find it difficult to assess risks, that is, mortgage risks, and very often are not helped by the kind of information and advice they receive from their bankers.

It goes on to state that the perception that Trinidad and Tobago's mortgage market is a seller's market, results in, once a person is being qualified by a lender as an eligible borrower for a mortgage, they see that as an accomplishment. So the hon. Minister, Madam President, through you, is asking, "which clause"? And that is why I was trying to attract the hon. Minister's attention, because I am speaking to clause 13 of this Bill. And in clause 13, which amends the First Schedule, it speaks to different professional bodies and their representatives, as well as the

amendment regarding the Bill. It speaks to the Chief Executive Officer, and I am saying that whilst it may not be in this Bill, it could be introduced to the Act before or after proclamation of these amendments, the introduction of a house price index. [*Crosstalk*]

I am hearing the hon. Minister of Trade and Industry saying it is completely irrelevant. It only shows that knowledge is not pervading on that side of the House. [*Desk thumping*] I will return to that when I am winding up, because my contribution, Madam President, is circumscribed by two clauses and two points entirely. So it is a brief contribution, but if the Government were to see the wisdom in it, the people of Trinidad and Tobago would benefit tremendously. [*Desk thumping*] I will just say this point before I go on to clause 3 of the Bill. If, Madam President, you were to go to your financial institution and you are seeking to purchase a property in a particular town, let us not pick any one—your financial institution would be constrained by the register of valuations and selling prices that they have based on their historical record. However, in another jurisdiction, there is an application called Zillow and they use estimated sale prices. So there is a register available, your banker would depend on judgment, debt registers would depend on other registers to make informed decisions and to conduct due diligence. So your banker would be able to give you a best-in-class valuation, notwithstanding the market price being offered to you for a particular property in question.

So the hon. Minister, given the purpose of this Bill—given the purpose of this Bill is to establish a system for national and sub-national development plans, a house price index is definitely relevant and pertinent to the objects of this parent Act. Now, Madam President, if we turn to clause 3 of the Bill, clause 3 of the Bill

speaks to “simple development”, and there is some restriction when you look at the size of the properties, the 465 square metres, 800 square metres, inclusive. Now, whilst that may be the convention today, Madam President, I am sure you would be aware there are communities in Trinidad and Tobago, but in particular in Trinidad, where because of the historical origination of those communities, the property sizes are significantly less than this. And whilst they are captured in other clauses in this Bill, it does not encourage future developments of less than 5,000 square foot sizes. One would have thought that the Government would have taken the opportunity to introduce that in the landscape, given the lamentation of the Central Bank as to the difficulty persons are finding in purchasing and even qualifying for a mortgage as the Central Bank as far back as 2007, 12 years ago, declared that once someone is declared a viable borrower, they see that as an accomplishment. It means the prices of properties are too high.

So one way that the Government can quickly reduce the price of properties that are being constructed, not necessarily those that are already there, is to reduce the property sizes that a developer can constrict his offering to. So if a property developer were to be able to reduce the property that he is selling by 30 to 40 per cent, going down to 3,500 or 3,000 square feet, he may be able to offer the property to the would-be homeowners at a significantly reduced price, because the land prices are significant. In Point Fortin, for example, you may find that the land price is \$400,000 for one plot of land. Can you imagine, Madam President, being able to trim at least \$100,000 from that price? That would be a significant cost reduction to a homeowner.

What does that mean in the context of clause 3? What does that mean in terms of national development? When you reduce the selling price of a house by

\$100,000 with a mortgage term, because the Central Bank states that the typical mortgage period of 25 years, whilst there are mortgages that are obtained for 30 years, I will check the Central Bank's research, I rely upon that—25 years, I did some checks regarding the banks in Trinidad and Tobago and you would find that your debt service rating should be 35 per cent. Some banks go up to 32 per cent, but you can find you can get 35 per cent, and credit unions as well. I am using a rate of 6 per cent, whilst you may get a lower rate, persons at the lower income level may be hard-pressed to get rates below 6 per cent because it may not be as attractive to the lenders as persons with higher incomes.

So what you would find is that those persons may face, for every extra \$100,000 that they have to pay, an increase in price for the mortgage on a monthly basis of around \$600, and that increase of \$600 translates to an increase in income of around, about \$1,800. I am using simple maths. So, for every increase of \$100,000 someone has to find, in terms of their personal income, and their family's, an additional \$2,000 to be able to qualify. So what that does, by reducing the size of the properties that you can carve out in a development, so, let us say, about 3,500 square feet, or 3,000 square feet, what it does, it allows persons who cannot qualify for mortgages, based on development, a \$2,000 jump. So, for instance, let us say, you take a typical house that will range from one to one—

Madam President: Sen. Obika, I have given you a lot of leeway, basically you are talking about something that you feel should be included in the Bill, an amendment, where the simple development—*[Interruption]* correct. But what I am saying is, I have allowed you to make your point, but you are continuing with that point now, and as you continue with the point, you are going further from the Bill. So I just need you to remember that, please. *[Interruption]* No noes.

Sen. T. Obika: I can clarify. I can clarify it for you.

Madam President: You can continue with your contribution, but just take into consideration what I have just said.

Sen. T. Obika: Thank you, Madam President, but I already departed from that, you know. I am at the clause, I am explaining where this clause, how it impacts on the price that you pay, as is, notwithstanding. So I have departed from the property size, I am speaking to how the size of the lot, the 465 square metres to 800 square metres, because I am saying a typical house now is \$1 million to \$1.5 million in terms of the selling price. So I am actually being circumscribed by the Bill. So I apologize if my communication was not clear.

So if you look at the typical house prices that the current legislation forces upon developers, what you find is that the monthly income to afford a \$1 million house, based on the formula I outlined, stands at around \$5,800 a month—sorry, the monthly instalments. So the income monthly is in excess of \$16,500, whether it be individually or jointly. Now, that is an income on average about \$8,200 per member of that transaction, and that is if the house is \$1 million. Madam President, you will struggle to find houses available in this market that are available for TT \$1 million, you would struggle. And this \$1 million, if you go to \$1.5million, which you may find a lot more houses available on the market for, it means that you have to pay \$8,700 a month based on this calculation, and you would have to have a salary qualifying of \$24,800-plus per month. So what is all this to say? All this is to say that the Government—[*Interruption*] And I am hearing the Minister of Planning and Development say, “nothing”, because they do not believe in a home-owning democracy, so that is why they would say it means nothing. [*Desk thumping*] But a \$2,000-less per month qualifying income to get a mortgage may

mean that some 20,000 or 30,000—I do not have the research—families can qualify for houses.

Madam President: Sen. Obika, you are giving very, very interesting information—

Sen. T. Obika: I know that.

Madam President: No, Sen. Obika, please. But the information is not relevant to the issues that we are dealing with in this Bill.

Sen. T. Obika: I disagree.

Madam President: Sen. Obika, I will call on the next speaker now. Sen. Deyalsingh. [*Desk thumping*] [*Interruption*] Sen. Obika—Sen. Deyalsingh, take your seat, please. [*Crosstalk*] Sen. Obika—please, Members, I am speaking, please. Sen. Obika, your comments, I am hearing them. They are discourteous to the Chair. So if you feel the need to make any such comment again, you will leave this Chamber immediately. If you can sit in silence, that is fine. Sen. Deyalsingh. [*Desk thumping*]

Sen. Dr. Varma Deyalsingh: Thank you, Madam President, for giving me the opportunity to present on this Bill, an Act to amend the Planning and Facilitation of Development Act, 2014, and to consequently amend the Environmental Management Act, Chap. 35:05. Madam President, it is indeed a pleasure to be able to contribute on this Act, and I think this Act, this is very, very important. Since 1988, reformed—you know, successive Governments have looked at planning, trying to reform this legislation, and since 1988 we saw the beginning of this legislation. We saw it follow through with the last Government that was in place, and it is a continual process that we are seeing now. But, you see, it is so important in the sense that this National Planning Authority, I think this Authority is

important in the sense when we look at what, you know, what transpires in Trinidad and Tobago, we go to south, north, Tobago, as our Senator from Tobago had mentioned, you will see infractions in the law. You will see buildings that are, you know, you wonder where is the planning authority, are these persons or personnel asleep? How should certain things like that be allowed to exist, certain buildings allowed to be there? So, therefore, this National Planning Authority is needed.

Why I see the need for this, especially at this time, is that Trinidad and Tobago, we say, “God is a Trinidadian, we are blessed”, but we have to realize that—earthquake, we had earthquakes, you know, recently. We have the Central Range Fault passing through Trinidad, and with the increased incidence of earthquakes, you know, and the prediction that more earthquakes would be forthcoming, we have to ensure that we have a policy code, a seismic code. We have to ensure that our buildings are inspected. We have to ensure that these personnel that we are putting here are there to actually save lives, because if we have a disaster like a major earthquake, we will look back and say, well, why did we not put, you know, legislation in place, why did we not ensure that people obey their laws and have their houses built according to certain seismic codes? And we would look back at these things and say we probably failed as a Parliament to protect our people who sometimes may need certain laws to help them, you know, to obey the legislation, to obey the codes. So we have to look at this legislation as being very important.

So I look at certain buildings and I wonder if the legislation comes into being, as it will be shortly, the National Planning Authority and the Director of Planning, the Chief Enforcement Officer, the Chief Building Officer, their role

would be vital in saving lives. Their role will be vital in helping us, you know, save our citizens from any sort of disaster, be it flood, be it the earthquakes that may be, you know, amongst us, you know, as you see coming closer and more frequent. So to protect our citizens we need a responsible body, but we also need a responsible independent body, and this is where I have to look at the independence of this body, and, you know, I want to just elaborate a bit why I think this body should be independent.

7.30 p.m.

So it is needed, and we have seen even after the last earthquakes that, you know, there were inspections done to the public hospitals, public buildings and, you know, government buildings, you know, schools, hospitals, which is excellent. But we have look at, what about the other buildings? What about squatters? You know, you have certain areas where people are squatting, and you do not know the level of these buildings. So what I am suggesting is, the importance of the role of the National Planning Authority should also be able to go out in certain communities, do sort inspections.

I remember there was an incident in, not in just squatting environments, in Elizabeth Gardens in St. Joseph there was a report in the *Guardian* newspaper September 11, 2010, where “St. Joseph apartment slipping away”. And it was mentioned there were 16 people in a villa complex had to be evacuated because the building above them which is a six-unit apartment building started to collapse, so the fire officers had to evacuate those personnel. And at the time the Member of Parliament, Justice Minister Herbert Volney, told reporters “...it was time that building regulations be revamped”.

So, again, we are here, we are following through, we are trying to revamp

the legislation, we are trying to ensure that we have some safety net in place, both for public and also for private. So how are we going to get this to work in terms of the private infrastructure? And I am looking at probably the Minister of Planning and Development and also the regional corporations may have to look in to tying in when they are looking at, examining properties for property tax, they also may have to have some way where the older buildings may have to be looked at to see if codes are being, you know, the proper structure is in place. And we may have to look at some sort of method where the older buildings are examined, and also the older buildings are put into some sort of, you know, some sort of a system where Government could even offer a loan to help repair these buildings if they are not up to mark.

So looking at the older buildings, and I am sure the newer buildings with this legislation would obviously benefit from this new authority which would be looking at the newer buildings, and the codes, you know, would be enforced hopefully into these newer buildings, but the challenge has to be, how are we going to maintain the older structures. How are we going to look at these squatter areas where a building may be, you know, precariously, you know, on a hill about to fall on someone, how are we going to get that building up to standard. So this is part of the duties of this authority to see how they could do some sort of retroactive look at the old buildings to inspect.

But this body, this National Planning Authority I think we have to ensure that it has to be insulated from any sort of government control, be it, you know, any government may decide, let us have an area where we want to build something, and undue pressures may be meted out to the, you know, the powers that be in this new authority. So, we have to look at that control that, you know, it

is independent.

Why I am looking at is the Director of Planning, the Chief Enforcement Officer, the Chief Building Officer, those three heads should be heads that, you know, we would not see things happening that happened in the past. Because I remember certain cases, places were built and people wondered how these places could be built.

I remember Mr. William Munroe when he wanted—"it had" Soca Village, and he build his tents at the present location where the MovieTowne is. That would have, you know, that Soca Village that whole tent, you know, when he built that it was a plus for our culture. If that had continued, we might have had soca, you know, our art form would have been expressed in a much greater sense, we would have had that sense of belonging. What happened then?

Madam President: Sen. Deyalsingh, I am very reluctant to interrupt you because you are giving an account, a historical account of certain events, and it is very interesting, but I have to just caution you, that we are dealing with specific elements of the Act that we are amending. And therefore, we have to just deal specifically with those elements of the Bill. Okay?

Sen. Dr. V. Deyalsingh: Thank you, Madam President. I was just trying to elaborate the fact that we need independence in the new committees. We would not like to have things like malls being built, and planning permission coming after or housing development in flood plain areas, you know, or even schools being built on areas where people were saying gas was escaping or hospitals built where land was shifting.

We have all these allegations coming from both sides, but what I am saying is that we need independent persons here to say, "Listen powers that be, you may

want something build here, but we are the authority that we would say, hey it is a good idea, it is a bad idea, this land space is a space that could go with that development”; so we are looking at that.

We are looking at the fact that, you know, in this legislation we have to see, again: how could these amendments help the ordinary citizens, how it could help the ordinary people? And I am saying, it could help the ordinary persons if we could get the legislation in place that could protect them from the disasters, as I mentioned, it could help the ordinary persons if it can also put into place, not just the protection of the houses, but it can also protect them from persons next to them who are building houses that are not even, you know, not—what I am saying, not structurally, you know, sound. So, the ordinary people will be affected like that.

And I am looking at two pieces in the legislation, two areas in the legislation that I just want to elaborate on further. And one is, the elimination of the OSHA representative and the elimination of the Chief Medical Officer which was elaborated by some before.

So very quickly I would like to say, I think the OSHA representative is very important. There is something called “sick building syndrome” where you look at buildings, how it is structured, how it is going to be affected, and the OSHA representative would be an expert on this panel. So, I am recommending that we probably have to look at, you know, revisiting and keeping that OSHA representative in that planning. So therefore, this is one aspect I have looked at.

The other aspect is the Chief Medical Officer. Now, the Chief Medical Officer has a very important role. We have a new Chief Medical Officer, a relatively new Chief Medical Officer, Dr. Roshan Parasram, and he has a very important role, monitoring environmental conditions to identify control risks, look

at, you know, human—look at waste, monitor waste disposal treatment, drainage systems, all these are important when we are going to be developing an area, when we are going to have a new development. Inspection of building plans, layout to ensure compliance with public health regulations, collaborations with other organizations to address public concerns in terms of any sort of health issue. And this, the CMO serves on many other committees about nine or 10 other committees, but he also is a director on the board of directors of the EMA, so he has a part to play in the EMA.

And, in fact, in Canada there was an article in the Canadian Journal of Public Health, August 2018, volume 109, issue 41, pages 585 to 589, where they were looking at roles of the Chief Medical Officer. And what they looked at is—you know, there are different areas in Canada, the roles and the responsibilities of the Chief Medical Officer, you know, varies according to different areas in Canada. And on one hand they are senior public servants who confidentially advise the government on public health matters, and manage the implementation of government priorities. On the other hand, they are perceived as an independent communicator, an advocate for public health.

And this is the position I want to say, that if we are having any sort of board, it is always good to have, you know, certain different persons who may have a more independent thought, and rather than have that board filled with persons that may, you know, somehow be swayed by the government who, you know, would be in power at that time who may be indirectly, you know, putting some sort pressure on them. I am not saying that is so, but just in case, we have to make that board insulated. And I am saying that having an independent person will help there. So, I am also recommending that this position of the CMO be retained in this present

Bill.

Also, I would like to agree with Sen. Saddam Hosein's, you know, suggestion that someone from the surveying department may be needed, but to add to that we are looking at floods, we are looking earthquakes, I think we should have considered somebody like the CEO of the ODPM to also be on the board because, you see, if you are having a development for management, earthquake management, how this development is going to get out, how the people are going to, the population will have to be evacuated, the ODPM representative, I think, is important especially in the fact that, you know, with the earthquakes and any sort of natural disasters can occur.

Now, besides this, I am looking at, you know, the two additions that, you know, were mentioned to come into this Bill, but why did we not include ordinary citizens? Why did we not include persons who live in a community who may be near to wherever a development is being built? And why I want to pull this point further is, I remember when in Coblenz Gardens in St. Ann's when they were building a high rise building, the residents objected, but they were not taken into account. When they were building a high rise building in Bayshore, residents again objected, that was not taken into account. So, residents who formed themselves, the people who formed themselves, into residents association objected to these buildings, but to no avail, nothing. It just went straight ahead.

So I am saying, there may have to be a way of putting local personnel who live there, who are being affected by whatever development is going to transpired, those persons may need to be included or their voice may have to be heard. And I am looking at, you know, community groups, environmental groups. There is a group called Papa Bois. Papa Bois raised concerns about lead contamination. So

people had paid millions of dollars in the Crossings in Santa Rosa heights for land and buildings, and they were actually living, you know, buying land which was a lead hot zone. Lead causes neurological problems, breast cancer, a lot of problems.

So what I am saying, if the Papa Bois group did not raise this concern, people would have been buying land in the Crossings, paying millions for that land and they would have been sitting on a lead hot zone. So, again, we have to look at environmental groups who may have a level of concern.

In that case with the Crossings, a *Guardian* newspaper, 5th, July 05, 2012, headlined, “No clearance for Santa Rosa West”. The EMA considered legal action against the HCL, the Home Construction Limited, for failure to get a certificate of clearance before beginning work near the Santa Rosa west area.

And I am saying, these are things that we have to ensure never occur again, because lead poisoning is something if you have to deal with a child with neurological development or the cancers or the other effects of lead poisoning, you know, it is something as a medical practitioner, you know, you would not really care to deal with those things, and we could avoid it.

And in that case the CMO had to be asked to look into this urgently. So the CMO had to come into place with the EMA against the HCL to ask them, why you know you had an area that had lead in it, and you were supposed to contain that area, you did not contain it, there was a breach, the lead went into Arima River and it caused problems there. Again, so we need that, environmental groups or people who are affected by the developments to come out because they are the ones close at hand may see what is happening.

I remember when there was, again, I want to elaborate the concern for environmental, for neighbour groups, because there was a hardware in Trincity,

and when they were building that hardware the neighbours objected, it was Bhagwansingh's Hardware actually and the neighbours objected and said that, you know—

Madam President: Sen. Deyalsingh, I think you have made your point. I think I understand the point that you are making, but the contribution cannot be more on the stories about the point than on the point itself, because the point always has to come back to the legislation before us. Yeah? Okay.

Sen. Dr. V. Deyalsingh: Thank you, Madam President. So the point is, we need the input of the persons living there because the community would have pain when that happens. So to avoid community pains, I say, involve the community also as part of any sort of, in the equation where you are putting in two other persons, taking out two persons, I am asking the Minister to consider, you know, some time in the future, if not now, looking at that sort of representation.

One other factor I would like to go in, Madam President, is the aspect of the appeal to the tree. You know, the trees if you have the—

Madam President: Sen. Deyalsingh, just one second. Leader of Government Business.

PROCEDURAL MOTION

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, in accordance with Standing Order 14(5), I beg to move that the Senate continue to sit until the completion of the business at hand which includes the two Motions on the Adjournment.

Question put and agreed to.

**PLANNING AND FACILITATION
OF DEVELOPMENT (AMDT.) BILL, 2018**

Madam President: Continue, Sen. Deyalsingh.

Sen. Dr. V. Deyalsingh: Thank you, Madam President. So the tree preservation order—and I was thankful that the Minister of Planning and Development actually gave some details about the amount of trees that were provided and certain development residential areas and other areas. And with the tree preservation, I am saying that we may have to consider and asking her to consider that, if we can get persons to leave percentages of their land green, a certain percent of your land green, we may have to look at if we may decide to consider giving persons a tax break that will help, this will help against global warming, flooding. And there are other places like, for instance, you know, other areas where you could—in Pennsylvania there is a Clean and Green programme where it allows property tax breaks if people may have a certain amount of their land green.

So this is something that Pennsylvania has, a Clean and Green programme. Persons have to sign up to be part of the programme. And in Trinidad, again, we have to look at the fact that we have signed up for the Paris Agreement. And with this agreement, you know, we have, you know, attempted to say that we will reduce the greenhouse gas emissions by 15 per cent by the year 2030; all this will go towards that.

And looking at the tree preservation I am saying, we have to get some ways that we can let the population know, we need to maintain the trees, we need to help maintain the environment, we need to look at the global warming. And even the United Nations had the REDD programme which the United Nations actually pay countries to reduce the amount of global warming to try, somehow we could slow

the deforestation, and Brazil actually gained some funds from the REDD programme which is Reducing Emission from the Deforestation and Forest Degradation from the United Nations.

And in closing, I would like to say, that even I had the honour of having the Minister of Agriculture, Land and Fisheries and the Member of Parliament in my area, Mr. Prakash Ramadhar. And the Minister of Agriculture, Land and Fisheries, you know, actually came, Minister Clarence Rambharat came to our neighbourhood, and they had a joint effort where they assisted our residents association in planting trees in our park. It was a joint effort, yeah, it was a joint effort by the Opposition and the Government working with our community to assist our environment.

So as I close, we had this assistance from both of them and I am hoping with the assistance we can, at least, pass legislation that could help our citizens. Thank you. [*Desk thumping*]

Madam President: Sen. Vieira.

Sen. Anthony Vieira: Thank you. Madam President, I understand that this afternoon Sandals announced that they are pulling out of the deal with the Government of Trinidad and Tobago. Well, that just underscores, I think, the importance for planning and development that citizens and investors can have confidence in, and the need to balance and to coordinate sometimes competing interests, investors, business, communities, environmentalists.

This Bill relates to planning and development. Certain amendments to the Planning and Facilitation of Development Act and consequential amendments to the Environmental Management Act. Sen. Khan spoke about spatial development and about what takes place in Europe, and I agree with him. I think when you talk

about a First World country and a developed country, you see a place where urban, agricultural, social, pastoral and the natural, all take place together, you know, there is a harmony. And in the Caribbean we need to keep that model in mind because eco-tourism is one of the ways we can earn income, it is an important part of diversification.

Minister Robinson-Regis spoke about progress through policy development, and the overlap between this legislation and the EMA Act, and I think that will be the focus of my contribution. If the end result of this legislation is to better protect the environment and to promote sustainable development, then I want to support it. A healthy and a resilient natural environment provides clear water, clean air, food, it regulates climate, it supports bio-diversity and it provides recreation activities, and as we know, eco-tourism.

But besides that, why does it matter? For me, it matters because all living species; plants, trees, fishes and animals deserve to be protected. Their well-being and our well-being are interdependent, and we sometimes lose sight of the fact that we depend on a healthy, natural environment for that well-being. We are part of the natural world. We are one species amongst millions of other species, and we have evolved to be a part of nature, not apart from nature.

Now from a legislative point of view, will these amendments meaningfully support sustainable development? Or are we just polishing a regulatory regime which is not working as effectively and efficiently as it should?

As I went through the Bill a number of questions went through my mind. Where and how does it lead to better enforcement? Will these raised qualifications and rearranged representatives make planning easier, or are we just settling on bureaucratic reforms? I am supported the Planning and Facilitation of

Development Act, but it seems to me today that they are mired in layers of bureaucracy and numerous technical requirements which have to be met in order for people to get planning permission.

So what I would like to see is a better regulation and a machinery that facilitates sustainable development in a responsible and timely manner. Will the proposed amendments increase or decrease efficiency and the ease of doing business in Trinidad and Tobago? How does this legislation dovetail with or impact on other legislation like, for example, the Town and Country Planning Act, parts of which are still enforced?

The EMA and the Environmental Commission have been around for—what?—two decades now, but to put it mildly, neither seems to have achieved much. Is it reasonable to ask if the environment is better off today because of the EMA?

The EMA seems to be moving with no clear purpose or direction, it does not appear to be proactive. Section 18 of the EMA Act requires the board to prepare and submit to the Minister a comprehensive national environmental policy which is supposed to govern the authority and all other governmental authorities. Where are we with that today?

What exactly has the EMA provided after all this time? For most citizens the authority has not decreased or mitigated against water pollution, noise pollution, air pollution or protected flora and fauna. What are its outputs in terms of its productive work? What are its outcomes in terms of the positive consequences of those outputs? What metrics are available to tell us how effectively and efficiently the authority is performing?

And as for the Environmental Commission, is it unreasonable to ask if we

are getting value for money? People do not go to the commission, they go to the High Court. The Magistrates' Courts are already clogged, and I know that there were suggestions in the past about bringing things like litter and the summary offences relating to the environment, noise pollution control rules to the Environmental Commission, but the commission seemed uninterested and disinclined to treat with those matters. So is it unreasonable to wonder if these institutions are living up to their potential.

I will support this legislation in the hope that it is incremental step towards better planning and enforcement, but respectfully and realistically, I think the overarching planning and developmental model is out of step with contemporary thinking and approaches.

When the Environmental Management Act was drafted, environmental law was relatively new, the subject lacked definition, and was there almost an "us against them" attitude; the environmentalists on this side and everybody else on other.

And the environmentalists were seen as idealistic and discontented from, if not at odds, with the social and economic sectors; but that has changed. The principle of sustainable development amended that view, and the modern approach is now about finding the right balance between economic, social and environmental development. The three pillars of development.

So idea of development and planning must now be considered within the context of sustainable development, all three pillars being taken into account as to whether permissions should or should not be granted.

As it stands, environmental concerns are being assessed separately by the EMA, but that is a silo-type approach, one which I think is no longer appropriate.

In the context of sustainable planning and development, might it be better perhaps for the CEC rules to now fall under the Ministry of Planning and Development and not the EMA. It may be that the existing CEC rules should be repealed and re-enacted under the Planning and Facilitation of Development Act with permission falling under the discretion of the responsible Minister.

Now, I know this sounds almost counter to the whole idea of decentralization, but what you see happening in other countries is that they recognize when it comes to the planning aspect, you need to have a more centralized approach. Perhaps the CEC department of the Environmental Management Authority could be relocated and re-established within the Town and Country Planning Division as a means to retain institutional capacity.

In the Bill, clause 3, one of the things that struck me was the Chief Enforcement Officer can only take action when breaches are referred to him by either the Chief Building Officer or the Director of Planning. Why can he not take action of his own volition?—I wonder. If he sees environmental breaches taking place in full view, why does he have to wait for a reference from these other bodies?

Anyway in conclusion, Madam President, I would just like to say, environmental law is no longer a self-contained discipline restricted to just or EMA or the Environmental Commission. Nature and spatial development does not take place in silos. What is required is a national policy rather than the traditional reactive approach. We need to flesh out a policy framework for sustainable development. We need strategic environmental assessments for things like waste management, chemical, sustainable construction, climate change and sustainable development.

We need integrative laws and institutional coherence. In short, we need smart regulation. Hopefully, this Bill is an incremental step in that general direction and, Madam President, I thank you. [*Desk thumping*]

8.00 p.m.

Madam President: Sen. Ramdeen.

Sen. Gerald Ramdeen: Madam President, good night and thank you for the opportunity to contribute to an Act to amend the Planning and Facilitation of Development Act, 2014, and to consequentially amend the Environmental Management Act, Chap. 35:05.

Madam President, this piece of legislation that is before us today in the form of an amendment to the Planning and Facilitation of Development Act is a ripe opportunity at an appropriate time to compare what the country had and what the country has. The principal Act in this that we are asked to amend today was brought to the Parliament on the 23rd of September, 2013, and in two years what the country had was a piece of legislation that comprised 113 sections, five Schedules, 124 pages of legislation. That was in two years. This Government has had this piece of legislation for three years and four months. What the country has out of that is a piece of legislation—is a Bill that is 15 clauses, six pages, and that really tells you the difference between the People's Partnership Government and what we presently have as the PNM Government. And I will demonstrate, Madam President, by an examination clause by clause, to demonstrate to you what we are called upon carefully to do today. Because I am repeating what I said in the last contribution I made in this Senate. I wonder if the Cabinet of this country actually reads the legislation before they pass it, they consider it, it goes through the Cabinet, and it is presented to us as a Parliament to consider; and I will deal with

that and demonstrate why I say that frontally.

But, Madam President, sometimes it is important for us to understand the consequences of what we are called upon to do as a Parliament with respect to this Town and Country Planning. The Town and Country Planning Act in its original incarnation was passed in 1960. It is a piece of legislation that is 58 years old. And in 2013, for the first time as a country, as a Parliament, as a Legislature, we decided to get rid of the Town and Country Planning Act and implement a modern piece of legislation that would control the development in rural, urban, the spatial development of our country, and to be able to give the authority that is properly constituted under the law the powers to do what was in the best interest of the people of Trinidad and Tobago.

But, Madam President, let me bring home to you the reality of what can go wrong when this type of legislation does not cater properly for what we are asked to do today, and I will go directly, without running contrary to the Standing Orders I hope, to demonstrate to you, Madam President, the ills that we can suffer as a result of poor planning. On the 20th of December, 2011, our country woke up to the sad reality that there was a fire in Trou Macaque. There was a fire at an HDC development in Trou Macaque, and left dead were a 10-month-old baby, a two-year-old baby, a 15-year-old teenager and a 46-year-old geriatric nurse. And you know why they were dead, Madam President? Because there was a fire at an HDC development where they had no fire exit. No fire exit. So when the police went on the scene, Madam President, the police said, and I am quoting from the *Guardian* of December 21, 2011:

“Police said when they arrived the scene, they saw several residents, among them young children, leaping from the top floor apartments of the building

which at that time was completely covered in flames. Investigators said the residents who made the leap, all fell several hundred feet before hitting the concrete pavement which borders the building.”

More than 100 residents were affected.

Madam President, if there was proper planning, and if there was somebody from OSHA at that time conducting investigations properly, four people—we might have been able to save the lives of those three children and that one geriatric nurse. [*Desk thumping*] And today, the way I linked that to what we are being asked to do is that an amendment is here before us where we are taking out the OSHA representative from the planning authority, and almost every speaker apart from the Government speakers have asked: “Well, why we are doing that?” And this is a direct example of the contribution that someone from OSHA can make to planning development decisions that affects hundreds of citizens. In this case, there were 100 citizens in an HDC development, and after that we had to lose the lives of four people for HDC to take a decisions to put fire extinguishers inside of their buildings and to build fire escapes in the buildings that are built by the State.

So if there was anybody, any public authority that ought to be complying with the law and setting an example to the citizens of the country as to what they should do, what approvals they should get, what should be put in the buildings to ensure that people’s lives are safe, it should be the State. And you had an unfortunate example of four—three children and one adult, losing their lives, and if there is anything for us to be learnt by the loss of those four lives, is that there is a place in the planning legislation for someone who can bring to the attention of the authorities who have the statutory duty to look at these applications to ensure they comply with the law, to ensure that safety mechanisms are in there. There is a

proper place there for somebody from the Occupational Health and Safety Authority, Madam President.

So, that is one example that deals with why this amendment that we are being asked—and, Madam President, what bothers me is this. The Government is in charge of Government policy. It is the duty of the Government to create policy that fits in with their idea of running the country, and if they are of the view that the amendment which has been placed before us, there are these two: One, local government. There is a requirement or a necessity for this person from the local government authority to be there. Then I do not see why—sorry, let me rephrase, Madam President. The Government sees a need to have someone from the Trinidad and Tobago Association of Local Government Authorities and someone from the Ministry with responsibility for physical planning and development of land. No problem. And I do not think we would have any difficulty in understanding why the Government wants those people there. But then, why can those people not be added to those people who are there now? What would you lose by adding those people and leaving the Chief Medical Officer and the Occupational Health and Safety Officer in the legislation? Would that not be a better way of treating with it? [*Desk thumping*] The more persons you have there would be more expertise, will bring more benefit to the authority that has to treat with these applications. I do not see why, Madam President, that cannot be accommodated in the legislation. I think it would strengthen legislation and make it much stronger.

That is one aspect of it, Madam President. Today we had the benefit of, during written questions, to have a question dealing with this subject matter, and the Minister of Planning and Development, very helpfully, gave some very comprehensive answers to the questions that were posed. But let me get to the

Minister of Works and Transport of the—and I am reading from the *Trinidad Guardian*, Sunday 24th of June, 2018. This was shortly after the flooding in 2018. And this is what the Minister of Works and Transport had to say:

“He said there was ‘too much-unplanned development in areas that were not designed for development.’

Surmising that this was connected to higher land prices, Sinanan said ‘A lot of big developers would have bought land in low-lying areas. In other words, a lot of swampland is now being utilised for housing developments and that is what is posing a big problem.’”

And this is what the Minister had to say, Madam President, going on:

“Asked if private property developers were following the rules regarding permission to build, the minister said ‘In most cases they do not have the approval, especially the drainage approval.’

Asked if it was possible to penalise some property developers, he said ‘We do not have a good history of enforcement in Trinidad and that is why a lot of people take advantage of the situation.

A lot of developers who have the cash to build and do not have to go to the banks actually start building while they are applying.

He said ‘This is a call to citizens who are buying property in any development, first ask if all the approvals are in place’—and this is the important part, Madam President—“because more than 50 per cent of them have no approvals for drainage and even Town and Country.”

So, colloquially we will say coming from horse’s mouth, that the Minister of Works and Transport has put his perspective, what is the position that all of here in all different communities, it could be the high rise, it could be the townhouse

development, it could be the squatting areas. The position is that there is a breakdown in the town and country development, the execution of the Town and Country Act. There is a breakdown in the enforcement, and we are in the unfortunate position of having legislation that is now six years old that has been partially proclaimed in July of 2015. On the 29th of July, 2015, you had a number of sections that were proclaimed together with sections 1 to 5, 6, 13, 31, 33, 107, and all of the sections in the First Schedule, and the First Schedule came into operation.

So, Madam President, we are in an unfortunate position. The Government has bought this amendment, they ask us to look at it, and to give them support. So, let us look at the amendments and see where we are with this. Madam President, I have heard a number of speakers say this amendment with respect to simple development is going to make this change into the legislation—big change, simple developments. Well, Madam President, why I said what I said at the very outset, is because for those who took the time to read—I remember always looking at the parliamentary channel and listening to the Minister of Finance in his present incarnation when he was in another incarnation, the former Opposition always talking about people do not read. Well, Madam President, I want to urge the Government to read, because in the Act that was passed in 2014—I do not understand why we are talking about this idea of defining “simple development”, when we define “simple development” it will make such a change. “Simple development” was defined in the Act in 2014, word for word.

Hon. Robinson-Regis: I said so in my presentation. We put it in the definition section now.

Sen. G. Ramdeen: The point about I am making, Madam President, is that it

cannot make any change taking it from section 73 to put it in the definition section like it is going to transform the Town and Country Planning Development. It is not going to happen. It was there. It is still there. It might even be worse off now, because when it was in its original incarnation in section 73, as defined, there were four things that—five things that comprised simple development, and now they have taken out one so it is even thinner than it was before. So, all right, take it. The Minister said, no problem, “simple development” was there. Great! Let us go back to the Act. There is this section in the Act, Madam President, that puts in the Environmental Commission, what we are asked to amend by legislation is that section 89(1) of the Act is amended by inserting the words “National Planning Authority” after the words—sorry, after the words “National Planning Authority” the words, “or a planning authority”.

So, let us go to the Act, Madam President. Section 89(1)—section 89(1) provides as to who has the right of appeal in relation to this piece of legislation. Madam President, there already exists a right of appeal in the legislation that exists already. [*Desk thumping*] So, how can you come and tell us that we must insert “National Planning”—I mean, Madam President, you just have to read this thing to understand it amounts to nothing. 89(1) says:

“The Environmental Commission shall exercise jurisdiction over appeals from decisions made by the National Planning Authority...”

Is that not a planning authority, Madam President? Well, I do not know. I do not know if the Minister said that. I may have missed it. But, that is the position there.

Then, Madam President, we have this situation about protecting trees. Well, I have a little bit to say about that. A person—this is what we are asked to amend. Section 60 of the Act is amended by inserting after subsection (9) the following

subsection. Madam President, listen carefully to this, a person—this is the (9A).

Section 60(9A):

“A person who has been served with a tree preservation order may appeal to the Environmental Commission against such an order in accordance with section 90.”

That is the new section. New! Well, Madam President, listen to this, section 90 of the old Act, which was passed in 2014, says—not any magic, Madam President.

This is in the Act:

“Subject to the provisions of this Part, any person who is aggrieved by—”

Let me go slowly now.

“...who is aggrieved by—

(a) a development repair order, a compliance notice, an immediate compliance order”—a, a, hear this—“or a tree preservation order...

may appeal to the Environmental Commission.”

I do not know. Probably the Minister said that too and I missed it. So why are we amending section 69—sorry, why are we amending 60 to put in a (9A) when in the legislation already there is a right of appeal for anybody—it is a wider right of appeal, because it says anybody aggrieved by an order, a tree preservation order, has a right to appeal to the Environmental Commission.

So, big thing. This is going to increase—just like all the Senators have asked, how is this going to help? Well, it cannot help, because the position is, what we are being asked to put in the legislation is already there. [*Desk thumping*] Madam President, I cannot accept—I will not accept that this passed through the Cabinet that is charged with the responsibility of governing Trinidad and Tobago from 2015, hopefully, according to them it might be up to 2020. It might be

shorter. But the body that under the Constitution is mandated to govern the country, has brought a piece of legislation, and I will not accept that nine lawyers in a Cabinet will read this and ask the Parliament to come and pass this. They did not read the Act? They did not read the principal piece of legislation and see what you are being asked—you are asking the Parliament to do?—expressly. It is not impliedly. I am not saying that this is implied in the Act, you know, Madam President. It is there in black and white. So, what are we really doing here? I refuse to accept that, Madam President.

But anyway, Madam President, let me make a more pertinent, as I would say, or more important to me, contribution. There are a number of provisions under that we are asked to amendment today that deals with the qualifications. I am not going to go into anything that anybody else said before, everyone has talked about 10 years to seven years, and what is the value of it? The end result of it is this, there are going to be a number of people who are going to have to be appointed on contract, seconded by instrument, to fill these positions that are set out statutorily under this piece of legislation. No problem.

The Minister of Energy and Energy Industries was very careful, as he always does, to point out the right things that the UNC do for the wrong reasons. No problem. I want to show and I want to sound a caution tonight in this Senate, that we do not do the wrong thing for the wrong reason. And let me explain why, Madam President. It does not—I do not take it lightly that this legislation has come a few months before a local government election is due in this country, and about a year away from a general election being due in this country. I want to explain the importance of that in the context of what we are being asked to do here today. Nobody has—everybody has talked about qualification, because that appears in the

amendments that the Government has brought. But what about the hiring of these people who are going to fill these positions with—who is an urban planner, who has an undergraduate degree, who has postgraduate experience and all of that.

And let me tell you why that is important, Madam President. A situation occurred in this country in 2009, and I want to put it on the *Hansard* that I want to flag on behalf of Opposition that it never must occur in this country ever again—right?—and let me tell you what that situation was. A person was employed at what was formerly CNMG in circumstances quite similar to what we have here, and a clause was put into that contract—and why I put that on the record is because contracts have to be drawn up to employ these people. No problem. You know what was in that contract, Madam President? There was a term in that contract that said, by virtue of the provisions of this contract, where there is a change in control, the person who was employed for five years—five years in 2009, one year before a general election, five years the person was employed—if there was a change of control in that company, they were entitled to all their benefits for five years. And you know what a change of control meant in that contract, with a public state company? A change of government. So I hope that there is no contract being drawn up for anybody under this piece of legislation that we are being asked today that is going to have anything—

Sen. Khan: Madam President, 46(1), please.

Sen. Ameen: When you were saying it, it was not 46(1).

Madam President: Sen. Ramdeen, I have to just caution you to be a little more specific as to the Bill please.

Sen. G. Ramdeen: Yes, Madam President. So, Madam President, we have people who are going to be appointed on the Development Control Committee, we have a

Director of Planning, persons who have to be employed as the Chief Building Officer, people who have to be employed as the Chief Enforcement Officer, and we are being asked to amend all of these provisions to provide for the employment of these people.

And, I just want to ensure that on behalf of the people of Trinidad and Tobago, that after these people are employed the State does not have to pay out \$2.8 million for work that was never done because a contract was entered into by the State for somebody to claim five years' salary when they only worked for one year. I just want to ensure that that does not happen. That is doing the wrong thing the wrong way [*Desk thumping*] and that was done under the PNM. And let me just say, who had to defend it? I had to defend it. I had to go to court and defend it. When we left Government I checked today, just to not breach the Standing Orders—

Madam President: But, Sen. Ramdeen, not only would you not—please, I cautioned you before on relevance, please move on to another point.

Sen. G. Ramdeen: Sure. So, we raised the issue today about the powers of the National Planning Authority. Many people spoke about applications to amend—sorry, applications that go for a planning permission, and there is absolutely nothing in this legislation, absolutely nothing in this legislation that is going to assist anybody in enforcing any of these provisions.

You know, Madam President, respectfully, what is being put before us here in this Bill today can only be described as fluff. That is what it is. It is another piece of legislation that is brought to the Parliament for the Government to say they brought another piece of legislation to the Parliament. It makes absolutely no difference to Town and Country Planning, [*Desk thumping*] and it is going to make

absolutely no difference to the citizens of Trinidad and Tobago.

And let me explain now straight. You see this 60(9A), Madam President,

“A person who has been served with a tree preservation order may appeal to the Environmental Commission.”

Madam President, 60(9A), under the principal Act which deals with the preservation of trees, and we could all understand why we want to preserve trees. But, Madam President, when you go to 60 subsection (9) of the principal Act, this goes to the point tangentially to what Sen. Deyalsingh has said. It is actually a provision in this legislation that says in 60—this is the principal Act, 60 subsection (13) that “a body of persons” can make an application to the National Planning Authority to treat with this thing called the protection of trees.

So there are two ways you can get this Order that we are asked here to give a right of appeal. The first one is where the National Planning Authority is of the opinion, or a representation has been made to the National Planning Authority by a planning authority or a body of persons within the meaning of subsection (13). So that a tree or woodland should in the interest of amenity, or proper development, or conservation of land be preserved. The National Planning Authority may make and serve on the owner and occupier of the land an interim tree preservation order. Then it goes through how you get from interim to final. But very interestingly, at section 13—subsection (13) it says:

“In subsection (1), ‘a body of persons’ means a body of persons, regardless of whether it is incorporated or not, which in the opinion of the National Planning Authority is knowledgeable about and interested in environmental matters.”

It cuts across what both Sen. Vieira said and what Sen. Deyalsingh said.

There is also a place on the National Planning Authority for persons from the community who are statutorily given an obligation, a right—sorry, not an obligation, a right, to bring a petition to the National Planning Authority in relation to section 16, which we are being asked to amend today. And just running off on that, on the no read point, Madam President, this right of appeal that we are providing for here in clause—in the amendment to section 89(1), we are putting in “or a planning authority”, which the Act already provides for, that:

“Under this Act...all appeals shall, subject to this Part, be filed, heard and determined in accordance with Part VIII of the Environmental Management Act.”

8.30 p.m.

So, I went to the Environmental Management Act and I did a little bit of reading myself and realized that the Environmental Management Act has provisions for the establishment and jurisdiction of the Environmental Commission, for rules to be made and for the conduct of appeals. But has anybody considered—if they had read, you would have seen that there is a procedure that is already set out under the Planning and Facilitation of Development Act in relation to how appeals are to be conducted, when those appeals are to go to the Environmental Commission. Nobody—in all of this Armstrong Report, and two, three years of research and PricewaterhouseCoopers—nobody has taken the time during all of that to decide whether the rules that are provided for under the primary legislation, with respect to the Planning and Facilitation of Development Act, which is the principal 2014 Act, has provisions for the conduct of appeals in one procedural stream, but you are providing now that appeals, by virtue of this section where we stick in having public authority to make it seem that we are doing

something, you say that these appeals are to be conducted in accordance with Part VIII of the Environmental Management Act.

So, when someone has to go and do these appeals, are you going to follow the rules under the principal primary legislation, which is the Planning and Facilitation of Development Act, or are you going to go and follow what is under the Environmental Management Act. Well, nobody bothered to wonder about that; that is not important—local government, everything good. So, that is how we will continue like that—[*Interruption*]*—*which is a superior court of record—excellent.

So, Madam President, it is very clear to me, well, let me just answer the very eloquent, erudite, intellectually deep submission of the Minister of Agriculture, Land and Fisheries, which is, that “we eh doing nothing different”. We in the Opposition need to understand what is going on with the amendment to section 15, because the Government was so bright; that the Government just took all of the things that they knock out and put it in one section, and therefore, we should be happy with that. So, let me just deal with that, Madam President.

Everything that was struck out is what was in the previous section 15(2), which is (a), (b), (c), (d), (e), no problem. I do not have the time, Madam President, to go through them individually. But let me just say for the record and the *Hansard* will prove me right or wrong; section 62 has nothing to do with the functions that are knocked out in the amendment that we are being asked here. This is the new amendment that we are being asked. We must incorporate a new 15(2) to deal with Chief Building Officer and what they are supposed to do.

Sections 62, 66, 67, 68 and 70 of the Act have absolutely nothing, nothing, to do with what is provided under the principal legislation as to the functions of the Chief Building Officer as set out statutorily, from (a) to (e). And we are being told,

we just “doh” understand, on this side we just “doh” understand what is going on, you know. The Government know what they are doing. But the point about it is this, all of the powers that were given to the Chief Building Officer, pursuant to section 15(2) are absent, gone, they are just like, poof, gone. They have no powers. The Chief Building Officer only has the powers now to:

“(a) establish inspection procedures for building and engineering operations.

(b) Forward breaches of building...”

—[*Interruption*—No, that is not (c).

“(c) Establishing inspection procedures for building and engineering operations;”—that is (c).

—[*Interruption*—Right, that is the existing (c).

So what happened to (a) and (b) and (d), right? We had a provision that says the Chief Building Officer must submit, has a duty submitting bi-annual reports. [*Crosstalk*] It is in what?—(e)? It have no (e). It is (a), (b), (c), it have no (e). [*Laughter*] I really “doh know what going on here, yuh know”, Madam President, seriously, I really—this is becoming more humorous. There is no (e); there is 15(2).

“The Chief Building Officer shall—

(a) establish inspection procedures for building and engineering operations;”

Madam President: Sen. Ramdeen, you have five more minutes.

Sen. G. Ramdeen: Thank you.

Sen. S. Hosein: He “eh read nothing”.

Sen. G. Ramdeen:—“(b) forward breaches of building regulations referred to him

from the National Planning Authority or a planning authority, to the Chief Enforcement Officer; and

(c) perform the functions under sections 62, 66, 67, 68 and 70...”

Madam President, I know Sen. Mark is here with so much experience, the hon. Minister of Planning and Development is an experienced parliamentarian. How in the world can we be asked to pass legislation which says that he is to, “perform the functions under 62, 66, 67, 68 and 70”, when those provisions already provide for the functions he has to perform? [*Crosstalk*]

So, it is not a matter we “doh” understand. It is just purely superfluous. “It worths nothing.” [*Desk thumping and laughter*]

Sen. Mark: Exactly, exactly, exactly.

Sen. G. Ramdeen: Madam President—

Sen. S. Hosein: “The PNM having a bad day.”

Sen. G. Ramdeen:—even I, I think I want to borrow those comments from Sen. Hosein. Even I did not think the PNM was that bad, even I. But I mean, this has to be one of the poor—and I am saying this, the best I can go on the language—it is one of the poorest drafted Bills I have ever seen. Poor. I mean, how this could have passed through, I mean, when they talk about section 34, they like to talk about LRC, Attorney General—

Madam President: Sen. Ramdeen, relevance.

Sen. G. Ramdeen: All right. That is it, Madam President. This must have passed. We operate on a procedure, Madam President, in our country where there is a presumption of regularity. I must presume that this has passed through all the proper legislative stages that a Bill must go through, one of which must be the LRC, one of the Cabinet, the Attorney General must look at it. I am sorry he is not

here today to tell us what has happened, but, Madam President, this is below the standard that any proper Government must bring legislation to the Parliament and ask people to consider it, and pass it. It is just not up to par. And the Government should be ashamed of what they have brought to the Parliament today and asked us to look at this and even pass it. It is wrong. You can do better than. And the people of Trinidad and Tobago on whose behalf we sit here and debate and work to produce law that is in the best interest and in the public interest, they deserve better than this, they deserve better than this.

Madam President, unfortunately this is what we are left with and unfortunately in my very humble and respectful submission the same problems that have been outlined by almost every Senator about the enforcement of the planning provisions in our country, the corruption that takes place, not only at the Town and Country Planning level, at the regional corporations, the suffering that people go through by having to construct homes while they are waiting on Town and Country Planning for approvals. The legislation that is before us today is going to make absolutely no difference to the common ordinary citizen of Trinidad and Tobago that expects the Government to do something to make their life a little bit easier, to make their applications for planning permission a little less cumbersome and to make their life, to make their ease of business a little bit better. And after three and a half years in Government if this is the best that we can get, I say, Madam President, without apology, the people of Trinidad and Tobago deserve better. I thank you. [*Desk thumping*]

The Minister of Planning and Development (Hon. Camille Robinson-Regis):
Thank you very much, Madam President. Madam President, I know they usually say that we leave the best for last, but if that is the best—[*Laughter*—that the

UNC could offer, I am sorry for him and for them. Madam President—

Sen. Khan: And they leave the worst for first. [*Laughter*]

Hon. C. Robinson-Regis: Madam President, I am pleased though that I was not abandoned by Sen. Ramdeen, whose contribution I will deal with first. Because I understand that he makes those same points about the LRC—

Sen. Gopee-Scoon: That the Bill not good, and the Attorney General.

Hon. C. Robinson-Regis:—and the Attorney General, that the Bill is not a good Bill, for every single Bill—

Sen. S. Hosein: If you bring bad Bills all the time.

Hon. C. Robinson-Regis:—that the PNM brings to this House. It is just a complete continuation of his usual speech. So I am glad I was not singled out for any special treatment, so I thank him for that.

But, Madam President, let me say that in relation to that issue of not reading, I am really taken aback that an attorney-at-law of several years standing obviously did not read the legislation, either the Act or the Bill which is before this House. And let me go immediately to clause 10 where we put an amendment which says:

“...the words ‘or a planning authority’.”—were added.

Madam President, that is one of the more simple of these amendments and obviously Sen. Ramdeen did not read it in the context of the Act.

Because, Madam President, what this seeks to do is include planning authorities as opposed to just talking about the National Planning Authority. What this does is extend the remit of the legislation to include the planning authorities, which in the main will be the main drivers of this legislation. I am flummoxed, I am flabbergasted, I am disturbed beyond measure that obviously Sen. Ramdeen did not read this legislation at all and yet he comes here to tell us that we do not read.

Madam President, he did not read this at all. [*Desk thumping*]

Sen. Gopee-Scoon: It is very clear.

Hon. C. Robinson-Regis: Madam President, let me move now to the issue of inserting subsection (9A) into section 60. And that relates to the interim tree perseveration order. This was totally unnecessary as raised by Sen. Ramdeen, because section 90(1) and (2) deal with appeals to the Environmental Commission. This was his argument.

Madam President, if he had read the legislation he would realize that section 60 deals with interim tree perseveration order. Section 90 deals with a tree preservation order—a tree preservation order that has been passed. This is two different things entirely. [*Crosstalk*] Two different aspects of the 2014 Act. He did not read this legislation.

Madam President, I would go so far as to say, and I think we know this from Sen. Ramdeen's history, that he is a cut and paste attorney-at-law. [*Desk thumping and laughter*]

Madam President: Minister, Minister.

Sen. Mark: Please, please.

Madam President: Members, please.

Sen. S. Hosein: “Nah, nah, nah, we doh go there in this House.”

Madam President: Sen. Hosein, am I allowed to say anything?

Sen. S. Hosein: Sorry, Madam.

Madam President: Do I have your permission?

Sen. S. Hosein: Sorry, Madam President, my apology.

Madam President: Can I have your silence? Thank you. Minister please, I would ask you to retract that last part of your contribution. It is a Member of the Senate

that you are referring to, okay?

Hon. C. Robinson-Regis: Madam President, I retract. Madam President, I would also like to go on, again, in relation to the contribution of Sen. Ramdeen and I want to make the point with regard to an issue that was raised by Sen. Ramdeen and that is the issue of the officer at CNMG being given a five-year contract and then the contract had to be bought out and so on. Madam President, again, Sen. Ramdeen either does not read or does not know the history of the UNC. The same clause was used in the contract for the CEO of Caroni Green Limited and this contract was signed the week before the September 2015 election.

Sen. Gopee-Scoon: No! No, no, no. [*Crosstalk*]

Hon. C. Robinson-Regis: Sen. Ramdeen, do you remember that history? And, Madam President, let me also raise the fact that the same clause was also used for the CEO of the Seafood Industry Development Company—

Sen. Gopee-Scoon: “Nooo.”

Hon. C. Robinson-Regis: Oh yes. And five persons including the personal staff of a Minister, and those five persons were at the Sugarcane Feed Centre a month before the 2015 election.

Sen. Gopee-Scoon: Very familiar, clueless.

Hon. C. Robinson-Regis: Madam President—

Hon. Senator: You sure?

Hon. C. Robinson-Regis: Quite sure.

Hon. Senator: Hypocrite.

Hon. C. Robinson-Regis: So, Madam President, I am, and I like the term “flummoxed”, that Sen. Ramdeen would raise these issues when I thought he had read and he was quite familiar with the UNC’s history.

Sen. Gopee-Scoon: Familiar, he is.

Hon. C. Robinson-Regis: Madam President, I do not think there was anything else that Sen. Ramdeen raised that I need to respond to. And, Madam President, let me respond very briefly with regard to some other issues that were raised. Let me respond to something that was raised by Sen. Ameen. Sen. Ameen talked about legislation not usually having qualifications within the body of legislation.

Madam President, I am disturbed that someone—oh, maybe you would ask me to retract, so I would not proceed with what my thought—but, Madam President, qualifications are normal in legislation, normal. Even legislation that was passed by the UNC or presented to the House—the Parliament—by the UNC had qualifications. The very procurement legislation that they keep talking about, talks specifically about the requirements—[*Interruption*] Would you like to ask a question? Would you?

Sen. Ameen: Yes, if you would allow me?

Hon. C. Robinson-Regis: I will give way.

Sen. Ameen: Just to clarify, Madam. I want to thank the Minister for giving way. What I said was that—

Hon. C. Robinson-Regis: That is a question?

Sen. Ameen:—the inclusion of the qualifications was not absolutely necessary. In fact, I was asking that in my contribution. I asked if it was absolutely necessary.

Hon. C. Robinson-Regis: Madam President, that was not a question and I am not surprised that—anyway. Madam President, the very procurement legislation in section 10(1)(a) outlines the requirements and the qualifications for the Procurement Regulator. The Police Complaints Authority, section 7, the director and the deputy director those qualifications are outlined; the CARIRI Act outlines

qualifications. That is the norm in so many pieces of legislation where the qualifications either for direct, for specific jobs are outlined in the legislation. So I am very deeply disturbed that a Member of the Senate would not know that.

Madam President, another issue that seems to have escaped particularly the Members of the UNC Bench is the issue of the fact that this piece of legislation was passed in 2014. They keep saying that it has been languishing. It was passed in 2014. It was not till an entire year, a year later that they proclaimed only certain sections; only the sections that dealt with the person to be placed as the Director of Planning. A whole year passed and they did absolutely nothing in relation to getting this piece of legislation up and running, an entire year. [*Crosstalk*]

Madam President, it is clear that they had their own—

Madam President: Please, Members, please. Everyone has had the opportunity to speak, please let us listen to the Minister in silence. I want to hear what is being said. Minister continue.

Hon. C. Robinson-Regis: Thank you very kindly, Madam President. Madam President, it is clear that even though they passed this Act, they had their own concerns in terms of the implementability of this Act. And clearly they let a year pass and did absolutely nothing in relation to this Act, except, on the cusp of an election they proclaimed only certain sections of the Act and only those sections that dealt with the appointment of the director of the planning authority.

Madam President, I would like to move now to the contribution of Sen. Dillon-Remy. And just to make the point that with regard to the THA, Madam President, what Sen. Dillon-Remy said with regard to the THA having authority for planning in Tobago is quite accurate and, in fact, the THA Act does give that authority. However, what has been the narrative in Tobago, unfortunately, is that

even though that responsibility has been given to the THA, for some unknown reason the THA itself has not taken up that responsibility. And as a consequence of that, the Town and Country Planning Division continues to have that authority in Tobago.

But may I make the point that all matters in relation to Tobago are processed in Tobago. And it is not accurate that it could be sent to Trinidad to make a decision and then Trinidad decides what happens in Tobago. In fact, what happens is because there is an appeal to the planning—the appeals tribunal of the Ministry of Planning and Development or the Advisory Town Planning Panel. If there is need for an appeal, any developer, any citizen can appeal to that Advisory Town Planning Panel from any part of Trinidad or Tobago and have that panel re-examine the decision of the Town and Country Planning Division and advise the Minister that a change should be made or that it should be maintained. So even for decisions that are made in Tobago, there is that right of appeal to the Advisory Town Planning Panel. But the intention is with this legislation to ensure that everything takes place in Tobago, in keeping with autonomy.

Madam President, one of the main concerns that was raised by Members, both Members of the Independent Bench and Members of the Opposition was that issue of the removal of the Chief Medical Officer of Health and the representative of OSHA.

Sen. Baptiste-Primus: Chief Inspector.

Hon. C. Robinson-Regis: No, the Chief Medical Officer of Health—

Sen. Baptiste-Primus: And OSHA.

Hon. C. Robinson-Regis: And OSHA, yes. Madam President, I make the point again that despite the fact that these two positions have been removed it does not

preclude the committee from co-opting these persons if it is deemed necessary. Because the Act does allow for this and it is clear that not all applications will need the input of OSHA and not applications will need the input of the Chief Medical Officer of Health. And as a consequence of that it was felt that what was more relevant was the representative from TTALGA and a representative from the Ministry of Planning and Development.

Madam President, on the issue of the inclusion of ordinary citizens, sections 32 and 33 make provision for this. And not to be part of the committee but to ensure that for every development there is the right of citizens to have a say in terms of the development. Whereas now, not every development needs—allows for citizens to have an input but the Town and Country Planning Division has progressed in such a way that for most developments that may affect citizens they do allow a time for consultation. By this piece of legislation, section 32 and section 33 make specific provision for the inclusion of ordinary citizens in the decision-making process.

In addition to that, Madam President, there is a part of the—one of the sections of the existing Act which prescribes that for every development, whether it is a simple development or otherwise, the person who is doing the building must put a description of the proposed development on a signboard or on the building. So that also gives an opportunity for inclusion of citizens.

In relation to the National Environmental Policy that was raised by Sen. Vieira, may I take this opportunity to indicate that the National Environmental Policy was laid in the Parliament in November of last year. So it does exist and the Environmental Management Authority is working in relation to an approved policy. I would also like to indicate that with regard to the whole issue of

environmental matters, the vision of the Government is to include environmental issues or environmental matters as a pillar of the *Vision 2030*, and environmental issues will be considered in all development projects in Trinidad and Tobago; built development and human development.

And that *Vision 2030* is also a document that has been laid in the Parliament of Trinidad and Tobago. We did ask for this to be part of a joint select committee and the Opposition appointed no one to the committee. [*Crosstalk*] So whereas in several other countries where there is a vision for the country, [*Crosstalk*] where there is a vision for the country, it is debated in the Parliament because the Parliament is where the people's representatives are.

And in countries like Jamaica and Nigeria, and Tanzania, where they do have a vision document that they work by, it was debated in the Parliament and is the vision for the country. But here we are not—

9.00 p.m.

Hon. Senator: You would not get that kind of support from—

Hon. C. Robinson-Regis: We do not expect to get it.

Hon. Senator: The country knows that.

Hon. C. Robinson-Regis: As I said, we laid it in the Parliament over a year ago and up to today the Opposition has refused to appoint Members to the Joint Select Committee to allow for that debate to take place. But we continue—

Hon. Senator: Unpatriotic.

Hon. C. Robinson-Regis:—to operate in the interest of the people of Trinidad and Tobago with [*Desk thumping*] patriotism at the centre of our Governance.

Madam President, may I also refer to the issue of earthquakes that was raised by Sen. Deyalsingh, and let me indicate that there is a micro-zonation

project that is being pursued by the Ministry of Planning and Development and the University of the West Indies in an effort to—

Hon. Senator: It came to Cabinet?

Hon. C. Robinson-Regis: Yes, that has come to the Cabinet. It has been agreed upon by the Cabinet. And the intention of this project is to map the areas of Trinidad and Tobago that are most prone to earthquakes, the number of earthquakes that occur and what needs to be done in terms of buildings to ensure that we are as earthquake-proof as we can be.

Madam President, I think those were the issues that I needed to respond to.

Hon. Senator: The date for proclamation.

Hon. C. Robinson-Regis: Those were the issues that I needed to respond to and, Madam President, with those few words, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Madam President: Before I call on the Minister of Planning and Development, I will now suspend the sitting for 10 minutes and we will return at 9.13p.m.

9.03 p.m.: *Sitting suspended.*

9.13 p.m.: *Sitting resumed.*

Madam President: Minister of Planning and Development.

Hon. Robinson-Regis: Thank you very kindly, Madam President. In accordance with Standing Order 66(1), I beg to move that a Bill entitled “An Act to amend the Planning and Facilitation of Development Act, 2014 and to consequentially amend the Environmental Management Act, Chap. 35:05”, be committed to a committee of the whole Senate forthwith to be considered clause by clause.

Bill committed to a committee of the whole Senate.

Senate in committee.

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

Clause 3.

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

Sen. Mark: Madam Chair, I believe that there has been an oversight on the part of the Government as we deal with the issue of “simple development”. I do not believe the Government could be serious when they deal with “simple development” and leave out, inadvertently I would say, “engineering operations”. Because when you look at the definition of “engineering operations” under the parent Act, it is clear that the Government could not want to leave out in a simple application for development, cutting and filing and grading and paving land and cutting drains and other important functions. So I would ask the hon. Minister to reconsider the deletion of “engineering operations” from the concept of “simple development”. I believe it has to be an oversight on the part of the Government.

Madam Chairman: Minister?

Mrs. Robinson-Regis: Madam Chairman, I think I am a little confused. Is the member suggesting that we exclude “engineering operations”?

Sen. Mark: No, I am saying that the amended Bill I have before me does not include—it stops—

Mrs. Robinson-Regis: Yes, it does, at (d). Clause 3(d) says:

“land subdivisions, including engineering operations, comprising less than twenty plots,…”

Sen. Mark: I beg your pardon. I apologize. I withdraw. [*Interruption*] No, no. Well, in this case it slipped me. It passed me. But I apologize to you.

Madam Chairman: Sen. Hosein.

Sen. S. Hosein: Thank you very much, Madam Chair—

Mrs. Robinson-Regis: Your apology is accepted.

Sen. S. Hosein: Wait. With respect to Sen. Mark's point, if you read (d), (d) says:

“land subdivisions, including engineering operations, comprising...”

When you go on to (e) in the parent Act, you see:

“engineering operations as are prescribed.”

So that is the provision that was left out, because I believe there are some engineering operations that are prescribed specifically.

Mrs. Robinson-Regis: No. In relation to “as are prescribed” that relates to operations that may not necessarily be under “simple development”.

Sen. S. Hosein: So was that moved somewhere else? Or we just take it out from “simple development”?

Mrs. Robinson-Regis: No. It is included in “simple development”, engineering operations—“including engineering operations” in “simple development”; “land subdivisions including”—because what we are trying to avoid, situations where it may be a simple development, and I think Sen. Teemal raised the issue of billboards that may be going up in an area that would need specific types of engineering operations in order to ensure that they are sturdy, and as a consequence of that, we have included “engineering operations”.

Sen. S. Hosein: It is included in the Parent Act: (a), (b), (c), (d) reads identical to the parent Act. What you have in the Bill, but there is an (e) that was excluded in the parent Act.

Sen. Mark: Madam Chair, I think if the hon. Minister can go to the parent Act and you go under 73, you will realize that in (d) what you are advancing in the amendment is already here, which is what we have in (d). But in 73 there is an (e) and it is titled “engineering operations as are prescribed”. It is not included. So we

are trying to determine why that was left out. That is all we are trying to get clarification on.

Mrs. Robinson-Regis: The concern was that that particular part that was excluded could not be confined to “simple operations”. What we did here was “land subdivisions, including engineering operations”. So we encompassed what your concern is.

Sen. Mark: So are you saying, hon. Minister, through the Chair, that this engineering operation could be captured under “complex development”?

Mrs. Robinson-Regis: Yes. Well, that was obvious.

Sen. Mark: But why did the framers include it initially under “simple development”? Because there must have been a rationale in the inclusion of this under “simple development”.

Mrs. Robinson-Regis: Yes, but we are not excluding it now.

Sen. Mark: You are, because what I am saying—well, is there a problem in just retaining (e)?

Mrs. Robinson-Regis: We felt so.

Sen. Mark: No, no. I am saying, if you are retaining it, is there a problem—

Mrs. Robinson-Regis: We felt that it was superfluous to what we wanted to produce in the legislation.

Madam Chairman: Sen. Thompson-Ahye.

Sen. Thompson-Ahye: I wonder if we can change “less” and put “fewer”.

Mrs. Robinson-Regis: “...less than twenty plots...”?

Sen. Thompson-Ahye: To “fewer”.

Mrs. Robinson-Regis: This was put in, in accordance with drafting style, and we adhere to the style that was recommended to us by the drafters.

Sen. Mark: Madam Chair, I do not agree with the position, but if the Government

insists—but we do not agree with it.

Question put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clause 4.

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

Sen. Mark: Madam Chair, again, I will ask the hon. Minister to take on board Sen. Ramdeen's submission, meaning, if you want local government to be included, if we want the Ministry with responsibility to remain, we say, okay. What we ask of the Minister is to reconsider the exclusion of the CMO and the representative from the OSHA or Occupational Health and Safety Agency. So we are proposing that we retain these two positions and we include the two that you are proposing, so that, for instance, we will have "health" and we will have the safety aspect incorporated. So at least it is a win-win situation on both sides rather than leave out health and safety completely and leave out CMO completely. That is the suggestion I would like to put for your consideration.

Madam Chairman: Minister, before you respond, Sen. Ameen?

Sen. Ameen: Madam Chairman, through you, the Minister in her contribution in the debate indicated that these two officers who are going to be excluded could be retained on the committee. I was wondering if instead of—

Hon. Senator: Co-opted.

Sen. Ameen: Co-opted?—could be co-opted. But there is nothing in the legislation now that indicates that. That may be her intention. So what I want to ask is if that is the intention of the Minister and the Government for the amendment, or for a clause to reflect that, that those two officers may be co-opted.

Sen. Dr. Dillon-Remy: Madam Chair, No. 10 on the original, the same section, (x) says:

“such other agencies and officers as may be designated by the Minister in writing for any particular category of development.”

So I think that would include, if the CMO and the occupational safety and health are not put as separate, that would include how they could get on the committee.

Madam Chairman: Minister?

Mrs. Robinson-Regis: Thank you very kindly, Madam Chairman. I was just going to refer Senators to that exact part of the Act, which is section 11(2)(x), and I think Sen. Dillon-Remy read it quite well. It says at section 11(2)(x)—all right. It says:

“The Development Control Committee shall comprise—”

And at (x):

“such other agencies and officers as may be designated by the Minister in writing for any particular category of development.”

And Madam Chairman, if I may be allowed to just reiterate what I said—and I thank Sen. Dillon-Remy for pointing that out also. But I just wanted to reiterate what I had said in my winding up, that not all developments need somebody from OSHA. If we are developing a parcel of land, just bare land, you do not necessarily need someone from OSHA there. Additionally, not all developments at any particular point in time—at the development stage—need necessarily have the Chief Medical Officer of health. So we are trying to make this committee as efficient as possible. And given the fact that a number of the municipal corporations will be involved in planning—all municipal corporations—we felt it was important to include TTALGA, and given the fact that there is a Ministry that will still be responsible for planning, as the Ministry responsible we felt it was necessary for a representative of that Ministry to be on the committee. But section 11(2)(x) deals with the concern that Sen. Mark has raised.

Sen. Mark: Well, with the greatest respect, Madam Chair, I do not support the

view being expressed by the Independent Senator, nor my good friend, on this matter.

Mrs. Robinson-Regis: It is not a view.

Sen. Mark: What I am saying, this is being left up to the discretion of the Minister, and I am not in support of that. I am saying, it is in the parent law. We want it to be retained and leave the same (x) as is. So if the Minister wants to bring in local government, the Minister has the authority to bring in local government. But the Minister has chosen to put in local government and also have a representative from the Ministry. Why did you include these two? Why was that not left out?

Madam Chairman: Sen. Mark, I think the Minister understands your position. Minister, is there anything you want to say in response?

Mrs. Robinson-Regis: Madam Chairman, I just want to reiterate another point that I had made, that it does not even have to depend on the Minister to place two people or any number of people on the committee, because any committee has the power to co-opt. Any committee, not this committee alone—any committee that is established can co-opt as they see fit. So, Madam Chairman, we maintain our policy position.

Madam Chairman: Sen. Ameen?

Sen. Ameen: I was trying to get your attention before, if you would allow me. I know that this Bill went to the Lower House and any changes we make here, it means it will have to go back. I just want to say for the record, Madam Chairman, to the Minister, that for us to give consideration rather than having a representative of TTALGA, let it be a representative recommended by TTALGA. That way it could be a member of TTALGA or it could be a person with technical expertise whom TTALGA will recommend. I just want to say that for the record.

Question put.

The Committee divided: Ayes 18 Noes 11

AYES

Khan, F.

Gopee-Scoon, Mrs. P.

Baptiste-Primus, Mrs. J.

Rambharat, C.

Sinanan, R.

Moses, D.

Hosein, K.

West, Ms. A.

Le Hunte, R.

Henry, Dr. L.

Singh, A.

Cummings, F.

Simonette, G.

Young, N.

Thomas, A.

Richards, P.

Chote SC, Ms. S.

Thompson-Ahye, Mrs. H.

NOES

Mark, W.

Haynes, Ms. A.

Ameen, Ms. K.

Hosein, S.

Obika, T.

Ramdeen, G.

Vieira, A.

Deyalsingh, Dr. V.

Seepersad, Ms. C.

Teemal, D.

Dillon-Remy, Dr. M.

Ms. A. Deonarine abstained.

Question agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 5.

Question proposed: That clause 5 stand part of the Bill.

Sen. Mark: Madam Chair, again, we are not convinced by the arguments advanced by the Minister to have these officeholders—well, this particular officeholder, the Director of Planning—whilst we probably would reluctantly go along with the changes in terms of the qualification, although we have reservations about that, we are fundamentally opposed to the seven-year period. We see no justification for the seven years. We would like to suggest, for your consideration, hon. Minister, that we retain 10 years and we go along with the proposal that you are making as it relates to the qualifications, even though, as I said, I have reservations about them. But I would reluctantly go along with them. But under no circumstances I would support us reducing, Madam Chair, the period in terms of post-qualification experience from 10 to seven. So that is our submission, Ma'am.

9.35 p.m.

Madam Chairman: Sen. Teemal.

Sen. Teemal: Yes, I would ask the hon. Minister if she could please reconsider

that reduction of the experience from 10 years to seven, and revert to 10 years. In terms of the qualifications, no problem.

Madam Chairman: Minister?

Mrs. Robinson-Regis: Madam Chairman, our concern in terms of implementing this legislation if we leave it at 10 years is that we will not find suitably qualified people in Trinidad and Tobago with the post-qualification experience in urban and regional planning. As I have indicated before, we do have the considerable experience and the information from PricewaterhouseCoopers which led us to the firm view that 10 years' experience was too high a figure or too great a number of years' experience for us to get suitably qualified persons in that post-qualification experience in urban and regional planning who would be willing to come into the service to work on behalf of this private institution, on behalf of the Government of Trinidad and Tobago. As a consequence of that, Madam Chairman, we are of the firm view that seven years is fair and it would give us the opportunity to get persons to actually apply for this position and be able to serve in this particular position in all the instances.

Sen. Mark: Madam Chair, first of all, the authority that is being established is not a private authority. This is not a private authority.

Mrs. Robinson-Regis: A state authority.

Sen. Mark: Is it a corporate—this a statutory body that we are establishing here with state funds. This is state-funded. So that is the first area I want to clarify. The second area, Madam, what is the basis or rationale for PricewaterhouseCoopers telling us—

Madam Chairman: No. Sen. Mark, no.

Sen. Mark: All right. Well, let me rephrase it. All right, let me recast it.

Madam Chairman: Okay.

Sen. Mark: I would like to know what evidence is there if this was to advertise, that citizens of this country who are located in the diaspora, in England, or Europe, or America, would not have the 10-year experience. So we are not confining our citizens only to T&T boundary, the boundaries of T&T. There are almost over 500,000 Trinidadians living all over the world.

Madam Chairman: Sen. Mark, I think that your point has been made—

Sen. Mark: So, Madam Chair, all I am asking is that for the Minister to tell us that PricewaterhouseCoopers said, “Look, if this happen we would not get it”. That is not a convincing argument.

Madam Chairman: Is there any other Senator who wishes to add anything? Yes, Sen. Obika.

Sen. Obika: Thank you, Madam Chair. The difficulty I have is with the hon. Minister’s submission regarding unavailability to find persons because I am aware of persons being sent abroad on scholarships for this particular purpose, and if the position could be filled on contract it means that there may be some space to increase the salary provisions and not be confined to what is available in the public service regarding salary and attractiveness as the Minister said.

Madam Chairman: Minister.

Mrs. Robinson-Regis: Thank you very much, Madam Chairman. Madam Chairman, let me reiterate that it is not a situation of the qualifications. As a matter of fact, the qualifications are being adjusted to ensure that the person who would be the Director of Planning will now have proper qualifications for this particular field.

Madam Chairman, the issue as I have said in my presentation is that we have found not only from the information that we got from PricewaterhouseCoopers, but also from information based on what we got from the urban and regional planners

of Trinidad and Tobago, that it is easier to fill this post if we had a reduction in the experience. We do want to fill this post and, as a consequence of that, we are quite certain that by leaving it at least—someone who has 10 years can still apply, but we want to have a base of seven years' experience which is quite a lot of experience, Madam Chairman.

But for the important position and the fact that this position needs to be filled, we felt that as a policy based on what we understood from the planners who assisted us with these amendments, and also from the information that we gleaned from the consultants, that seven years, at least seven years, was better for us to achieve our aim rather than at least 10 years.

Madam Chairman: Sen. Richards.

Sen. Richards: Just a quick question, Madam Chairman, through you. Was there any specificity regarding the PricewaterhouseCoopers, for lack of a better term, audit as to if they are, and how many candidates would have graduated either locally or internationally with this kind of qualification so we are going to pool?

Mrs. Robinson-Regis: No, we do not have that information. But what was very telling though was the fact that it was more the undergraduate degree and the fact that persons could have either the degree in urban and regional planning, a degree in either sociology or environmental—

Madam Chairman: Science.

Mrs. Robinson-Regis: Science, yes—thank you, Ma'am—or design science, and a postgraduate degree in urban and regional planning and the seven years, at least seven years. What was the crux of this amendment was the change in the qualifications which was very important and that was the educational qualifications. But in order to fill the post, it was imperative that we reduce the amount of experience in order to allow for people to actually apply for this

position.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clauses 6 and 7 ordered to stand part of the Bill.

Clause 8.

Question proposed: That clause 8 stand part of the Bill.

Madam Chairman: Sen. Ramdeen.

Sen. Ramdeen: Thank you, Madam Chair. Madam Chair, having looked at section 90 and having heard from the hon. Minister as to the explanation that was given in the winding up, I am still convinced from my reading that section 90 and the right of appeal that is given by the amendment pursuant to the new (9A) has absolutely nothing to do with an interim order, because the section, the principal section in the principal Act makes a distinction between a tree preservation order and an interim tree preservation order, and what we are being asked to amend is not an interim tree preservation order. It is a tree preservation order which is captured by section 90(1) of the principal Act, but perhaps I am just wrong on it. I did not read it properly.

Madam Chairman: Minister.

Mrs. Robinson-Regis: Thank you very much, Madam Chairman. Yes, you are wrong. Madam Chairman, may I just indicate that this clause is in keeping with the general style of the parent Act and it is not out of order in any way as suggested by Sen. Ramdeen. In fact, it is imperative that we be very specific as it relates to the tree preservation order as we have said here and, as a consequence of that, we have brought this amendment before the Senate.

Madam Chairman: Sen. Ramdeen.

Sen. Ramdeen: Madam Chair, all I wish the hon. Minister to perhaps clear up is

that under section 90(1) of the principal Act, there is enshrined a right of appeal for anyone who is aggrieved by a tree preservation order. What we are being asked is that any person who is served with a tree preservation order may appeal. It is the exact same thing that you have already under section 90(1). If I can just be told what is the difference, then that will allay my concerns.

Mrs. Robinson-Regis: Sorry, Madam Chairman. I would like to just—in support of what I indicated with regard to the way that the parent Act has been constructed, if I can point Sen. Ramdeen to clause 51, sorry section 51(8), where it says:

“A person on whom an immediate compliance order or a compliance notice is served may appeal to the Environmental Commission from such order or notice in accordance with the provisions of section 90.”

Madam Chairman, it is in the same regard that we have put in this amendment and, as I said, it is in the same context that the Act has done throughout its sections to refer to the Environmental Commission, the appeal to the Environmental Commission.

Sen. S. Hosein: Madam Chair.

Madam Chairman: Sen. Hosein.

Sen. S. Hosein: Thank you. Now Minister, the section that you just referred to said that the appeal is subject to section 90 of the Act, but section 90 of the Act deals with those tree preservation orders. That one is something different in terms of the notices. Now, section 89 is the section that really outlines the procedure in terms of the appeals. It speaks of the cost also that will be incurred on these appeals at section 96, has the cost—

Mrs. Robinson-Regis: Madam Chairman, shall I? If I am not mistaken, I do believe that what Sen. Ramdeen was referring to is section 90(1)(a) which says:

“Subject to the provisions of this part, any person who is aggrieved by—

- (a) a development repair order, a compliance notice, an immediate compliance order or a tree preservation order;...
may appeal to the Environmental Commission.”

Madam Chairman, it is the same as I read in 51(8), which talked about the Environmental Commission and then refers us to section 90. All we have done is reproduce what section 51(8) says in our amendment, which means that it is in keeping with the drafting of the Act. That is all we have done. So, Madam Chairman, I reject the assertions of Sen. Ramdeen and Sen. Hosein.

Question put and agreed to.

Clause 8 ordered to stand part of Bill.

Clause 9.

Question proposed: That clause 9 stand part of the Bill.

Sen. Mark: Madam Chair, I have done some diligent enquiries and I have also consulted with a number of professionals on this matter of a council. This council exists only in theory and I do not think that we should be passing any law that has inoperable sections, and this to my mind is a travesty that we would be engaging in as a Parliament. To talk about a council that does not exist in law, we do not have a law to deal with this, Madam Chair. So it is just theory. So I would ask the Minister to delete this provision completely from the legislation. It just does not exist in law. You cannot show me, Madam Chair, that in law.

Madam Chairman: All right. Any other question or comment on clause 9? Minister.

Mrs. Robinson-Regis: Thank you very kindly, Madam Chairman. Madam Chairman, throughout the Act there is reference to the urban and regional planners, throughout the Act that already exists, and there is no such designation as urban and regional planners nowhere in the law except this particular piece of legislation

which has already passed with the term, “urban and regional planners”.

Madam Chairman, it is also found in the legislation that relates to the land tribunal and other pieces of legislation in this regard, where the legislation refers to either institutions or otherwise that have not yet been established. But, in an effort to ensure that we do not have to return to this Parliament in order to insert this, and then we will be accused of bringing a one line piece of legislation, we have indicated that there will be an urban and regional planners Act and, as a consequence of that, we have put it into the amendment to ensure that when that Act is passed we do not have to return to the Parliament to insert it at that time. Madam Chairman, this is not something that has not been done previously.

Sen. Mark: Madam Chair, may I ask the hon. Minister, what is the time frame for tabling in this Parliament, this particular legislation for passage?

Mrs. Robinson-Regis: The urban and regional planners?

Sen. Mark: Yes, this one. Yes that we are now inserting in the legislation. What is the time frame that you have or envisage to having this tabled, debated, and passed into law so that it would be operationalized?

Mrs. Robinson-Regis: Madam Chairman, within six months we will have the urban and regional planners’ legislation before the Parliament.

Madam Chairman: Sen. Chote.

Sen. Chote SC: Yes. Through you, Madam Chairman, Sen. Vieira and I have been having a discussion because the rubric reads “registered professional” and then it goes on to talk about professionals who are registered under their respective regulatory boards. I do not quite follow the reasoning behind the extension of subsection (d) here to include the “Trinidad and Tobago Council for Urban and Regional Planners” which, as I understand it, either it is just a name or it is something that is likely to happen in the future. Well, if we are extending it to that

group, then why are we not extending it to the other groups under registered professional?

Mrs. Robinson-Regis: May I, Ma'am?

Madam Chairman: Yes.

Mrs. Robinson-Regis: Sen. Chote, the professional governing bodies are defined in relation to all the professions that we refer to in this piece of legislation. So for the architects, we have the Board of Architecture established under the Architecture Profession Act; for the engineers, the Board of Engineering established under the Engineering Profession Act; the land surveyors, the Land Surveyor Board of the Trinidad and Tobago established under the Land Surveyor Act; and any other professions such regulating body as may be prescribed. And so, for the urban and regional planners, which is an integral part of the listed professionals that we referred to in this Act, we have said urban and region planners established under the Urban and Regional Planning Profession Act. What we have done is just change the words "established under the Urban and Regional Planning Profession Act" to the "Trinidad and Tobago Council for the Urban and Regional Planners" which is in fact what would be the nomenclature for the professional body that registers the urban and regional planners.

Madam Chairman: Sen. Vieira.

Sen Vieira: Thank you. My concern is the inconsistency in the clause. If it is, as you say, that you want to indicate the governing body of the particular profession then we should say "an engineer registered under the Engineering Profession Act established by the Board of Engineering, a land surveyor registered under the Land Surveyors Act established under the board of land surveyors", but what we have, to me, could all read consistently "an engineer registered under the Engineering Profession Act, a land surveyor registered under the Land Surveyors Act, and an

urban and regional planner registered under the Urban and Regional Planning Profession Act”. I do not really see the necessity to specify the governing body. You registered under the Act that says it.

Mrs. Robinson-Regis: But in relation to each of these professions, that is how it is described in the Act that prescribes the registration, the board of architecture established under the Architecture Profession Act. We took it exactly as it was said in the particular piece of the legislation and that is why in relation to the urban and regional planners we said it was established under the Trinidad and Tobago Council for Urban and Regional Planner. The way it is stated in the Act, in the proposed legislation, is this exact way that we have made the proposed amendment that we have brought before the Senate.

Sen. Chote SC: Madam Chairman, if I may? I think I am uncomfortable with a piece of legislation which is talking about something which may or may not happen in the future. So if perhaps I could respectfully suggest that since we cannot say that there is a body that is registered, perhaps we can say “an urban and regional planner registered under the relevant legislation”, or “the appropriate legislation” because otherwise we are saying “an urban and regional planner” followed by the words “from the Trinidad and Tobago Council for Urban and regional planners” and that is not even a piece of legislation. Who knows if that will pass?

Madam Chairman: Yes, Minister.

Mrs. Robinson-Regis: Thank you very much, Madam Chairman. Madam Chairman, this registration is essential because the Act itself refers to listed professionals, and in relation specifically to the urban and regional planners they must be registered in accordance with the proposed legislation that we will bring. So, Madam Chairman, it is almost an essential part for this legislation to be

proclaimed, there must be an urban and regional planners Act. In order for this legislation to be proclaimed in its entirety, there must be an urban and regional planner Act. It is a companion piece of legislation.

Sen. Chote SC: I get that. I mean I am with you on that. I think that we are both saying the same thing, that the urban and regional planners must be registered, but what is being proposed is that the inclusion of these words if I understand it right, “the Trinidad and Tobago Council for Urban and Regional Planners”. Now, to me that is taking a description out of a piece of proposed legislation and using it as though it is existing legislation which I am a little wary of, and I am thinking that perhaps we can find a happy medium by simply referring to the fact that the urban and regional planners must be registered. At the end of the day when the legislation passes they will still fall into the category contemplated here.

Sen Vieira: And following your logic, if we were talking about a lawyer we would then have to say, “A lawyer registered under the Legal Profession Act as registered by the Registrar of the Supreme Court”. Superfluous. If you are registered under the Legal Profession Act, you are a lawyer. If you are a dentist, you do not need to say as registered by the dental council. You are registered under the Dental Profession Act.

Mrs. Robinson-Regis: But the issue is that the professional governing body is specific for each particular profession. So that the registration is done by the Board of Architecture established under the Act. Similarly, with regard to the engineers it is done by the board of engineers and that is how this legislation was passed. In relation to the urban and regional planners, the registration will be done by the Trinidad and Tobago Council for Urban and Regional Planners and we felt that it was necessary to include it at this time in the legislation because, as I said, in relation to listed professionals if they are not registered with the Trinidad and

Tobago Council for Urban and Regional Planners they cannot participate in the planning process.

Sen. Chote SC: I am sorry, Madam Chair, I do not mean to belabour the point, but really what harm is there in amending the words to say “an urban and regional planner registered under the appropriate legislation”. In any event, you have not in (b) and (c) referred to any board of accreditation under the respective Acts. So it is not necessary to refer to the council in my respectful view. The important thing is the Act really.

10.05 p.m.

Mrs. Robinson-Regis: All right. Can I indicate that if you read (b) and (c) again, it says the:

“‘professional governing body’ in relation to—

- (b) engineers, the Board of Engineering established under the Engineering Profession Act;
- (c) land surveyors, the Land Surveyor Board of Trinidad and Tobago established under the Land Surveyor Act;”

So it does refer to the board. The architects, similarly.

“(a) ...the Board of Architecture established under the Architecture Profession Act;”

Madam Chairman: Sen. Thompson-Ahye.

Sen. Thompson-Ahye: I am having a difficulty in understanding from what document the Minister is reading.

Madam Chairman: She is reading the parent Act, Sen. Thompson-Ahye.

Sen. Thompson-Ahye: Okay, because I was looking at the particular section, because if it is that you derive your authority from a particular piece of legislation, the council derives its authority from the legislation and if he is registered under

the legislation, it seems to me that it is understood that it has to be that body because that is the body where the council gets its powers, it derives its powers from this legislation. So, to me, to actually mention the council or whatever body is really superfluous.

Sen. Dr. Dillon-Remy: Madam Chair, in keeping—[*Interruption*]. Sorry.

Madam Chairman: Sen. Dillon-Remy, just one second. I think the Minister is getting some information.

Mrs. Robinson-Regis: Madam Chairman, I would just like to make sure we are reading the same part of the parent Act. I am reading Part VII, listing of professionals, section 73 where it says:

“professional governing body...”

I think the Senators are reading:

““registered professional’ means”.

I am reading:

““professional governing body’ means in relation to”

—and then it goes on to give the list.

If we read under “registered professional”, it talks about Urban and Regional Planning Profession Act. I do not know if that may be what Senators were reading rather than “professional governing body” which is where we are making the amendment. Could I also indicate that at various sections of the Act it refers to the “Urban and Regional Planning Profession Act”, throughout the Act? Yes, profession Act. This is not the only place that the “Urban and Regional Profession Act” is referred to. There are other sections of the existing Act where it is referred to.

Sen. Dr. Dillon-Remy: So the question I would ask is there is such an Act but it is just that there is no governing body?

Mrs. Robinson-Regis: No, there is no Act.

Sen. Dr. Dillon-Remy: There is no Act?

Mrs. Robinson-Regis: There is no Act—

Sen. Dr. Dillon-Remy: Okay.

Mrs. Robinson-Regis:—which is why I said these two pieces of legislation are to work together, because if we are do not have the Act, the urban and regional planners Act, then we do not have listed professionals as referred to by this piece of legislation. So even though the Members of the Opposition have said that they believe we will never bring the urban and regional planners Act, we cannot proclaim this in its entirety unless we bring that Act because all urban and regional planners have to be registered under that Act and all urban and regional planners to be listed professionals in order for this Act to even work must be registered in accordance with that Act. So it is imperative that that Act form part of that legislative agenda of the Government and it is going to be brought to the Parliament. Could I also say that on Thursday, I think, this particular urban and regional planners Act is going to be considered by the Cabinet.

Question put and agreed to.

Clause 9 ordered to stand part of the Bill.

Clause 10.

Question proposed: That clause 10 stand part of the Bill.

Madam Chairman: Sen. Ramdeen.

Sen. Ramdeen: Madam Chair, my reading of section 90(1)(b) says:

“Subject to the provisions of this Part, any person who is aggrieved by—

(b) any other order...”

—that has to be save and except what is referred to in (a)—

“...made by a planning authority...”

[*Interruption*] Yes, this 10, a planning authority. That is what would give you the right of appeal from any decision of a planning authority.

Madam Chairman: Sen. Ramdeen, I am sorry. We are dealing with clause 10. Clause 10 is seeking to amend section 89(1) of the Act. You are referring to section 90 of the Act.

Sen. Ramdeen: Madam Chair, section 89(1) seeks to insert a planning authority and to give jurisdiction over an appeal from a planning authority to the Environmental Commission. Is that not the amendment that we are referring to?

Madam Chairman: We are dealing with clause 10 which deals with 89(1), yes.

Sen. Ramdeen: Right and the extent of the amendment is to include, apart from decisions of the National Planning Authority, decisions of a planning authority as having a right of appeal to the Environmental Commission. Correct? What I am saying is that if I can ask you to look at section 90(1)(b), section 90(1)(b) says exactly the same thing. It gives you a right of appeal from a planning authority to the Environmental Commission.

Mrs. Robinson-Regis: May I?

Madam Chairman: Yes.

Mrs. Robinson-Regis: Madam Chair, in relation to 89(1), it was imperative that we include “a planning authority” because 89(1) referred to the National Planning Authority as opposed to planning authorities which is where a number of the decisions would be made and consequently, we needed to have that addition. Madam Chair, 90 specifically refers to orders whereas 89 refers to decisions; two different things.

Sen. Ramdeen: So am I to understand that a decision is different from an order and a person who is aggrieved is not captured in section 90?

Madam Chairman: I do not know if you are asking a question, Sen. Ramdeen,

because of the manner in which you are posing it.

Sen. Ramdeen: The explanation given is that somehow the right that is given under section 90(1) which is to any person who is aggrieved by an order made by a planning authority has a right of appeal to the Environmental Commission. There is absolutely no difference between that and what we are being asked to insert, which is in 89, that you insert “a planning authority”. It is the same right that you have.

Mrs. Robinson-Regis: Madam Chair, if the Senator has concluded his submission, may I indicate that not all decisions are orders. You could have a decision of a different nature. So, Madam Chairman, in an effort to ensure that this Act can be properly operationalized, we had to cover everything that was necessary to make sure when it is operationalized, we do not have issues.

Madam Chairman: Sen. Hosein, you wanted to ask something? Sen. Vieira.

Sen. Vieira: No, I agree with the Minister, because you have to read section 89(1) in the context of the Environmental Management Act, Part VIII which talks about the Environmental Commission and section 5 says:

“The Commission shall have jurisdiction to hear and determine...”

—and it lists all these things. And what 89(1) is saying is that—making clear that the Commission shall exercise jurisdiction over appeals from decisions made by the National Planning Authority or planning authority and so it is grounding the jurisdiction to dovetail with this.

Question put and agreed to.

Clause 10 ordered to stand part of the Bill.

Clause 11 ordered to stand part of the Bill.

Clause 12.

Question proposed: That clause 12 stand part of the Bill.

Madam Chairman: Sen. Mark.

Sen. Mark: Yes, Madam Chair. I would like the Minister to explain what is the justification under this part dealing with offences and penalties? Why is the Minister removing (g) and (h)?—or does it appear elsewhere?

Mrs. Robinson-Regis: Yes.

Sen. Mark: Where does it appear elsewhere?

Mrs. Robinson-Regis: It appears in 54 and 57, so it was superfluous.

Sen. Mark: Superfluous.

Mrs. Robinson-Regis: Yes.

Sen. Mark: Okay.

Question put and agreed to.

Clause 12 ordered to stand part of the Bill.

Clause 13.

Question proposed: That clause 13 stand part of the Bill.

Sen. Mark: Madam Chair, could the Minister indicate where would we find the duties of the CEO apart from his broad all-embracing function? Do we have a provision that we are outlining for the CEO functions or we are just saying that the CEO is responsible for just the management, the day-to-day management?

Mrs. Robinson-Regis: Madam Chair, we did not think that it was necessary to outline in the legislation the duties of the CEO because a CEO would have certain duties which any CEO would have. In addition to that, the Authority itself would determine job specifications for CEO. So we did not think it needed to be legislated.

Madam Chairman: Sen. Vieira.

Sen. Vieira: I think it is clear. The CEO is responsible for the day-to-day management of the National Planning Authority.

Mrs. Robinson-Regis: Thank you.

Question put and agreed to.

Clause 13 ordered to stand part of the Bill.

Clause 14.

Question proposed: That clause 14 stand part of the Bill.

Sen. Mark: Madam Chair, I just wanted clarification in 14A(1).

Mrs. Robinson-Regis: Sorry, 14A(1)? There is no 14A(1), just 14A.

Sen. Mark: Orr. Madam Chair, okay. All right, leave that so.

Question put and agreed to.

Clause 14 ordered to stand part of the Bill.

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

Senate resumed.

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

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. I beg to move that this Senate do now adjourn to Monday, 21 January, 2019 at 1.30 p.m. During that sitting, we will be debating the Variation of Appropriation Bill which will be passed in the House of Representatives on Friday. And just to put Senators on notice that we will also meet on Tuesday which is Private Members' Day when we will continue the debate on the Motion with regard to Petrotrin.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised on the Motion for the Adjournment of the Senate. Sen. Mark.

Public Procurement and Disposal of Public Property Act (Government's Failure to Implement)

Sen. Wade Mark: Thank you very much, Madam. Madam President, I am very

happy to deal with this matter of the failure of the Government to explain its delay in the full implementation of the Public Procurement and Disposal of Public Property Act. Madam President, you would know that this Act really came into existence and was operationalized—sections of it—back in 2015 and we have had a number of commitments given by the current administration to have this Act fully implemented and operationalized starting in the 2015 Budget on the 5th of October. We got a commitment from the Minister of Finance to deal with whole procurement system and if I may quote on page 43, the Minister stated that:

“This PNM Administration will cut this cancer of corruption and waste as we fulfill our commitment to the people...to implement a modern, transparent and fair public procurement system in 2016.”

So that we got a commitment that something would take place in 2016. Then in the budget of September 30, 2016 the hon. Minister of Finance, again, talked about the implementation and said:

“By...March 2017...all public bodies...”

—they would establish rather their units and—

“...carry out public procurement and the disposal of public property...”—
Act—“consistent with the...”—legislation.

And that was in 2016. So we got another commitment. We go into the budget of 2017, on October the 2nd, 2017 and again, Madam President, on page 25, we got an undertaking that:

“...we envisage that by early 2018 the legislation will be...”—
operationalized.”

And, of course, in 2019, the Minister committed himself to implementing, in his budget statement, that the regime:

“...the new procurement regime...could be in place in the first quarter of...2019.”

Now, Madam President, whilst all this has been going on—we know that President had his role to play—former President—which he did by establishing and appointing the regulator, and the regulator had certain functions to carry out which, in the *Sunday Express* of the 13th of January, Trinidad and Tobago was informed that the Public Procurement Regulator had submitted to the hon. Minister of Finance—I think this is an error. They said on November 30th, 2017, I believe it was the 30th of November, 2018 because the Procurement Regulator was appointed a year ago. So the Minister has received the regulations from the Procurement Regulator. This is November, December and we are now in January.

Now, Madam President, we would like to know when—in light of the fact that the Minister of Finance has received the procurement regulations which is necessary to give full implementation to the legislation, the Minister of Finance must tell us this evening when will those regulations be tabled in the Parliament [*Desk thumping*] because, as you know, Madam President, under the law, the procurement legislation, it is subject to an affirmative resolution by both Houses, so it must be debated in both Houses for it to be approved and for it to take effect. So we would like to know because this same Government talked a lot about corruption and the cancer of corruption and they want to bring that to an end, and they gave so many undertakings.

But whilst all this has been going on, Madam President, the Government, without any transparency or proper accountability, has already engaged in the purchase and a down-payment of two ferries from Australia and two Cape-class military vessels. There has been no proper procurement mechanism for those

acquisitions and billions of dollars, we are told, will be involved in the acquisition of these vessels. And, of course, we know the Dragon field with the gas, we know that Shell is involved and we know that all kinds of activities are taking place there but we do not know what is involved because it is not transparent and open. We know that there is a highway being built to nowhere in Cumuto, the Manzanilla highway, to nowhere. But somebody told me that somebody has about 400 acres of land nearby. But we will find out who that person is in short order. So, Madam President, we understand that has cost \$400 million but no proper transparency, no proper accountability. And, of course, the airport terminal in Tobago but now that Sandals has crushed the project, we believe that that project has been crushed as well, but that was going to cost the country \$500 million.

So, Madam President, we call on the Government to come clean. They have a short period of life left. In a short while they will face the masses and the masses will deal with you. But in the meantime, whilst you are waiting to experience your permanent exit, we want to get from the Government this evening, when would you be bringing the regulations for debate and for approval, and secondly, when is the Government going to operationalize and implement the procurement legislation that they boasted that they will do and they came on a campaign in 2015 in this country, boasting, attacking, assaulting the People's in the context of what they term to be irregularities, improprieties and all kinds of corrupt activities. Up to this time, not one person has been arrested although it is being rumoured that they intend to use the police service to get at some of us. Madam President, I am telling you.

Madam President: Sen. Mark, you have one more minute.

Sen. W. Mark: Yes, I have one more minute. So I am calling on the Minister of

Finance this evening to come clean, tell us what is happening with the procurement legislation and when it will be implemented and whether he is going to stick to his commitment in the 2019 Budget and have it implemented by the end of the first quarter of 2019 which is the end of March of this year. I thank you very much, Madam President. [*Desk thumping*]

10.35 p.m.

The Minister of Finance (Hon. Colm Imbert): [*Desk thumping*] Thank you very much, Madam President. Madam President, I pray for the day when I do not have to respond to misinformation from Sen. Mark. It appears I have to pray a little more.

The PNM Government was sworn in on the 11th of September, 2015, the present PNM administration. The Procurement Regulator, who by law must be appointed by the President of the Republic after consultation with the Prime Minister and the Leader of the Opposition, was appointed by President Carmona on the 12th of January, 2018. So let us do the math, we came in in September 2015, and the Procurement Regulator was appointed by the President—not by us; we have no power to appoint the Procurement Regulator—in January 2018, 15 months after we were sworn in.

The Procurement Regulator on board set about doing their work. The first thing they had to do was to get accommodation, and the Government provided them with first-class accommodation in this very Waterfront Complex. They are situated in one of the towers here.

The board then went about advertising for staff and recruiting staff and in fact, in a meeting with the regulator today, a meeting that had been planned for some time, the Regulator informed me that he and his staff have recruited

approximately 75 per cent of the key personnel required to administer the public procurement Act.

Ten months after the regulator was appointed, the regulator submitted to the Minister of Finance, myself, the draft regulations for the implementation of the procurement Act, that was six weeks ago. So, the only delay that I would concede is a six-week delay in a period of three years, and it is not a delay because the regulations are made by the Minister on the recommendation of the regulator, the office of the regulator.

And I think that any fair-minded person would think that if regulations have to be implemented to put into public law, for the first time, a series of rules that govern procurement and thereby allow the court to intervene in the award of contracts and also to give wide powers to an independent regulator, who can suspend, overturn, rescind awards of contract, I would think that any responsible Minister would seek both internal and external counsel, in terms of the draft regulations to determine whether they are lawful, whether they are within the confines, the purport, the intent, the meaning of the public procurement Act, which is exactly what we are doing.

So that in the meeting with the regulator today, as we discussed staff, and I was informed by the regulator that the Ministry of Finance has provided the office of the regulator with all the resources they require, all the funding they require, all the support that they require from the Ministry of Finance to implement the Act. We agreed that it is quite likely that the process of review of the draft regulations can be completed by the Ministry towards the end of the month. And therefore, the Ministry is well on track to allow for the proclamation and implementation of the public procurement Act as stated in the budget 2019, in the first quarter of calendar 2019. There is therefore no delay, I reject that absolutely, and I rest. Thank you, Madam President. [*Desk thumping*]

United Nations Human Rights Council Report

(Deprivation of Liberty of Zaheer Seepersad)

Sen. W. Mark: Thank you, Madam President. Madam President, the other matter that I would like to bring to the attention of this House deals with the need for the Government to address issues raised in a September 2018 United Nations Human Rights Council Report on the deprivation of liberty of a citizen in the care of the St. Ann's Psychiatric Hospital and the treatment meted out at that said institution to an individual living with psychosocial disabilities.

Madam President, I have a report in my possession; it is the General Assembly Human Rights Council 39th Session, 10th to 28th of September, 2018. It is the Annual Report of the United Nations High Commissioner for Human Rights and the reports of the office of the High Commissioner and the Secretary General.

Madam President, this deals with human rights abuses by members who are reported by states, and by individuals rather, to the Human Rights Council. Trinidad and Tobago has been formally reported to the Human Rights Council of the United Nations. And may I inform you, Madam President, on the 21st of July, 2017, three special procedures and I am quoting here, Ma'am:

“ On 21 July 2017,”—three—“mandate holders raised concerns about the deprivation of liberty of”—one——“Mr. Zaheer Seepersad in St. Ann's Psychiatric Hospital and other patients living with a psychosocial disability....Mr. Seepersad was born in 1987 with dystonia, a physical impairment due to a neurological movement disorder.”

Madam President, it goes on the report:

“On 20 November 2017, the Working Group on Arbitrary Detention issued Opinion No. 68/2017 concluding that the detention and subsequent

internment of Mr. Seepersad in St. Ann's Psychiatric Hospital on 8 January 2015 for a period of two months, and on 4 May 2016 for 16 days, were arbitrary without any legal basis justifying the deprivation of liberty, and was made purely on the basis of his physical impairment, constituting a violation"—Madam President, a violation—"of international law on the grounds of discrimination based on disability."

This is a report of the United Nations Human Rights Council. The Working Group, the report goes on to say, Madam President:

"...on Arbitrary Detention expressed its most serious concern at allegations of reprisals, such as persistent harassment..."

So after this matter was reported to the United Nations, the Working Group on Arbitrary Detention received further reports on what is called:

"...allegations of reprisals, such as persistent harassment, intimidation and threats which Mr. Seepersad has been subjected to, for bringing his claims to their attention. The Working Group requested the Government"—of the Republic of Trinidad and Tobago—"to ensure that all acts of intimidation against Mr. Seepersad cease and that an impartial and effective investigation is carried out in relation to such acts and those responsible brought to justice."

Madam President, the report goes on to say that:

"The Working Group recommended that the Government"—of Trinidad and Tobago—"remedy the situation and provide compensation to Mr. Seepersad, and referred the case for further action to the focal point on reprisals of the Coordination Committee of Special Procedures and to the Assistant Secretary-General for Human Rights..."

Madam President, the report goes on:

“On 6 September 2017, the Working Group on Arbitrary Detention transmitted the allegations to the Government”—of the Republic of Trinidad and Tobago—“under its regular communications procedure. The Working Group”—goes on to report that it—“did not receive a response from the Government”—of the Republic of Trinidad and Tobago—“nor”—did it receive any—“request for an extension of the time limit for its reply.”

So the United Nations Human Rights Council writes to the Government of the Republic of Trinidad and Tobago on the violation of the rights of a citizen whose liberty has been abused or allegedly abused, Madam President. And although they have written to the Government of the Republic, Madam President, since the 6th of September, 2017, the United Nations Working Group on Arbitrary Detention is yet to receive a response from the Government nor have they gotten a request for an extension of the time limit for its replies.

Madam President:

“It is reported that Mr. Seepersad”—Zaheer Seepersad—“still remains under pressure to dissuade him from engaging with regional or United Nations mechanisms to seek a legal...”—redress.

Madam President, this is the report from the United Nations General Assembly coming from the Human Rights Council as it relates to this report involving Mr. Zaheer Seepersad. And I have brought this matter to the attention of this honourable Senate so we can get a response from the Government, in this instance the Minister of Foreign and Caricom Affairs, who seems to be sleeping—

Madam President: Sen. Mark.

Sen. W. Mark: Sorry, sorry. Madam President, I thought he was sleeping.

Madam President: Sen. Mark.

Sen. W. Mark: Sorry, I withdraw. Madam President, so we are hoping that the Minister of Foreign and Caricom Affairs can report to this honourable Senate this evening, tonight almost, on this matter: Why has the Government refused to respond to the missive issue?

Madam President: Sen. Mark, your time you up.

Sen. W. Mark: Okay, thank you very much, Madam President.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): [*Desk thumping*] Madam President, I thank you for the opportunity to respond to this Motion on behalf of the Government, this matter criss-crossing several Ministries, Madam President.

Madam President, the differences between the Government's approach and Sen. Mark's approach are rooted in four facts. The first is that Sen. Mark refers correctly to a determination that Mr. Seepersad suffers from dystonia, a physical impairment, but Sen. Mark may not be aware that several reports, and I would provide the details shortly, conclude that Mr. Seepersad suffers from severe mental impairments.

The second area which gives rise to differences is the fact that, as you are aware Sen. Mark, the Working Group's report refers to an unnamed source throughout and the Ministry of Health has relied on experts in dealing with this matter and I will provide the details.

The third area which gives rise to differences is the fact that the Ministry of Health has contrary information; I will set out the details.

The fourth area is that the Ministry's position directly conflicts with the information provided by the unnamed source to the Working Group, and relied

upon by the Working Group on Arbitrary Detention; and this is an ongoing matter. The Ministry of Health continues to provide information to the Ministry of Foreign and Caricom Affairs.

So, let me address Sen. Mark in more detail, five or six, seven issues. Government's response, of course, on the Motion is that information provided is unfounded and untrue, as the Ministry of Health has complied with all the requirements under the Mental Health Act in the admission and treatment and care of Mr. Zaheer Seepersad in all instances. The patient's right of liberty was not infringed or compromised as the inherent dignity of the human person prevailed.

The report, as you know Sen. Mark, refers to an event in January 2015. But in fact Mr. Seepersad was admitted on several occasions going back to July 19, 2003; January 29, 2005; January 10, 2015; and May 04, 2016. The medical records reveal that Mr. Seepersad was diagnosed with body dysmorphic disorder and schizophrenia. Sen. Deyalsingh, may help us a little more, but I could say that body dysmorphic disorder is a mental disorder in which the person cannot stop thinking about one or more perceived defects or flaws in their physical appearance and schizophrenia is something we are all familiar with.

Well, let me address the seven issues I referred to. The first one, the reason for the non-response by the North West Regional Health Authority on this matter with the UN. The Ministry of Health actually submitted four responses to the Ministry of Foreign and Caricom Affairs and these responses were dated November 15, 2016; October 30, 2017; November 03, 2017, which was a brief on the admission and all the medical records; and September 07, 2018, which was a brief on all the information including the monitoring mechanisms and the investigation process and so on. These reports, as I said earlier, are still engaging

the attention of the Ministry of Foreign and Caricom Affairs for consideration to the Inter-American Commission on Human Rights.

The second issue, the opinion that the patient did not suffer any mental health issue and provision concerning the involuntary emergency admittance to a psychiatric institution were applied to the said patient. The patient was admitted as an urgent-admission patient in accordance with section 7 of the Mental Health Act. The application for urgent admission was completed on January 11, 2015, by Mr. Deodath Seepersad, the father of the gentleman, Mr. Seepersad, accompanied by certificates from medical practitioners from the Port of Spain General Hospital; accordingly, section 7 of the Mental Health Act was satisfied.

Further, from previous admissions during the period 2003 to 2005, together with the admissions in 2015 and 2016, the medical reports revealed that Mr. Seepersad had some degree of mental illness as he was diagnosed as I said before with body dysmorphic disorder and schizophrenia.

The third issue, the opinion that the medical certificate issued for admission in January 2015 was not valid because the issuing doctor had not seen or medically examined the patient and further that a certificate should be issued by a medical practitioner. The response is that a review of the medical records indicated that the required statutory application, together with the appropriate forms and supporting documents, was made; the application form was completed on January 11, 2015, by Mr. Deodath Seepersad, accompanied by two certificates from medical practitioners. Therefore, the requirements of section 7 of the Mental Health Act were fully met.

The fourth issue, the opinion that the patient had met persistent intimidation, harassment and threats for bringing his claims to the Working Group. The response

is that according to the medical records no members of staff or patients witnessed the patient being physically assaulted by other patients. Upon investigation of the claim, patients who were questioned denied these allegations; in this regard there was no evidence to support the allegation.

Issue five, the opinion that the medical certificate used for the admission on May 04, 2016 was not valid because it was issued more than three days from the date of issuance. It was issued more than three days; the response is a review of the medical records reveals that the statutory application together with the appropriate forms and supporting documents was made. The application form in this case was completed on May 04, 2016 by Mr. Deodath Seepersad, the father of Mr. Seepersad, accompanied by a medical certificate from a medical practitioner dated May 04, 2016.

In light of the above, the Ministry of Health denies the claim that the patient was unlawfully deprived of liberty as it fully complied with the requirements of the Mental Health Act and that the treatment required and care required was provided to Mr. Seepersad.

Six. The opinion that the patient was discriminated against on the basis of his disability, namely his dystonia, every patient has a right to be treated in the least restricted environment and with the least restrictive or intrusive treatment appropriate to the patient's health needs and the need to protect the physical safety of others. In this case, the treatment and care of every patient including Mr. Seepersad was based on an individually prescribed plan discussed with the patient and relatives, reviewed regularly, revised as necessary.

In relation to the seventh issue, it is alleged that all due process guarantees in accordance with international human rights particularly the international covenant

on civil and political rights including the right to liberty and security of the person were absent. The Ministry of health advises that the patient was provided with the treatment and care in accordance with the provisions under the Mental Health Act.

Sen. Mark, this is a very unusual Motion; it is a matter that most if not almost all of us would have missed. I thank you for bringing the Motion and for highlighting the matter. But you would recognize that there is more than what was before the Working Group, and the Government continues to work with the Ministry of Foreign and Caricom Affairs to address this matter while the Ministry of Health provides the appropriate care to Mr. Seepersad, given his condition. Thank you very much. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 10.58 p.m.