

**SENATE**

*Thursday, July 02, 2020*

The Senate met at 2.30 p.m.

**PRAYERS**



[MADAM PRESIDENT *in the Chair*]

**PAPERS LAID**

1. Annual Administrative Report of the Point Lisas Industrial Port Development Corporation Limited (PLIPDECO) for the period January to December 2017. [*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]
2. Annual Administrative Report of the Point Lisas Industrial Port Development Corporation Limited (PLIPDECO) for the period January to December 2018. [*Sen. The Hon. F. Khan*]
3. Annual Administrative Report of the Vehicle Management Corporation of Trinidad and Tobago Limited for the period 2015/2016. [*Sen. The Hon. F. Khan*]
4. Annual Administrative Report of the National Investment Fund Holding Company Limited (NIF) for the year ended December 31, 2018. [*The Minister of Public Administration and Minister in the Ministry of Finance (Sen. The Hon. Allyson West)*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Consolidated Financial Statements of the Trinidad and Tobago Unit Trust Corporation (UTC) for the year ended December 31, 2018. [*Sen. The Hon. A. West*]

6. Annual Audited Financial Statements of the Youth Training and Employment Partnership Limited for the financial year ended September 30, 2018. [*Sen. The Hon. A. West*]
7. Annual Audited Financial Statements of the Youth Training and Employment Partnership Limited for the financial year ended September 30, 2019. [*Sen. The Hon. A. West*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Police Complaints Authority for the year ended September 30, 2019. [*Sen. The Hon. A. West*]
9. Annual Audited Financial Statements of Evolving TecKnologies and Enterprise Development Company Limited for the financial year ended September 30, 2018. [*Sen. The Hon. A. West*]
10. Annual Audited Financial Statements of the Deposit Insurance Corporation for the year ended September 30, 2019. [*Sen. The Hon. A. West*]
11. Ministerial Response of the Ministry of Labour and Small Enterprise Development to the Eighth Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into the Adequacy of Magistrates' Courts Facilities. [*The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus)*]
12. Annual Administrative Report the Public Service Commission for the year 2018. [*The Vice-President (Sen. Nigel De Freitas)*]
13. Ministerial Response of the Ministry of Planning and Development to the Eighth Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the effectiveness of measures in place to reduce traffic congestion on the Nation's Roads. [*Sen. The Hon. F. Khan*]

14. Ministerial Response of the Ministry of Planning and Development to the Ninth Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the policies for the promotion of non-traditional methods of farming including Digital Farming Technology. [*Sen. The Hon. F. Khan*]
15. Phase 1 Report of the Committee appointed to develop a Roadmap to Recovery for Trinidad and Tobago Post COVID-19 Pandemic. [*Sen. The Hon. F. Khan*]
16. Annual Administrative Report of the Sports Company of Trinidad and Tobago for the period 2015/2016. [*Sen. The Hon. F. Khan*]
17. Annual Administrative Report of the National Institute of Higher Education (Research, Science and Technology) for the period 2015/2016. [*Sen. The Hon. F. Khan*]
18. Annual Administrative Report of the University of Trinidad and Tobago for the period 2015/2016. [*Sen. The Hon. F. Khan*]
19. Ministerial Response of the Ministry of National Security to the Eighth Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into the Adequacy of Magistrates' Courts Facilities. [*Sen. The Hon. F. Khan*]

## **PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE REPORTS**

### **(Presentation)**

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

#### **Export-Import Bank of Trinidad and Tobago Limited**

Twenty-Fourth Report of the Public Accounts (Enterprises) Committee, Fifth Session (2019/2020), Eleventh Parliament, on an Examination of the

Audited Accounts, Balance Sheets and other Financial Statements of the Export-Import Bank of Trinidad and Tobago (Eximbank) Limited for the financial years 2012 to 2017.

**National Helicopter Services Limited**

Twenty-Sixth Report of the Public Accounts (Enterprises) Committee, Fifth Session (2019/2020), Eleventh Parliament, on an Examination of the Audited Accounts, Balance Sheets and other Financial Statements of the National Helicopter Services Limited (NHSL) for the financial years 2008 to 2014.

**Rural Development Company of Trinidad and Tobago Limited**

Twenty-Seventh Report of the Public Accounts (Enterprises) Committee, Fifth Session (2019/2020), Eleventh Parliament, on an Examination of the Audited Accounts, Balance Sheets and other Financial Statements of the Rural Development Company of Trinidad and Tobago Limited (RDC) for the financial years 2012 to 2017.

**National Export Facilitation Organization of  
Trinidad and Tobago**

Twenty-Eighth Report of the Public Accounts (Enterprises) Committee, Fifth Session (2019/2020), Eleventh Parliament, on an Examination of the Audited Accounts, Balance Sheets and other Financial Statements of the National Export Facilitation Organization of Trinidad and Tobago (exporTT) for the financial years 2014 and 2015.

**JOINT SELECT COMMITTEE REPORTS**

**(Presentation)**

**Public Administration and Appropriations**

**Sen. Wade Mark:** Madam President,

**UNREVISED**

**Administration of Disaster Relief in Trinidad and Tobago**

Twenty-Sixth Report of the Public Administration and Appropriations Committee, Fifth Session (2019/2020), Eleventh Parliament, on the Follow up examination based on the Ministerial Response from stakeholders to the Twelfth Report on the Administration of Disaster Relief in Trinidad and Tobago.

**Ministry of Sport and Youth Affairs**

Twenty-Seventh Report of the Public Administration and Appropriations Committee, Fifth Session (2019/2020), Eleventh Parliament, on an examination into the expenditure and internal controls of the Ministry of Sport and Youth Affairs.

**Ministry of Sport and Youth Affairs re Community Pools**

Twenty-Eighth Report of the Public Administration and Appropriations Committee, Fifth Session (2019/2020), Eleventh Parliament, on an examination into the maintenance of community pools by the Ministry of Sport and Youth Affairs.

**Ministry of Social Development and Family Services**

Twenty-Ninth Report of the Public Administration and Appropriations Committee, Fifth Session (2019/2020), Eleventh Parliament, on an examination into the delivery of projects and programmes by the Ministry of Social Development and Family Services.

**Preparedness and Response of Public Authorities to COVID-19**

Thirtieth Report of the Public Administration and Appropriations Committee, Fifth Session (2019/2020), Eleventh Parliament, on an examination into the preparedness and response of public authorities to the COVID-19 pandemic in Trinidad and Tobago.

**PUBLIC ACCOUNTS COMMITTEE REPORTS****(Presentation)**

**Sen. Charrise Seepersad:** Madam President, I have the honour to present the following reports:

**Water and Sewerage Authority of Trinidad and Tobago**

Thirty-First Report of the Public Accounts Committee, Fifth Session (2019/2020), Eleventh Parliament: Follow-up on the implementation of the recommendations in the Fifteenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Water and Sewerage Authority of Trinidad and Tobago for the years 2008 to 2013.

**Trinidad and Tobago Electricity Commission**

Thirty-Second Report of the Public Accounts Committee, Fifth Session (2019/2020), Eleventh Parliament: Follow-up on the implementation of the recommendations in the Sixteenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Electricity Commission for the financial years 2012 to 2015.

**Information and Communication Technology**

Thirty-Third Report of the Public Accounts Committee, Fifth Session (2019/2020), Eleventh Parliament: Follow-up on the status of the implementation of the recommendations on Information and Communication Technology (ICT) governance and general controls as stated in the Reports of the Auditor General on the 2017, 2018 and 2019 Public Accounts.

**Public Accounts of the Republic of Trinidad and Tobago**

Thirty-Fourth Report of the Public Accounts Committee, Fifth Session (2019/2020), Eleventh Parliament, on an Examination of the Report of the

Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the Financial Year 2019.

## **JOINT SELECT COMMITTEE REPORTS**

### **(Presentation)**

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

#### **Cannabis Control Bill, 2019**

Third Interim Report of the Joint Select Committee appointed to consider and report on the Cannabis Control Bill, 2019 in the Fifth Session, (2019/2020) Eleventh Parliament.

#### **Miscellaneous Provisions (Local Government Reform) Bill, 2019**

Fifth Interim Report of the Joint Select Committee appointed to consider and report on the Miscellaneous Provisions (Local Government Reform) Bill, 2019 in the Fifth Session (2019/2020), Eleventh Parliament.

#### **Finance and Legal Affairs**

##### **Consumer Awareness, Empowerment and Protection Systems**

Tenth Report of the Joint Select Committee on Finance and Legal Affairs, Fifth Session (2019/2020), Eleventh Parliament, on an Inquiry into Consumer Awareness, Empowerment and Protection Systems.

#### **Foreign Affairs**

##### **Status of CSME in Trinidad and Tobago**

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):** Thank you, Madam President. I have the honour to present the following report:

Interim Report of the Joint Select Committee on Foreign Affairs, Fifth Session (2019/2020), Eleventh Parliament on an inquiry into the status of CSME in Trinidad and Tobago.

**Sen. Nigel De Freitas:** Madam President, I have the honour to present the following reports:

**Local Authorities, Service Commissions and Statutory Authorities**

**Accreditation Council of Trinidad and Tobago**

Sixteenth Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA), Fifth Session (2019/2020), Eleventh Parliament, on an Inquiry into the efficiency and effectiveness of the Accreditation Council of Trinidad and Tobago (ACTT).

**Constitution (Amdt.) (Tobago Self-Government) Bill, 2018**

Report of the Joint Select Committee on the Constitution (Amendment) (Tobago Self Government) Bill, 2018 in the Fifth Session (2019/2020), Eleventh Parliament.

**Social Services and Public Administration**

**Sen. Paul Richards:** Thank you, Madam President. Good afternoon, everyone. I have the honour to present the following reports:

**Geriatric Care Facilities/Old Age Homes**

Fifteenth Report of the Joint Select Committee on Social Services and Public Administration, Fifth Session (2019/2020), Eleventh Parliament, on a Follow-up Inquiry into the existing arrangements and possible options for regulating Geriatric Care Facilities/Old Age Homes in Trinidad and Tobago.

**Rent Regulation for Housing Accommodation**



Sixteenth Report (Interim) of the Joint Select Committee on Social Services and Public Administration, Fifth Session (2019/2020), Eleventh Parliament, on an Inquiry into the system of Rent Regulation for housing accommodation in Trinidad and Tobago.

### **Ministry of Education re COVID-19 Pandemic**

Seventeenth Report of the Joint Select Committee on Social Services and Public Administration, Fifth Session (2019/2020), Eleventh Parliament, on an Inquiry into the Ministry of Education's strategies for ensuring continuity in the delivery of education amidst the COVID-19 Pandemic.

### **State Enterprises**

#### **Telecommunications Services of Trinidad and Tobago**

**Sen. Anthony Vieira:** Thank you, Madam President. I have the honour to present the following report:

Fourteenth Report of the Joint Select Committee on State Enterprises, Fifth Session (2019/2020), Eleventh Parliament, on a Single Evidence Session with the Telecommunication Services of Trinidad and Tobago.

### **Human Rights, Equality and Diversity**

#### **Treatment of Migrants**

**Sen. Hazel Thompson-Ahye:** Madam President, I have the honour to present the following report:

Eighteenth Report of the Joint Select Committee on Human Rights, Equality and Diversity, Fifth Session (2019/2020), Eleventh Parliament, on an Inquiry into the Treatment of Migrants with specific focus on Rights to Education, Employment and Protection from Sexual Exploitation.

### **Land and Physical Infrastructure**

#### **Measures for Ensuring Water Security**

**Sen. Deeroop Teemal:** Thank you, Madam President. I have the honour to present the following report:

Eleventh Report (Interim) of the Joint Select Committee on Land and Physical Infrastructure, Fifth Session (2019/2020), Eleventh Parliament, on an Inquiry into Measures for Ensuring Water Security in Trinidad and Tobago.

### **URGENT QUESTIONS**

#### **Threats to Trinidad and Tobago Police Service**

##### **(Steps to Address)**

**Sen. Wade Mark:** Thank you, Madam President. To the Minister of National Security: In light of recent threats by unknown individuals to harm and injure members of the Trinidad and Tobago Police Service, can the Minister indicate what steps are being taken to address these threats?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Thank you, Madam President. The Trinidad and Tobago Police Service has been working along with other arms of national security in analyzing the posts being shared and circulated on social media. Once these are analyzed, the necessary responses will be employed. Madam President, as these are sensitive issues of national security, nothing further can be said on the matter at this time, thank you.

**Madam President:** Sen. Mark.

**Sen. Mark:** Madam President, can the Minister indicate whether the Government intends, given these threats, to engage the communities that have been engaged in these protests in recent days, does the Government intend to engage in any dialogue?

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

Sen. Mark.

**Sen. Mark:** Can the Minister indicate whether there is any credible evidence thus far that deals with threats to Government Ministers?

**Madam President:** Sen. Mark, that question is not allowed. Next question, Sen. Richards.

### **Fatality of Beetham Gardens Resident**

#### **(Family Counselling Services)**

**Sen. Paul Richards:** Thank you, Madam President. To the Minister of Social Development and Family Services: Has the family of the young woman of the Beetham Gardens who was killed during the recent protest been offered counselling services?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam President, I thank Sen. Richards for the question. When a murder occurs, the Victim and Witness Support Unit of the Trinidad and Tobago Police Service provides the first line of counselling for the families. The information is that this unit has been providing support to this particular family. The Ministry of Social Development and Family Services provides counselling, thereafter, once the family is still in the need of further care and counselling after the initial intervention of the support is given by the Victim and Witness Support Unit of Trinidad and Tobago Police Service. I thank you.

**Madam President:** Sen. Richards.

**Sen. Richards:** Thank you, Madam President. Is there any other type of support being offered—and condolences to the husband, Darren Joseph and I should say that—by the Ministry of Social Development and Family Services inclusive of but not limited to funeral arrangement support to the family?

**Madam President:** Sen. Richards, that question does not arise based on the

question asked and the answer given.

**Sen. Richards:** Minister, has the Ministry contacted the family for offering any kind of continued support given the circumstances of the husband and children involved?

**Sen. The Hon. C. Rambharat:** Madam President, as indicated in the response, the first responder is the Victim and Witness Support Unit of the Trinidad and Tobago Police Service. Having regard to the circumstances, a murder, in which there are investigations going on, once the families of the victim receive that first intervention by the police service, anything that is required as follow up is provided by the Ministry of Social Development and Family Services. Thank you.

### ORAL ANSWERS TO QUESTIONS

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam President. The Government is pleased to announce that it will be answering Question Nos. 156 and 158. We ask for a deferral of Question No. 159 for two weeks.

*The following question stood on the Order Paper in the name of Sen. Wade Mark:*

#### **Micro, Small and Medium Sized Businesses (Financial/Economic Challenges faced)**

**159.** Could the hon. Minister of Finance state:

In light of the financial and economic challenges facing thousands of micro, small and medium-sized businesses as well as the interest rates and service charges imposed by banks, can the Minister indicate what measures are being taken to ease the burdens being faced by these businesses?

*Question, by leave, deferred.*

#### **Paria Fuel Trading Company Limited**

**(Contract for Gasoline Sale)**

**156. Sen. Wade Mark** asked the hon. Minister of Energy and Energy Industries: Can the Minister provide the Senate with a copy of the contract for the recent sale of 150,000 barrels of gasoline by the Paria Fuel Trading Company Limited, and in particular the specified clause/provision which protects this country from any action should the gasoline be directed to any US sanctioned country?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** I decided to take the podium to match Sen. Mark one-on-one. Madam President, Paria Fuel Trading Company Limited is restricted by confidentiality obligations in respect of disclosure of its commercial/trading contracts. Given the nature of Paria's business, disclosure of any commercial or trading contracts could definitely compromise existing and potential customer-business relationships and the company's operations. Any release of the said contract would contravene confidentiality provisions of the contract and therefore cannot be entertained.

Subject to confidentiality obligations and without disclosing the specific contract and the commercial content stated therein, Paria has however confirmed that the said contract contained the following provision:

No cargo shall be resold, stored, transferred or traded into any sanctioned country including but not limited to Cuba, Venezuela, Iran, North Korea, Syria and Sudan.

Thank you, Madam President.

**Sen. Mark:** Madam President, having regard to the fact that the fuel under query was eventually sold to Venezuela, can the Minister indicate whether Paria Fuel has launched an investigation into the sale of its fuel to Venezuela?

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

**Sen. Mark:** Madam President, given the importance of this transaction to the economic well-being of T&T, can the Minister indicate whether it is in the national interest to have the contract involving the transaction, under question, be made public?

**Sen. The Hon. F. Khan:** Madam President, as far as I am aware, there is no independent evidence that shows that this shipment of fuel actually went to Venezuela. Having said that, the situation is that once the ownership has been transferred to the party and once the transaction has been concluded, Paria loses title to the shipment and as such, has no policing power as to where it ends up thereafter. So in that context, there is no issue as far as Paria is concerned and as far as the Government of Trinidad and Tobago is concerned.

**Madam President:** Sen. Mark.

**Sen. Mark:** Madam President, can the Minister clarify for this honourable Senate whether he is aware that the shipment of 150,000 barrels of gasoline would have been purchased at a cost of US \$40 a barrel and later resold to this particular company at a price of US \$37.50?

**Madam President:** Sen. Mark, that question is not allowed.

**Sen. Mark:** Madam President, can the Minister indicate whether the Government intends to examine or assess information that is circulating that some 200,000 barrels of gasoline was exported to Trinidad and Tobago or bought, I should say, by Paria Fuel some three weeks before same was sold to ES Euro Shipping? Can the hon. Minister indicate whether he is aware?

**Madam President:** No, that question does not arise. Next question, Sen. Mark.

**Sen. Mark:** Madam President, is the Minister aware—

**Madam President:** No, you have used up your questions there, so you are literally on the next question on the Order Paper.

**Sen. Mark:** Thank you, thank you. Can I be advised? 158?

**Madam President:** Yes, 158.

**Carifesta XIV Expenditure  
(Forensic Audit Into)**

**158. Sen. Wade Mark** asked the hon. Minister of Finance:

Given the expenditure incurred by the Government in hosting Carifesta XIV in which over \$12.3M was spent in excess of the budgeted \$28.4M, as well as several financial discrepancies observed by the Auditor General, can the Minister indicate whether it is the intention of the Government to launch a forensic audit into the expenditure involved in hosting said event?

**The Minister of Public Administration and Minister in the Ministry of Finance (Sen. The Hon. Allyson West):** Thank you, Madam President. Once again, Sen. Mark raises a question that is based on a false premise. The final approved budget for Carifesta XIV was not \$28.4 million. That was an initial budget done when the hosting of Carifesta by Trinidad and Tobago was first conceptualized. However, prior to the festival, which took place in August of 2019, Cabinet subsequently approved on July 04, 2019, the sum of \$43 million for the hosting of Carifesta XIV. As such, there is no requirement for a forensic audit. It should also be noted that the Central Audit Committee is in the process of conducting a final audit on the expenditure on Carifesta XIV in the usual manner. Thank you, Madam President.

**Madam President:** Sen. Mark.

**Sen. Mark:** Madam President, can the Minister indicate, given the several financial discrepancies as observed in the Auditor General's Report, whether the Government is going to be launching a forensic enquiry into the expenditure of \$43 million for Carifesta?

**Madam President:** That question is asked and answered, Sen. Mark, so perhaps another question.

**Sen. Mark:** Madam President, is the Minister aware that owing to the several financial discrepancies that arose from this particular exercise that the report or the audit that is being currently conducted by the Central Audit of the Ministry of Finance, can the Minister indicate when this audit will be completed?

**3.00 p.m.**

**Sen. The Hon. A. West:** Madam President, I would first like to comment on the statement that there had been several discrepancies identified. That is not in fact so. The audit is in process now and that will determine whether any issues arise for further attention and I do not know the anticipated end of that audit, Madam President.

**Sen. Mark:** It was very garbled. I could not understand exactly what—

**Madam President:** Minister, Sen. Mark did not hear your answer.

**Sen. The Hon. A. West:** The expected date of the audit is not currently available, Madam President.

**Madam President:** Sen. Mark, the expected completion date is not available.

**Sen. Mark:** Okay.

**Madam President:** Next question, Sen. Mark.

**Sen. Mark:** Can, Madam President, through you, the Minister indicate what are the terms and reference of the Central Audit Committee in the examination of the expenditure of \$43million incurred by the Ministry, as it relates to Carifesta?

**Sen. The Hon. A. West:** Madam President, the team is conducting a standard audit, which requires them to examine both the expenditure and the income incurred and realized during the course of the festival, and they will report to the Ministry when this matter is completed.



**Sen. Mark:** Madam President, having regard to the observations made—am I okay?

**Madam President:** That is it.

**Sen. Mark:** That is it. Okay, thank you.

### **JOINT SELECT COMMITTEE**

#### **Cannabis Control Bill, 2019**

##### **(Extension of Time)**

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam President. Madam President, having regard to the Third Interim Report of the Joint Select Committee appointed to consider and report on the Cannabis Control Bill, 2019, in the Fifth Session, Eleventh Parliament, I beg to move that the committee be granted an extension to August 31, 2020, to complete its work and submit a final report.

*Question put and agreed to.*

#### **Miscellaneous Provisions (Local Government Reform) Bill, 2019**

##### **(Extension of Time)**

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Madam Speaker, having regard to the Fifth Interim Report of the Joint Select Committee appointed to consider and report on the Miscellaneous Provisions (Local Government Reform) Bill, 2019, in the Fifth Session, Eleventh Parliament, I beg to move that the committee be granted an extension to August 31, 2020, to complete its work and submit a final report.

*Question put and agreed to.*

#### **URBAN AND REGIONAL PLANNERS PROFESSION BILL, 2019**

[Third Day]

*The committee of the whole Senate resumed its deliberations on the Bill.*

[*Chairman: Sen. Kangaloo*]

**Madam Chairman:** Hon. Senators, may I remind you that we are now going to begin dealing with clause 16. May I remind you that we have four sets of amendments: amendments circulated by the Attorney General, by Sen. Thompson-Ahye, by Sen. Mark and by Sen. Dillon-Remy. So everyone should be in possession of the four sets of proposed amendments. Are there Members who need copies of the proposed—of all? Of all. So it is one, two, three—could I just see the hands again? Oh my, one, two, three, four, five—all right, six, seven. Right.

**Sen. Rambharat:** Madam Chair, we have further amendments we would like to make and we propose, Madam Chair, to circulate a revised list of amendments which now includes three new proposals and the further amendment of a proposal that was made before. So I am asking if we can circulate to the Members the revised list of amendments dated today, Thursday 02 July, 2020. Thank you.

**Madam Chairman:** Is everyone comfortable now? Have we gotten all of the amendments, including the new proposed amendments by the Attorney General?

**Sen. Dr. Dillon-Remy:** I did not get the new amendments.

**Madam Chairman:** So the amendments, the new lists of amendments by the Attorney General will have to be circulated in a little while. They are being copied now as we speak. So at this stage, I will suspend the sitting for 10 minutes to allow those amendments to come before the committee. So the committee is suspended for 10 minutes.

**3.09 p.m.:** *Committee suspended.*

**3.19 p.m.:** *Committee resumed.*

**Madam Chairman:** Everyone is settled now? Does everyone have all— each person has all the different amendments? Yeah? Can we begin? Leader of

Government Business, which one? You do not have the Attorney General's as yet?

*Clauses 16 and 17.*

*Question proposed:* That clauses 16 and 17 stand part of the Bill.

**Sen. Mark:** May I ask the hon. Sen. Clarence Rambharat, in terms of—

**Madam Chairman:** What clause are you on?

**Sen. Mark:** I am on clause 17, Ma'am.

**Madam Chairman:** All right. Let us just deal with clause 16 then.

**Sen. Mark:** Okay.

*Clause 16 ordered to stand part of the Bill.*

*Clause 17.*

*Question proposed:* That clause 17 stand part of the Bill.

**Sen. Mark:** To the hon. Minister, in clause 17(2), we are saying that the TTSP, which is the Trinidad and Tobago Society of Planners, they would have to issue a certificate of good standing for the renewal of a professional licence. I just wanted to ask the hon. Minister: What would be the role of the council in this context? Because what we are seeing is that we have two bodies that would be operating side by side, TTSP and then you have the Council of Urban and Regional Planners. So, we are saying that a certificate would come from TTSP, and I am just asking why TSSP and not the Council? And as I am on that, Madam Chair, may I also ask him—

**Sen. Rambharat:** Madam Chairman, it is not really a drafting issue Sen. Mark is raising. It is an issue relating to the structure of the Bill. And it is very clear that the society has one particular function, which is to represent the interest of the professional members and the council as an overarching responsibility to manage the profession in relation to the issue of the licences and the disciplinary functions,

and so on. So it is two completely—it is two different entities operating. So that the licensing regime, which is administered by the council, part of the licensing regime involves a certificate of good standing by the representatives of the professional members, which is the society. So nothing is unusual about that.

**Sen. Mark:** May I also ask, Madam Chair, through you, to the hon. Minister, a certificate of good standing, do you think that—I think earlier on in the—well, if I am not mistaken, Madam Chair, did these people have to secure a certificate of good character from the Trinidad and Tobago Police Service? You want to clear the air for me on that?

**Sen. Rambharat:** Madam Chair—

**Madam Chairman:** Just one second, I think Sen. Vieira has something to add or ask.

**Sen. Vieira:** Thank you, Chair. So, may I take it that if you do not have a certificate of good standing from TTSP, you cannot apply for the renewal of the professional licence?

**Sen. Rambharat:** No, there is a requirement under clause 17(2) that you have that certificate.

**Sen. Vieira:** No, I am comfortable with it. I just want to be clear about it.

**Sen. Rambharat:** Yes.

**Sen. Vieira:** Thanks.

**Madam Chairman:** And Sen. Mark's question.

**Sen. Mark:** I cannot recall the exact section, hon. Minister, but does an urban planner who has to secure either a temporary, provisional or professional licence, would that person have to secure a certificate of good character from the Trinidad and Tobago Police Service? Or that is not applicable to those professionals?

**Madam Chairman:** So, Sen. Mark, believe it or not, I am going to ask you to

raise your voice a little bit because some of the Senators behind you are not hearing you.

**Sen. Mark:** I am so sorry. I apologize. What I am simply asking the hon. Minister is whether a certificate of good character from the Trinidad and Tobago Police Service for one to secure either a temporary—

**Madam Chairman:** I do not think— I know you are asking the Minister, but I do not think that that really is relevant to this particular clause. So perhaps the Minister—

**Sen. Mark:** All right, well, we could come back to that, and so on.

**Madam Chairman:** Sure.

**Sen. Rambharat:** Madam Chair, I would say that if we continue to proceed, we have been at it for five minutes and if we continue to proceed in this way, clause 17 addresses the renewal of a professional licence and it is not based on conjecture. It sets out the requirements at sub (2) for the renewal. The issue of conjecture, about certificate of good character from the police does not arise. The issue of provisional licence does not arise. That is clause 18. And the issue of a new application does not arise, because that is clause 15. We are dealing with clause 17, which deals with the requirements for the renewal of a professional licence.

*Question put and agreed to.*

*Clause 17 ordered to stand part of the Bill.*

*Clause 18.*

*Question proposed:* That clause 18 stands part of the Bill.

**Sen. Rambharat:** Madam Chair—

**Madam Chairman:** There is an amendment circulated by the Attorney General.

**Sen. Rambharat:** There is a very simple amendment to delete at clause 18(1) in line 4, after the words “section 15(3)(a)(iii)” to delete “or (iv)”.

*Question put and agreed to.*

*Clause 18, as amended, ordered to stand part of the Bill.*

*Clauses 19 to 24.*

*Question proposed:* That clauses 19 to 24 stand part of the Bill.

**Sen. Mark:** I do not think we should go that fast. I think we are going nice; 19, 20, as we go on—

**Madam Chairman:** The question is—

**Sen. Mark:**—because I have a lot of things to raise.

**Madam Chairman:** The question is that clauses 19 to 24—

**Sen. Mark:** Yeah. All right. May I raise my questions, please?

**Madam Chairman:** Yes.

**Sen. Mark:** Madam Chair, under clause 19(4), I am asking the hon. Minister, deputizing for the Attorney General, whether this provision should not be applicable to all licence holders. We are only targeted temporary, but we are not looking at what is taking place with those persons who might be getting provisional, as well as the permanent persons. So, if misrepresentation takes place at another level, would this subclause (4) be applied, Madam Chairman? So I wanted to indicate to the Minister that they should consider having it as something to cross the board for the different categories.

**Sen. Rambharat:** Madam Chair, quite frankly I have no problem with it. It is just a matter of dealing with it, in terms of where is the best place to deal with it.

**Sen. Vieira:** I think the answer is that in this instance you are dealing with somebody who is not a citizen of Trinidad and Tobago, and so you are cancelling ab initio, anything that is based on a fraudulent or false information document. If it is a Trinidad and Tobago national, I think the provisions of clauses 55 and 56 kick in, because that will be an offence. So I understand that there is a difference

between the foreign applicant and the local applicant.

**Sen. Mark:** While the Minister is looking at that, Madam Chair, I just want to go to clause 20. Madam Chair, you will see clause 20 referred to the First Schedule. Right? And if you go to the First Schedule—

**Madam Chairman:** Fifth Schedule.

**Sen. Mark:** The Fifth—yeah, the Fifth Schedule, thank you very much. The Fifth Schedule, Ma'am. If you to the Fifth Schedule— Minister, you can follow me on this one as well.

**Madam Chairman:** Sen. Mark, you are dropping your voice again.

**Sen. Mark:** So, if you go to the Fifth Schedule, you will see Form 1, Form 2. Form 1 is professional. Form 2 is provisional and Form 3 is, in fact, temporary. What I wanted to ask the Minister, the tenses. If you read, for instance, what is in Form 1:

“This certifies that”— John Harry— “was...”

I am wondering, for instance, if it should not be “is”, and not “was”. Because the physical preparation is one thing. But when you get your licence to practice is another thing. So I am just wondering here, hon. Minister, if you look at Forms 1, 2 and 3, you have almost a similar kind of past tense being introduced here. So I was wondering if there is an error there. Why are we using the word “was”?

**Madam Chairman:** Sen. Mark, perhaps that can be flagged for when we—

**Sen. Rambharat:** Yeah, Madam Chairman, we could—

**Madam Chairman:**—when we later are dealing with the Schedules.

**Sen. Mark:** Okay.

**Madam Chairman:** Because you know we have to go through the Schedules. So that perhaps we can take a note and we deal with it then.

**Sen. Mark:** In clause 21, I wanted to ask the hon. Minister, in clause 21 if

someone fails to display, conspicuously, their licence, is there a sanction for not displaying? Because I cannot recall seeing a sanction for that. So I need to get some clarification on that. Madam Chairman, you are going to clause 22 as well?

**Madam Chairman:** No.

**Sen. Mark:** No, you are going to 22?

**Madam Chairman:** Okay, I thought you wanted to respond to that question, Sen. Mark.

**Sen. Mark:** You are not hearing me? All right, let me just repeat.

**Madam Chairman:** All right, let me just repeat for clause 21, Sen. Mark is asking whether there is any penalty for not displaying the licence as set out in clause 21.

**Sen. Mark:** Just trying to get some clarification here, Ma'am, and then if I may—

**Madam Chairman:** Well just— I think we have to give the Minister an opportunity.

**Sen. Mark:** Okay, okay.

**Sen. Rambharat:** Madam Chair, can we stand that one down? I am going purely on recollection that there was, in fact, a provision. But CPC is looking for it. And—

**Madam Chairman:** Clause 21 is stood down. So let us just deal with—  
[*Interruption*]*—no, just one second, clauses 19 and 20.*

*Question put and agreed to.*

*Clauses 19 and 20 ordered to stand part of the Bill.*

*Clause 21.*

**Madam Chairman:** Clause 21 is deferred.

*Clauses 22 to 24.*

*Question proposed:* That clauses 22 to 24 stand part of the Bill.



**Sen. Mark:** Madam Chair, I think it is important for us to clarify in law, and we cannot be vague in this matter.

**Madam Chairman:** Which clause, Sen. Mark?

**Sen. Mark:** I am at clause 22(a). What is meant by “reasonable remuneration”? We need to have a definition or get some other form of wording, Madam Chairman. Because how it is stated here, it is extremely vague. There are no guidelines as to what constitutes— or would be in the regulations, Mr. Chairman? I do not know. But I just found that to say reasonably or reasonable remuneration. What does that mean? So I am just trying to get clarification. And then when you go to clause 23, you have, in clause 23(1):

“...reasonable charges for professional...”—fees.

Madam Chair, we may to have a Schedule or guidelines, so that when you go an urban planner or a regional planner, someone can interpret this in one way, and then they charge you and you go by somebody else and then another charge. So it is either we leave this out and let market forces determine this thing. Or why are we including something that may not work, Madam Chair? It does not make sense. So I am just asking the Minister to clear the air on that.

**Madam Chairman:** Yes, sure, Sen. Mark. Minister.

**Sen. Rambharat:** Madam Chair, this is the normal springboard that you would use in legislation. It is the question of reasonableness is an objective test. And Sen. Mark is right, it could be supported by regulations. It could be supported by a scale of fees. In regulations, it could be supported by a Schedule. But this is the springboard for doing that. And what Sen. Mark proposes of having it removed altogether is far more dangerous than what is in the Bill now. Because then you— as he says, market forces, there are not going to be any guidelines. So reasonable remuneration is sufficient as an objective test to determine what should or should

not be included in a demand for payment. And it could be supplemented later on by regulations or a schedule of fees and charges.

**3.40 p.m.**

**Sen. Mark:** Madam Chair, or are you thinking it could be?

**Sen. Rambharat:** It could be. In other legislation dealing with the regulation of professionals there are guidelines, even in the legal profession there are guidelines, and from time to time they are reviewed in terms of what is happening in the market.

**Sen. Mark:** But would you say, hon. Minister, through the Chair, would those guidelines find their way in the regulations, so that at least those urban and regional planners would have a signpost or a guidepost?

**Sen. Rambharat:** I believe they would find their way once the Council is constituted and the regulatory framework is established, then this in the normal way will come from the professionals themselves.

*Question put and agreed to.*

*Clauses 22 to 24 ordered to stand part of the Bill.*

*Clause 25.*

*Question proposed:* That clause 25 stand part of the Bill.

**Sen. Mark:** Madam Chair.

**Madam Chairman:** Yes.

**Sen. Mark:** I do not have an amendment at this time but for clarification—

**Madam Chairman:** You do not have any amendments? I will know when the amendments are coming up?

**Sen. Mark:** Yes, thank you. Madam Chair, I would like to ask through you, to the hon. Minister, in 25(2), Madam Chair, a person's licence is suspended, but the Council takes its time to make a decision with respect to the revocation of the

licence. Madam Chair, I am trying to get from the hon. Minister, should we not stipulate a time frame for some decision? Because you are dealing with people's property, right? My property is my profession, and I have to practise out there. You are taking a decision to suspend my licence, so therefore I am being denied the opportunity to earn an income? Therefore, it cannot be open-ended, Madam Chair. And what I am seeing here in 25(2) is an open-ended arrangement because there is no specific time frame as to when this Council will take a decision on this matter. So I am just asking if this could be looked at, so that there will be justice in this exercise.

**Sen. Rambharat:** Madam Chairman, there is a process that is set out later in the Bill, and maybe as we get to that point, a process for dealing with disciplinary matters and that process stipulates time frames which would be applicable to this particular matter. So I do not agree that it is an open-ended, there are timelines set out in the disciplinary process.

**Madam Chairman:** Sen. Vieira.

**Sen. Vieira:** And I would also point out that under clause 27, a person can make an appeal where his licence has been suspended to the Environmental Commission, so there is a process in the event you felt that you were being unjustly treated.

*Question put and agreed to.*

*Clause 25 ordered to stand part of the Bill.*

*Clause 26 ordered to stand part of the Bill.*

*Clause 27.*

*Question proposed:* That clause 27 stand part of the Bill.

**Madam Chairman:** Minister, there is a proposed amendment?

Delete paragraph (a) and substitute the following paragraph:

“(a) refuse the issue or renewal of a licence under sections 16, 17, 18 and 19;”.

**Sen. Rambharat:** Madam Chair, there is an amendment that is proposed and it is a simple amendment. The first thing is to include in the matters which may be appealed to the Environmental Commission, to include “matters under section 16”, and secondly to remove the reference to “18(2)”, to remove the restrictive nature, so it is now going to be a reference to “18” in its entirety, and likewise to remove the restriction of having “19(2)”, and it is now going to be “19” in its entirety. So matters for appeal to the Environmental Commission may be in respect of the refusal to renew the licence under sections 16, 17, 18 and 19.

**Madam Chairman:** Sen. Mark.

**Sen. Mark:** Madam Chair, I have no problem with what is being proposed. I want to advise the hon. Minister that in the absence of a three-fifths majority in this legislation, you are restricting a person’s right to go immediately into the Court of Appeal. You are saying that that person can only go if he is aggrieved on a point of law. That is like the Industrial Court. You can only go beyond the Industrial Court on a point of law. But those pieces of legislation—

**Madam Chairman:** Sen. Mark, what you are saying is not relevant to this section and to this clause and to the amendment as proposed—Hon. Senators, the question is that clause—yes, Sen. Hosein?

**Sen. Mark:** Madam Chairman, this is not appeal?

**Madam Chairman:** This clause, you just told me that you have no problem with the— *[Interruption]* Hold on, hold on, Sen. Mark, we need to get a little order in the Committee. So there is an amendment proposed, you indicated in your preliminary words that you had no problem with that, but you are now going on to talk about a three-fifths majority, which will not form part of this.

**Sen. Mark:** I do not know why we—

**Madam Chairman:** No, no, let me hear Sen. Hosein who has asked, and perhaps you can formulate what it is you want to put forward to the Committee. Sen. Hosein.

**Sen. S. Hosein:** Madam Chairman, thank you very much. What I wanted to find out is that why is it that we are asking for the Environmental Commission to have jurisdiction over appeals for the various refusals, revocation, or suspension of the licence? The Environmental Commission, in my view, is not an independent body per se when you look at the modes of appointment of the persons there. Why do we not give the persons who are aggrieved, access to an independent judicial office? So thereby, they may feel more satisfied in terms of an outcome regarding their grievances with the Society of Planners.

**Sen. Rambharat:** Madam Chair, I will say two things. The first is that the provision for the appeal does not include an ouster of any other jurisdiction of the court, an aggrieved party will still have recourse to other parts of the judicial system, that is the first thing. And secondly, we have used this formulation of going to the Environmental Commission in the amendment to the facilitation of development legislation. And the Government's position is that it affords an aggrieved party an opportunity to have a decision reviewed, and I do not agree with the submission made by Sen. Hosein.

**Madam Chairman:** Sen. Hosein.

**Sen. S. Hosein:** Thank you very much, Madam Chair. I do not know if the Minister will consider in this light, that it may very well be difficult for someone to access the court. Because if the Commission makes a decision thereby you now have the only way to access the court is through a judicial review application. Now, the difficulty with that, Minister, is the fact that that person will have to now

seek leave and it is then there will be a substantive hearing of the matter. Why is it we do not just bypass the Environmental Commission and substitute it for the High Court per se, or—the High Court, I would say. I think that is the best option that is available to us because in other pieces of legislation, when there are instances like this you would see that there is a provision whereby a person has direct access to the court without the fact that they have to seek leave.

**Madam Chairman:** Sen Vieira.

**Sen. Vieira:** Yes, in the Dental Profession Act, if I could read it:

“37. A person aggrieved by the refusal of the Council to register or enrol him, as the case may be, or by the removal of his name from the Register or Roll or by his suspension from practising dentistry may within three months after the date on which notice is given to him by the Council of such refusal, removal or suspension, appeal against the Council’s decision to a Judge in Chambers and the Judge shall give such direction in the matter as he may think proper, including a direction as to costs.”

Now, what you have done is that you have substituted “Judge in Chambers” for the “Environment Commission”. I know the Environmental Commission is a superior court of record in its own right. And I could see there is a link between some of the work being done by the planners and the commission, but I agree with my friend Sen. Hosein that people have been accustomed treating with the court, you know, and maybe there is a particular reason why you want the Environmental Commission to be that decision maker, but it really does not come across in the legislation.

**Sen. Mark:** Madam Chair, could I?

**Madam Chairman:** Just one second. Sen. Mark.

**Sen. Mark:** Madam Chair, I would like the hon. Minister to also look at section

29 of the Medical Profession Act or the Medical Board Act, again, same point that Sen. Vieira is making. If somebody is aggrieved, they go straight to a judge, and if they are dissatisfied they can go directly to the Court of Appeal. What we are doing is creating a kind of—some obstacles which as I am saying, because it does not have a special constitutional majority you may be clashing with sections 4 and 5 as it relates to rights. So I am just saying to you, you should revisit this Environmental Commission concept that is in this legislation.

**Madam Chairman:** Minister.

**Sen. Rambharat:** Madam Chair, as I have indicated, this provision in 27 is to create consistency as Sen. Vieira properly pointed out. There is a logic in it and for that reason when we made the amendment to the Planning and Facilitation of Development legislation we included the Environmental Commission as the place for appeals from decisions made by the planning body. And part of the reason has to do with the composition of the Environmental Commission. The Environmental Commission has as its Chair and Deputy Chair, lawyers. But the Environmental Commission is also constituted by professionals who are in a position to provide input on a decision in relation to matters of planning, and in the same breath we have for consistency, the Government has included the Environmental Commission. So we are consistent across the legislation and we do that because we recognize that unlike a Judge in Chamber, or the other things we shall propose, the Environmental Commission is constituted in a way that it will give decisions taking into consideration the professional expertise of members of the commission.

**Madam Chairman:** Sen. Mark, I think enough has been said about this. I mean, you have raised the issue, Sen. Hosein, Sen. Vieira and the Minister has answered. I do not think that there is anything else that can be said on this matter. Just one final point, Sen. Mark, on this particular clause, yes?

**Sen. Mark:** Hon. Minister, through the Chair, who appoints the members of the Environmental Commission? Is it the Judicial and Legal Service Commission? Or is it the Cabinet?

**Sen. Rambharat:** Madam Chair, Sen. Mark is sending me into a realm—

**Sen. Mark:** Answer the question. It is a straight question.

**Sen. Rambharat:** Is Sen. Mark proposing a particular amendment to 27, Madam Chair?

**Sen. Mark:** Madam Chair, all I am trying to do with this piece of legislation is ensure that we do not end up in the courts. And I am saying that this provision is clashing with 4 and 5. And I am just saying—

**Madam Chairman:** I do not think you can rehash what you have said previously, so I shall now put the question.

*Question put and agreed to.*

*Clause 27, as amended, ordered to stand part of the Bill.*

*Clause 28.*

*Question proposed:* That clause 28 stand part of the Bill.

**Madam Chairman:** Sen. Hosein.

**Sen. S. Hosein:** With respect to this particular clause, Madam Chairman, the power to make rules, “Rules of Court” of the commission. What I am saying, Madam Chairman, is that are these rules already prepared? Because under the Act itself there are certain guidelines, for example, appeals from the authority which is the Environmental Management Authority, which is specific to those matters that are contemplated under the EMA Act, the Environmental Management Act. With respect to appeals that now lie from this particular legislation, are those rules formulated or have been drafted? What do we contemplate with these rules? What will be the time for appeal to lie? Whether the commission will have the power to



grant an extension because it is a statutory right of appeal we are giving. And the Environmental Commission is a statutory body which must act within the ambits of the powers given to it by the statute.

**Madam Chairman:** Minister.

**Sen. Rambharat:** Madam Chair, 28 represents as I have said before, it is the standard springboard. The provision is made there. It is set out that the appeals may be heard in such manner and as may be prescribed by the Environmental Commission. And clearly the intention is that that commission will develop rules of court which are applicable to appeals to be heard in accordance with this piece of legislation.

**Sen. S. Hosein:** Madam Chairman, if I may? When I look at the power of the commission to make rules, I look at section 84(15) of the Environmental Management Act. And those rules that the commission makes have to get the approval of the President which is read in this context as the Cabinet. Now, this can impact on a person's right to a fair hearing if we have the Executive that is making rules for an appeal with respect to a judicial power being exercised by the commission. So I am looking here right now at the right to a fair hearing, and whether or not this would be an independent judicial body that will be hearing these statutory appeals.

**Madam Chairman:** Minister. Sen. Vieira.

**Sen. Vieira:** Thank you, Chair. I was looking through the Environmental Management Act which has the Environmental Commission Rules at the back of the Act. But the point I want to develop is what Sen. Hosein has said. When you look at the Part VIII of the Environmental Management Act, the "Establishment and Jurisdiction of Environmental Commission", it is very specific:

"81. (1) A Tribunal to be known as the Environmental Commission is

hereby established for the purpose of exercising the jurisdiction conferred upon it by this Act or by any other written law.”

So what I am going to suggest is that you may need to amend the Environmental Management Act because the jurisdiction of the commission is spelt out at 81(5), and it does not include this. So if it is you are going that way, we are going to need to do some tightening up.

**Sen. S. Hosein:** Sen. Vieira, do you need a consequential amendment?

**Sen. Mark:** We will. [*Crosstalk*]

**Madam Chairman:** Minister, are you in a position to respond?

**Sen. Rambharat:** Madam Chair, I was waiting to see if Sen. Mark was adding something to what Sen. Vieira said in relation to that. Madam Chair, the provision in the EMA legislation makes provision for the jurisdiction of the Environmental Commission in accordance with the EMA legislation, but also provides for the expansion of that jurisdiction by any other legislation. And this is parent legislation and this fits into that provision under the EMA Act which allows for the expansion of the jurisdiction of the powers of the Environmental Commission.

*Question put and agreed to.*

*Clause 28 ordered to stand part of the Bill.*

*Clauses 29 to 33 ordered to stand part of the Bill.*

*Clauses 34 and 35.*

*Question proposed:* That clauses 34 and 35 stand part of the Bill.

**Madam Chairman:** Yes, Sen. Mark.

**Sen. Mark:** Can I raise under section 34, Madam Chair, there is no mention under 34, how will these members of the Recognition Committee be remunerated? I am not seeing any clause there. In the case of the Legal Profession Act there is provision, in the case of the Medical Board Act, there is provision. But in this

instance I am not seeing any provision as to how those persons who are going to be functioning will be remunerated. So I do not know if the Minister could clear the air for us on that.

**Madam Chairman:** Minister.

**Sen. Mark:** Okay, Madam Chair, it is contingent to the submission I made, and although it is coming ahead you will realize that in clause 59 even though it is ahead, you have a similar situation occurring.

**Sen. Rambharat:** Madam Chairman, the payment—no, the remuneration, if there is to be a remuneration, would be a matter that would be handled by the Council administratively.

**Sen. Mark:** How? How are they going to handle it?

**Madam Chairman:** Sen. Vieira.

**Sen. Vieira:** Usually when you have professions and you have these committees, they are done on a voluntary basis as a way of policing your own profession. It is not done for remuneration. So—

*Question put and agreed to.*

*Clauses 34 and 35 ordered to stand part of the Bill.*

*Clause 36.*

*Question proposed:* That clause 36 stand part of the Bill.

**Madam Chairman:** Sen. Thompson-Ahye, I believe there is an amendment circulated by you.

**Sen. Hazel Thompson-Ahye:** Madam Chair, I have observed that the Attorney General has adopted my amendment, and in light of the practice that I have learnt over the last few days I will withdraw in favour of the Attorney General.

*Amendment [Sen. H. Thompson-Ahye] withdrawn.*

**Madam Chairman:** Thank you very much, Sen. Thompson-Ahye. Hon. Senators,

the question is—

**Sen. Mark:** May I?

**Madam Chairman:** I am going to put the amendment as circulated by the Attorney General, we still have to talk on it. I dealt with Sen. Thompson-Ahye's amendment, she has withdrawn. I am now going to proceed with the Attorney General's amendment and then there will be the discussion. Minister.

**Sen. Rambharat:** Madam Chair, in light of the proposal made by Sen. Thompson-Ahye which has been accepted, all we have done in what we have proposed for 36(3) was to use the standard language used in other legislation, so that after the word "years" in 36(3) we propose to add the words "and shall be eligible for reappointment".

**Madam Chairman:** Sen. Mark.

**Sen. Mark:** I just want to ask the Minister given the fact that there is a limited number of urban and regional planners would you be considering the reappointment of members on the committees in question? Because I am not seeing any reappointment. In other words you are going to be there for three years, not exceeding three years, and that is it. But would they be subject to reappointment? Given—

**Madam Chairman:** Sen. Mark, is that not the amendment. Sen. Mark? The wording of the amendment is to insert the words "and shall be eligible for reappointment".

**Sen. Mark:** That is whose amendment?

**Madam Chairman:** The Attorney General's.

**Sen. Mark:** Okay, I did not hear that.

**Madam Chairman:** That is what we are dealing with now.

**Sen. Mark:** Okay.

**Madam Chairman:** 36(3). Sen Hosein.

**Sen. S. Hosein:** Thank you very much, Madam Chair. With respect to (2) which deals with the composition of the members of the Recognition Committee, I know that we are restricting the number of persons who are council members to form part of this committee. Now, at (a) it says “one member of the Council” and (b), “four members who are”, and they spelt out the professional members and those who are nominated. Now, I want to ask whether or not we should tighten it up at (b) to say “four other persons who are not members of the Council”, because if the TTSP nominates someone who is the council, they can in fact form part of the committee. So maybe we should create an exclusion there at (b), just to say that those members do not form part of the council.

**Sen. Rambharat:** Madam Chair, the view is that we do not wish to put in something that is so prescriptive and leave it for the council in its discretion to deal with the appointments so that there will be the appropriate balance. But we do not believe that we should be so prescriptive as the Senator proposes.

*Question put and agreed to.*

*Clause 36, as amended, ordered to stand part of the Bill.*

*Clauses 37 to 43 ordered to stand part of the Bill.*

**4.10 p.m.**

*Clause 44.*

*Question proposed:* That clause 44 stand part of the Bill.

**Madam Chairman:** Minister.

- A. Re-number section 44 as 44(1);
- B. Insert after section 44(1) as renumbered the following subsection:

“(2) The members of the Disciplinary Committee shall hold office for a term not exceeding three years and shall be eligible for reappointment.”

**Sen. Rambharat:** Madam Chair, there is a proposal to do three things: to re-number the proposed section 44 as 44(1); to insert after 44(1) a new 44(2), and that new 44(2) would read:

“(2) The members of the Disciplinary Committee shall hold office for a term not exceeding three years...”

And we have added to that language that we just used:

“...and shall be eligible for reappointment.”

**Madam Chairman:** Before I deal with the amendment as circulated by the Attorney General, Sen. Thompson-Ahye, you also have an amendment?

**Sen. Thompson-Ahye:** The position is the same. I withdraw in favour of the Attorney General going forward with his recommendation.

*Amendment [Sen. H. Thompson-Ahye] withdrawn.*

**Madam Chairman:** Thank you very much.

Hon. Senators, the question is that clause 44 be amended as circulated by the Attorney General.

*Question put and agreed to.*

*Clause 44, as amended, ordered to stand part of the Bill.*

*Clause 45 ordered to stand part of the Bill.*

*Clause 46.*

*Question proposed:* That clause 46 stand part of the Bill.

**Madam Chairman:** Sen. Thompson-Ahye, there is an amendment circulated on your behalf.

**Sen. Thompson-Ahye:** I just was adding, “upon proof being received of the matters listed herein shall remove”—just at the top there. So instead of it being discretionary, I feel that in the circumstances that the council should remove—I believe we had had a discussion earlier and the Attorney General had explained that he did not want to put “shall” but wanted it to remain like that because of some reason. Maybe you all may recall?

**Sen. Rambharat:** Chair, that remains the position, the proposed amendment, apart from removing the discretion, also includes the language “upon proof being received”. Now, it necessarily follows based on what is set out at 46 (a) to (d), that there would be, there is a requirement that the matters set out at (a) to (d) be substantiated. But the key to it is that the substitution of the word “may” for “shall” changes things and our position is that we wish that it remain a discretionary power of the council.

**Madam Chairman:** Sen. Thompson-Ahye.

**Sen. Thompson-Ahye:** Well that is my view, that because of these things the reasons that they are very strong reasons for removal of a member of the Disciplinary Committee, because the Disciplinary Committee is actually disciplining other people and therefore, like Caesar’s wife should be above reproach, and it is in those circumstances I made that recommendation.

*Question, on amendment, [Sen. H. Thompson-Ahye] put and negatived.*

*Question put and agreed to.*

*Clause 46 ordered to stand part of the Bill.*

*Clauses 47 to 49 ordered to stand part of the Bill.*

*Clause 50.*

*Question proposed: That clause 50 stand part of the Bill.*

**Sen. Rambharat:** Madam Chair, Sen. Mark earlier referred to clause 21, which requires the display of the licence and asked about the consequences. And at 58, clause 58, there is a provision that deals with professional misconduct. And what we propose to do to deal with what has been raised by Sen. Mark, is to include after the word “breaches” in 50(1), to include a reference to section 21, by adding the words “section 21 or”. So that a breach of section 21 would constitute professional misconduct for which there are consequences set out at clause 50.

**Madam Chairman:** So you want to add the words—

**Sen. Rambharat:** After the word “breaches”—

**Madam Chairman:** “Breaches”—

**Sen. Rambharat:** Add the words “section 21 or”.

**Madam Chairman:** “Or” or “and”?

**Sen. Rambharat:** “Or”

**Madam Chairman:** “Or”. So it would read:

“An Urban and Regional Planner who breaches section 21 or Part II, III, IV or VI...”

**Sen. Rambharat:** Yes, Madam Chair, and I thank Sen. Mark for his observation.

**Madam Chairman:** So, hon. Senators, the question is that clause 50 be amended as follows: at 50(1) to include the words, “section 21 or” after the word “breaches”.

*Question put and agreed to.*

*Clause 50, as amended, ordered to stand part of the Bill.*

**Madam Chairman:** Minister, Sen. Mark, can we return to clause 21 which had been deferred? Remember, Sen. Mark, it was deferred for the very reason that clause 50 has now been amended. Yes?

*Clause 21 reintroduced.*



*Question put and agreed to.*

*Clause 21 ordered to stand part of the Bill.*

*Clause 51 ordered to stand part of the Bill.*

*Clause 52.*

*Question proposed:* That clause 52 stand part of the Bill.

**Madam Chairman:** Sen. Thompson-Ahye, there is an amendment circulated on your behalf.

**Sen. Thompson-Ahye:** Yes, Madam Chair, my intention was to both strengthen and widen the ambit of the authority of the Disciplinary Committee. As it is here again, the Disciplinary Committee is merely making findings and recommendations. And I was drawing a parallel with the Law Association where the Disciplinary Committee actually makes decisions with respect to complaints brought before it. Here it is just you recommend to the council and then council has to do what it has to do. Now, (a), (b), (c), (d), those are the powers, those are the recommendations that can be made, and (e), (f), (g), these are new powers that I am recommending be included so that there is a wider ambit of the decision that can be made; imposition of a fine and ordering:

“...the planner or his firm to pay any party to the hearing or other person, as restitution, that amount of loss caused by that person’s negligence; or”

It should be “order” here:

“...the planner or his firm to pay to the Council to any party to the hearing, any costs of or incidental to the proceedings.”

So that would be an addition to dismissing the complaint, revoking your licence and suspending the licence and reprimanding, which are in fact recommendations that can be made to the council. And, so that the first four are what is existing already. Then we go on:

“The Disciplinary Committee shall provide written reasons when it makes a decision under subsection (1)’.”

And where it has decided to:

“suspend the licence of an Urban and Regional Planner...”—to—“revoke the licence and remove the name of the Urban and Regional Planner from the Register, It shall publish the decision...”

That is there already, so it is just repeated there in 52.

**Madam Chairman:** Minister.

**Sen. Rambharat:** Madam Chairman, I thank Sen. Thompson-Ahye for her recommendation. Madam Chair, when you look at what is proposed as Sen. Thompson-Ahye has correctly pointed out, what is proposed is firstly, an amalgamation of 52(1) and 52(2), so that what is proposed repeats (a) to (d) in 52(2), (a) to (d). That is the first thing I would say.

Second thing is, that she has correctly pointed out, (e), (f) and (g) are new and the matter of disciplinary action, consequences and penalties, is addressed elsewhere in the Bill, so I would point out that it is the council that makes the decisions. And there is a structure set out from 52 onwards in relation to the work of the committee, and the work of the council thereafter and the powers and it is detailed there.

In addition to which, at 58, there is a provision in relation to professional misconduct. And we have just at 50, looked at the provision relating to what constitutes professional misconduct and we have added clause 21 so that, under 58 the council may in addition to penalties prescribed in the regulation, impose a fine of \$10,000. So that the regulations when they are made would deal with penalties in respect of other breaches which are not currently covered and may prescribe the process for doing that. And then the third point I would make is that the council

has the power to revoke a licence so that that is the ultimate consequence of professional misconduct or some breach of the provisions of the legislation. And in our view, what is proposed in 52—what is proposed is in large measure covered in the Bill at this time.

**Madam Chairman:** Sen. Vieira.

**Sen. Vieira:** Hon. Minister, the idea of sanctions when council is going to inflict some—impose some sort of sentence, the goal is really to maintain standards and professional confidence. I noticed that there is a trend now amongst regulators to widen the range of sentencing options. So for example, to refund money, because right now you only have dismiss the complaint, revoke the licence, suspend or reprimand. But they may want, the client might just want to get a refund of their money. What happens if the person has a drug problem or a psychiatric problem? Whether or not you may want to have the person order them to take counselling or seek care, medical attention. Or what about continuing education or prescribe some sort of corrective action in order to stay on the register. These are some of the new trends for regulators. I am just throwing it out for consideration.

**Madam Chairman:** Sen. Mark.

**Sen. Mark:** I just want to follow-up on what Sen. Vieira said and to ask the Minister in 52(2)(b), we are talking about revoking the licence and are we talking at the same time here, based on what Sen. Vieira said, removing the name of the urban and regional planner from the register? So you are not only revoking the licence, like in your legal profession when they revoke your thing, they remove you from the register, the roll, at the same time so you cannot practise. So I am just asking whether in this particular clause 52(2)(b), we are seeking to not only revoke but remove the name of the urban and regional planner from the register. That is it. Because that is the modern way of dealing with things now, when

dealing with professionals. So I just wanted to ask him, Madam Chairman, through you, whether that was the thinking of the Government when they were making this law.

**Sen. Rambharat:** [*Inaudible*]

**Madam Chairman:** Minister, I think some Senators are having some difficulty hearing you as well.

**Sen. Rambharat:** Oh. Madam Chair, Sen. Mark has said so many things there, I am a bit confused because I am not sure if he is—I am going to deal with the clause as it is written so, Sen. Mark is referring to 52(2) and that deals with the recommendation of the Disciplinary Committee. And the Disciplinary Committee may recommend the revocation of a licence and removal from the register. Similarly, at 53(3), the council may make that decision, and I am understanding Sen. Mark, and I may be misunderstanding him. But I am understanding him to say that this is the modern way of doing it, revoking and removing. And that is what is both in—

**Sen. Mark:** So, I was just trying to see if I could tighten it and make it more elegant.

**Sen. Rambharat:** No, it is not cumbersome because the keeping of the register, this ties back to 29. The register, under 29 there is a register kept of persons who are licensed. So, it follows that if you are revoking the licence, then the authority to have the name on the register no longer exists. So it follows. So, it is not two separate decisions that you make to revoke and then you make a decision on removal. It follows that registration under—being in the register under 29, requires a licence, and if the licence is revoked pursuant to a recommendation, then it follows.

**Madam Chairman:** Sen. Vieira.

**Sen. Vieira:** And just to point out to Sen. Mark that this is typical in a number of other professional statutes. For example, in the Dental Profession Act, if you are found guilty, you could:

- “(a) censure or reprimand...
- (b) suspend...or
- (c) cause the name of that person to be removed from the Register or Roll, as the case may be.”

So it is not unusual.

**Madam Chairman:** So Minister, with respect to Sen. Thompson-Ahye’s proposed amendment, have you responded?

**Sen. Rambharat:** Madam Chair, yes, I have responded to say that we would not accept the proposed amendment in the form set out. We believe that what is asked for is in large measure provided for. There are some aspects that may be introduced and some of the suggestions made by other Senators may be introduced via regulations, because in some way, as I have mentioned earlier, this has to be driven, the work of this legislation has to be driven by the planners themselves. So we would not accept the proposed amendment.

**4.30 p.m.**

But, we have, in fact, proposed an amendment, which deals with one aspect of what Sen. Ahye has included in her amendment, and the Government proposes to insert after the words at 52(1), to complete 52(1), we propose at the end, after the word “recommendations” to include the words “together with a record of the proceedings which may be in writing or in electronic form”.

**Madam Chairman:** Hon. Senators, the question is that clause 52 be amended as circulated by Sen. Thompson-Ahye.

*Question, on amendment, [Sen. H. Thompson-Ahye] put and negatived.*

*Question put and agreed to.*

*Clause 52, as amended, ordered to stand part of the Bill.*

*Clause 53.*

*Question proposed:* That clause 53 stand part of Bill.

**Madam Chairman:** There is an amendment circulated by Sen. Thompson-Ahye and one circulated by Sen. Mark. Sen. Thompson-Ahye.

**Sen. Thompson-Ahye:** I was merely making a recommendation for an appeal to lie to the High Court from any decision of the Disciplinary Committee, but it is really a decision of the council, perhaps, because it is the council that finally makes the decision and the Disciplinary Committee just makes the recommendation. Perhaps the Minister may guide there? Thank you, for clause 52 which really was a recommendation in my paper that I had not picked up and which you have picked up and refined. So, thank you for that.

**Sen. Rambharat:** Right, Madam Chairman. I am just clarifying that listening to Sen. Thompson-Ahye, the proposal is—the appeal is in respect of a decision of the council. Are you amending your amendment?

**Sen. Thompson-Ahye:** Pardon me?

**Sen. Rambharat:** What you proposed as in clause 53?

**Sen. Thompson-Ahye:** No, no. I had finished talking on that. What I am saying, the one that you accepted before in respect of the other one is one that I had recommended, but I did not put it in. So I was thanking you for putting it in. In my substantive contribution, I had recommended that. So that was fine with me. So 53, I am just waiting to hear what you want to say on that.

**Sen. Rambharat:** Right. And my question, Madam Chair, in relation to what is proposed as Sen. Thompson-Ahye's amendment, I heard Sen. Thompson-Ahye refer to a decision of the Disciplinary Committee. Now, 53(3) deals with decisions

of the council. It is the council that makes a decision in 53(3).

**Sen. Thompson-Ahye:** Which I had said just now, that it is the council.

**Sen. Rambharat:** Right. Madam Chair, having decided that we were not accepting the proposal in 52 to amend 52, then we are not prepared to include the provision for an appeal to the High Court from the decision of the committee or the council.

**Sen. Thompson-Ahye:** I do not know if he understood.

**Sen. Chote SC:** Thank you, Madam Chairman. I just have a question. We have been looking at this piece of legislation for so long that it may be that I have overlooked it, but there is nothing in the legislation which prevents a person from accessing the courts. So someone still has that entitlement and has the entitlement to appeal and so on. Am I correct?

**Sen. Rambharat:** Yes, and I made the point earlier on when we looked at clause 27 that there is no ouster of jurisdiction.

**Madam Chairman:** So, hon. Senators, the question is that clause 53 be amended as circulated by Sen. Thompson-Ahye.

*Question, on amendment, [Sen. H. Thompson-Ahye] put and negatived.*

**Madam Chairman:** Sen. Mark, you have an amendment?

**Sen. Mark:** That is to which one, Ma'am?

**Madam Chairman:** To clause 53.

**Sen. Mark:** Yeah. I am asking the hon. Minister to look at clause 53(3)(b). We are asking that you revoke the licence or remove, or are we saying that once you revoke the licence you should be removed? So instead of using the word "or" we use the word "and".

**Sen. Rambharat:** Madam Chair, I thank Sen. Mark for his observation again, and we accept what he has recommended in dealing with 53(3)(b) to replace the word

“or” with the word “and”.

**Madam Chairman:** So you are accepting the amendment?

**Sen. Rambharat:** We accept that.

**Sen. Vieira:** We are on 53—

**Madam Chairman:** We are on 53(3)(b) dealing specifically with the amendment proposed by Sen. Mark which treats with 53(3).

**Sen. Vieira:** I will come back to 54. Thank you, Chair.

**Madam Chairman:** So, hon. Senators, the question is that clause 53 be amended as circulated by Sen. Mark.

*Question, on amendment, [Sen. W. Mark] put and agreed to.*

*Question put and agreed to.*

*Clause 53, as amended, ordered to stand part of the Bill.*

*Clause 54.*

*Question proposed:* That clause 54 stand part of the Bill.

**Madam Chairman:** Sen. Vieira, this is what you wanted to ask a question on?

**Sen. Vieira:** Thank you. I am just—this is general to 54, 55 and 56. These are summary offences so, generally, in a summary offence you would have a six-month window within which to bring your complaint. Now, so for example, in 55 and 56, you may not learn of the offence until much later on. So I am just wondering whether you may want to amend to say: upon knowledge of the commission of the offence or whatever. So, I am just drawing that to your attention because the six-month entry could be a debar to bringing prosecution.

**Sen. Rambharat:** Madam Chair, we appreciate the concern and we believe that it will create more problems for us if we interfere with the language as we have it now. It may be something that the hon. AG would have another look at. The issue is consistency across various similar legislation. We have a wide range of



legislation that creates summary offences and the CPC does not advise that we make that change.

**Sen. Vieira:** I was just going to say it will be a simple line, because, like in the Copyright Act they have:

“...after the commission of the offence or one year after the discovery thereof, whatever date last occurs.”

So you could just put—because I am thinking about the discovery aspect.

**Sen. Rambharat:** Madam Chair, the CPC seems persuaded by the language suggested. So we are dealing here with three offences. So—

**Madam Chairman:** Well, let us deal with 54(1) which is the one you are dealing with and then you will be able to work out the others if anything.

**Sen. Rambharat:** Madam Chair, we propose to amend 54 to have what is there now as 54(1) and to add sub (2) which would have the language proposed by Sen. Vieira. Perhaps Sen. Vieira could read the provision from the Copyright Act for us again?

**Sen. Vieira:** Certainly. I am thinking it might have been easier to just do a separate provision instead of doing it with each of the sections, but what it says in the Copyright Act is:

“No prosecution for an offence under this Act shall be commenced after the expiration of five years after the commission of the offence or one year after the discovery thereof, whatever date last occurs.”

**Sen. Rambharat:** Madam Chair, the CPC is a slow writer.

**Madam Chairman:** All of us, because I actually—

**Sen. Rambharat:** The bigger issue is—

**Madam Chairman:** Where should it go?

**Sen. Rambharat:** Where should it go? I think we recognize that we need to have

it stand alone after the three offences, but we just need to be sure that how we deal with other offences that we have created in the Bill. So the CPC just needs to check that.

**Sen. Chote SC:** May I respectfully suggest, because Sen. Vieira tends to read very quickly, if he can just write it down and pass it across, Madam Chairman?

**Madam Chairman:** What I am going to suggest is that we defer clauses 54, 55, 56 and 57 as well, we will defer those, and when the particular language is—you are comfortable with it, we will come back to it.

**Sen. Rambharat:** Thank you, Madam Chair.

**Madam Chairman:** So, clauses 54, 55, 56 and 57 are deferred for further consideration.

*Clauses 54 to 57 deferred.*

*Clause 58.*

*Question proposed:* That clause 58 stand part of the Bill.

**Sen. Thompson-Ahye:** In the penultimate line, “Planner”, could we have a comma there please? Before “a fine”.

**Madam Chairman:** What Sen. Thompson-Ahye is saying, Minister, 58 is also an offence, so do you want that deferred as well? Perhaps we can defer all of Part VII?

**Sen. Rambharat:** Yeah, I think we can deal with 58, Madam Chair.

**Madam Chairman:** Sure. Sen. Thompson-Ahye, you had a question for the Minister for 58, clause 58? You just raised something.

**Sen. Thompson-Ahye:** Yes, I said in the penultimate line “Urban and Regional Planner” if you could put a comma there please to separate from the penalty.

**Sen. Rambharat:** Madam Chair, the CPC has assured me that that could be picked up in the final edit and it would be addressed.

**Sen. Thompson-Ahye:** I am not hearing up here.

**Sen. Rambharat:** Your proposal, the CPC has said that things like what you have proposed would be picked up in the final edit. So he believes that what you have proposed is acceptable.

**Madam Chairman:** Hon. Senators, the question is that clause 58 now stand part of the Bill.

*Question put and agreed to.*

*Clause 58 ordered to stand part of the Bill.*

*Clauses 59 and 60.*

*Question proposed:* That clauses 59 and 60 stand part of the Bill.

**Madam Chairman:** Sen. Deonarine.

**Sen. Deonarine:** Thank you, Madam Chair. My comment is with respect to clause 59. Now, it is built on Sen. Vieira's earlier observation in terms of the functions performed by the members of the council are usually on a contributory basis, on a voluntary basis. However, subclause (2) of clause 59 draws reference to:

“The staff of the Council shall be paid such remuneration and be appointed on such other terms and conditions as the Council may determine.”

So my question, Madam Chair, is in the event that the council needs to hire a consultant to perform any duties and functions on behalf of the council, where would the financial resources come to pay these consultants? Because nowhere in the Bill drew reference to the financial resources and allocation of financial resources for the council.

**Sen. Rambharat:** Madam Chair, the earlier reference, of course, dealt with members of the Recognition Committee and the Disciplinary Committee. There is in the Bill the provision to charge fees and it is a provision that we have come to,

based on an amendment that has been proposed. So, there is a revenue element of the council. And, in addition to which, the council may in the discretion of the Minister of Finance may also receive a subvention for in order to carry out its work like some other professional organizations do get in the country. So that the staff has to be paid and consultants, or other professionals engaged by the council would have to be paid and that would be paid out of revenues, but also via subvention provided by the Minister of Finance.

**Sen. Deonarine:** Thank you, Madam Chair. So then, in this case, we do not need to make any sort of provision to indicate that subventions would be available to the council from the Ministry of Finance? It is just a matter of clarification?

**Sen. Rambharat:** Madam Chair, to be clear, we do not need to make provision for that.

**Madam Chairman:** The Minister said there is no need to make for such a provision.

**Sen. Deonarine:** Okay.

**Madam Chairman:** I find it very interesting that you all could hear me. Is it that I am naturally loud mouth? [*Laughter*] I do not know. Sen. Vieira.

**Sen. Vieira:** You are very clear in your speaking. [*Laughter*] Minister, I just wanted to make a couple suggestions in terms of the remit of the Minister's ability to make regulations. I was going to suggest for prescribing what constitutes unprofessional conduct, in case you want to expand on the code of ethics, for regulating the manner of applying using the funds of the council and maybe just as a general catch all, for prescribing anything required or authorized by this Act to be prescribed. This is at 60(2).

**Sen. Rambharat:** Let me be clear. Sen. Vieira is referring to expanding 60(2) where we currently have (a) to (d), to expand those areas. Right? Is that what you

are proposing?

**Sen. Vieira:** Yes, yes Minister.

**Sen. Rambharat:** To be more prescriptive in respect of 60(2) by adding those three areas you have read out?

**Sen. Vieira:** So, what I am suggesting is that the Minister have a little more expansion, not prescriptive. So, for example, for prescribing what constitutes unprofessional conduct. That is a nice provision to have.

**Sen. Rambharat:** Well, Madam Chair, the 60(2) really gives the Minister a broad range to operate in with the use of the words:

“Without limiting the generality of the foregoing...”

And then prescribes some specific areas. Do you believe that the absence of a limitation would not cover the things you have read out?

**Sen. Vieira:** I take the point. It is a drafting style. To me sometimes I think it is better to have than to want, but I take your point.

**Sen. Rambharat:** Thank you.

**Madam Chairman:** So, hon. Senators, the question is that clauses 59 and 60 now stand part of the Bill.

*Question put.*

**Madam Chairman:** Sen. Mark.

**Sen. Mark:** I just want to get some clarification—

**Madam Chairman:** Sure.

**Sen. Mark:**—on 59?

**Madam Chairman:** On? Can you speak up?

**Sen. Mark:** I am trying to get some clarification—

**Madam Chairman:** Sure. On clause 59?

**Sen. Mark:**—on clause 59.

**Madam Chairman:** Yes.

**Sen. Mark:** Hon. Minister, I am not too clear in the legislation where staff moneys, payments, would be coming from. Now, I know that the hon. Chair raised the question.

**Madam Chairman:** No I did not. Sen. Mark, hold on. Sen. Deonarine raised that question in respect of clause 59 and it was answered by the Minister in respect—yes, in clause 59.

**Sen. Mark:** Yeah. I understand what you are saying, but I am still not happy with that; his response.

**Madam Chairman:** Well, is it happiness we are dealing with or is it clarity?

**Sen. Mark:** No, no. In other words, I am not clear of the response, because there must be a provision in the legislation to indicate where the staff will be getting payments, how they are going to get pay, and you are saying that we do not need to put in the legislation any reference to subventions from the State. So where is the money coming from, Madam Chair? That is all.

**Sen. Vieira:** What tends to happen, Sen. Mark, is that the council will get the funds from the fees, the licence fees. So when you look down here for the professional licensing and the renewals and all of that, that is money that the council would use for running their day-to-day activities. Now, if Government is going to give a subvention on top of that, well, that is nice to have, but it would tend to come usually from the fees paid.

*Question put and agreed to.*

*Clauses 59 and 60 ordered to stand part of the Bill.*

*Clause 61.*

*Question proposed: That clause 61 stand part of the Bill.*

**Madam Chairman:** There is an amendment from Sen. Mark and from the

Attorney General. Sen. Mark.

**Sen. Mark:** Yes. Madam Chair, because we have been told that everything is going to come from the fees and nothing from the Government, then we do not understand why the Minister is being given the power to make these regulations and to make changes to the Schedules, I should say and, therefore, I would like to put the council in the driver's seat, because they are the ones who will be funding this organization and, therefore, I am suggesting that we reword 61 for it to read:

The council with the approval of the Minister may amend by Order subject to an affirmative resolution of the Parliament, the First, Second, Third, Fourth, Fifth and Seventh Schedules.

I think, well I see the age has been added here. So, I believe, Madam Chair, this will really represent and reflect the reality in this particular section of the legislation. That is my submission.

**Sen. Vieira:** Well, Sen. Mark, it usually would be the Minister that would have to bring the regulation. But, for example, with the fees, we had an experience some years ago with the Dental Council where the fees that were original there were very low and so it was necessary for the Minister, because this is already now set out in this statute form. So an amendment would be made in order to just to change any of those fees. So if in three or four years they wanted to increase it, that is why we do not have to have the power.

**Sen. Rambharat:** Madam Chair, Sen. Mark has obviously found a new and creative way to make the same point whenever the issue of regulatory making function of the Minister. To say that the council is in the driver's seat is to completely ignore the structure of the legislation. So the Minister, as Sen. Mark knows as a former Minister of Public Administration, the Minister has a significant role in the legislation and it is the Minister who from clause 5 onwards appoints the

council and throughout the legislation, the Minister has responsibility. But you would see at clause 6, the council, once constituted, has the responsibility to advise the Minister from time to time and, in particular, to make recommendations to the Minister for amendments to the Act so that the council is not in the driver's seat entirely. The Minister has a role and that role includes what is at 61. And as we have done on many occasions, the Government wishes to have the formulation as it is there. We do—in fact, we have put forward an amendment to what we have in the Bill, but we do not accept the amendment proposed by Sen. Mark which is to have the Order subject to affirmative resolution.

**Sen. Mark:** May I ask, through you, Madam Chair, that you make reference to the Legal Profession Act and look at 35(4) to reinforce the point I am making about the council, you know, having that authority to make those changes rather or the amendments to the Schedule, because this is a similar development that is taking place, as I said, in the Legal Profession Act. So it is not anything strange in that context. The only difference here is the Chief Justice replaces the Minister. So, Madam Chair, that is my submission and that is why I accept my submission.

*Question, on amendment, [Sen. W. Mark] put and negatived.*

**5.00 p.m.**

**Madam Chairman:** Minister, there is an amendment circulated by the Attorney General?

**Sen. Rambharat:** Yes, Madam Chair. The amendment proposes two things, the first is to make reference to the orders being subjected to negative resolution of Parliament, so we propose to insert after the word, “Order”, the words “subject to negative resolution of Parliament”; that is the first proposal. And the second is to include, within the references to the schedules after the word “Fifth”, the word “Sixth”, and those are the two amendments proposed to clause 61.



*Question put and agreed to.*

*Clause 61, as amended, ordered to stand part of the Bill.*

*Clauses 54 to 57 reintroduced.*

*Question proposed:* That clauses 54 to 57 stand part of the Bill.

**Madam Chairman:** Minister, do you have the—

**Sen. Rambharat:** Madam Chair, we propose in respect of the recommendation of Senators Chote and Vieira, we propose to insert a new section 57A, which would read:

“Notwithstanding any other written law to the contrary, a prosecution for a summary offence under this Act may be commenced...”—

**Madam Chairman:** Minister, please I request to ask you to slow down because I have to take it down.

**Sen. Rambharat:** Right.

**Madam Chairman:** So:

“Notwithstanding any other written law to the contrary...”

**Sen. Rambharat:** “Notwithstanding any other written law to the contrary, a prosecution for a summary offence under this Act may be commenced before the expiration of five years after the commission of the offence or one year after the discovery thereof, whichever date last occurs.”

**Madam Chairman:** May I read it over:

“Notwithstanding any other written law to the contrary, a prosecution for a summary offence under this Act may be commenced before the expiration of five years after the commission of the offence or one year after the discovery thereof, whichever date last occurs.”

**Sen. Rambharat:** Yes, Madam Chair, that is it.

**Madam Chairman:** Yes.

*Question put:* That clauses 54 to 56 now stand part of the Bill.

**Sen. Thompson-Ahye:** I have a question, please, 54(c)—

**Madam Chairman:** Yes.

**Sen. Thompson-Ahye:** Guide me here, am I to assume that the spelling of “practice” as a verb with a “c” instead of the British thing?—if it would be picked up in final vetting in (c), “practice”.

**Sen. Rambharat:** Madam Chair, yes, it would be.

**Sen. Thompson-Ahye:** Or are we going to change it to an “s” now, British English?

**Sen. Rambharat:** The CPC assures that it would be picked up in the final vetting and it would be changed, Madam Chair.

**Sen. Thompson-Ahye:** I hope so. It occurs also in some of the schedules.

*Question agreed to.*

*Clauses 54 to 56 ordered to stand part of the Bill.*

*Clause 57 reintroduced.*

*Question proposed:* That clause 57 stand part of the Bill.

**Madam Chairman:** The question is that clause 57 be amended to read as follows, to insert a 57A—

*[Madam Chairman confers with the Procedural Clerk]*

So, hon. Senators, the amendment that had been put forward will be treated as a new clause which is dealt with after we treat with all the other clauses in the Bill, because it would be a new clause 57A, so I am now going to put the question on clause 57 as it stands in the Bill.

*Question put and agreed to.*

*Clause 57 ordered to stand part of the Bill.*

*New clause 57A.*

**Madam Chairman:** Hon. Senators, the new clause 57(A) will now be read out:

Notwithstanding any other written law to the contrary, a prosecution for a summary offence under this Act may be commenced before the expiration of five years after the commission of the offence or one year after the discovery thereof, whichever date last occurs.

*New clause 57A read the first time.*

*Question proposed:* That new clause 57A be read a second time.

*Question put and agreed to.*

*Question proposed:* That the new clause be added to the Bill.

*Question put and agreed to.*

*New clause 57A added to the Bill.*

**Madam Chairman:** Sen. Mark, you have proposed a preamble to the Bill in your list of amendments. I am treating with it here because there is no preamble to the Bill, and therefore, Sen. Mark, it is my view that this cannot be treated with because there is no preamble to the Bill so that it is not something that falls within the remit of the Bill. Yeah? Thank you.

*First Schedule.*

*Question proposed:* That the First Schedule stand part of the Bill.

**Madam Chairman:** Sen. Dillon-Remy, I think you have a proposed amendment to the schedule, to schedule one. Sen. Dillon-Remy.

**Sen. Dr. Dillon-Remy:** Yes, Madam Chair, it is to change the fees.

**Madam Chairman:** I do not think we are hearing you.

**Sen. Dr. Dillon-Remy:** The First Schedule, Professional Licence, instead of \$1,500 change to \$1,000; Renewal of a Professional Licence, instead of \$1,200 substitute to \$500; Temporary Licence, that is (e), delete \$2,000 and substitute \$1,500; and (f), Reissue of Temporary Licence, instead of \$1,500 substitute

\$1,200. Madam Chair, it was in the discussion with the planners, they had recommended the changes.

**Madam Chairman:** Sen. Hosein.

**Sen. S. Hosein:** Thank you very much, Madam Chair. I understand the policy of the amendments coming out from Sen. Dillon-Remy and I agree in terms of a reduction, but not right through. If we look at, for example, the legal profession, the person fees is dependent on their years of experience, so under five years, over five years, over 10 years, over 15 years, and then Senior Counsel, and the fees differ at various categories in terms of experience and the years of call to the Bar. I wonder if this can be a consideration of the Government in terms of the experience of the planners so that those persons who are now qualified pay a lower fee than those who may have been qualified for over 10 years, because if everyone pays the same fee across the board there may be a latent unfairness that is found in this particular schedule.

**Madam Chairman:** Minister.

**Sen. Rambharat:** Madam Chair, the fees we have just discussed, the proposed clause 61, the fees are always subject to review, up or down, in determining the fees that are prescribed in the First Schedule. We considered across professionals, across all the professions. These fees are actually on the lower side and in the case of some professions and significantly lower side, taking into consideration that this is the first set of fees that are being prescribed. We also took into consideration that a significant number of the urban planners would be employed by the State and in the normal practice of the State, the fees would most likely be paid by the employer.

So the Government is comfortable with what is prescribed, and if in the future there are concerns or considerations by the profession itself, those would be

addressed by the line Minister at that stage, and maybe the power under 61 would be used.

**Madam Chairman:** Sen. Hosein.

**Sen. S. Hosein:** Madam Chair, the Minister said something very interesting and I think that I would like to place this on record. If the policy of a Government is to in fact have most of the planners employed by the State and then, if I may mushroom the point, that the State would pay, it seems as though that the State would exercise a lot of control over the planners because then they would be the same ones who decide the composition of the commission who they appeal to, and also the fact of the rules of the court. So that is a point I just want to put on record that I see that the planners may be disadvantaged in terms of the policy going forward.

**Madam Chairman:** Sen. Dillon-Remy, do you wish to say anything else?

**Sen. Dr. Dillon-Remy:** No, Madam Chair.

*Question, on amendment, [Sen. Dr. M. Dillon-Remy] put and negatived.*

*Question put and agreed to.*

*First Schedule ordered to stand part of the Bill.*

*Second Schedule ordered to stand part of the Bill.*

*Third Schedule.*

*Question proposed:* That the Third Schedule stand part of the Bill.

**Madam Chairman:** Sen. Mark, you have an amendment?

**Sen. Mark:** No, these are clarifications.

**Madam Chairman:** No, you actually have circulated an amendment.

**Sen. Mark:** Oh yes, oh yes, and it is exactly that one. Yeah. I am suggesting, Madam Chair, that we include a third category in support of those applications and it is seeking to ensure that those persons would provide a certificate of good

character from the TTPS.

**Madam Chairman:** Minister.

**Sen. Rambharat:** Madam Chair, we do not accept the recommendation. We believe that the certificate of good standing from the TTSP is sufficient, and again, as I said before, these are matters that could be revisited in line with clause 61 and the power to deal with the schedules in the future, but at this stage it is sufficient to have a certificate of good standing from the TTSP.

*Question, on amendment, [Sen. W. Mark] put and negatived.*

*Question put and agreed to.*

*Third Schedule ordered to stand part of the Bill.*

*Fourth Schedule ordered to stand part of the Bill.*

*Fifth Schedule.*

*Question proposed:* That the Fifth Schedule stand part of the Bill.

In Forms 1, 2 and 3: Delete the word ‘was’ and substitute the word ‘is’.

**Sen. Mark:** Madam Chair, I circulated for the Minister’s consideration a slight amendment, wherever “was” appears, I would like that to be deleted and replaced by “is”, and I think that, you know, I think it would read better; rather than dealing with the past, we deal with the present.

**Madam Chairman:** Minister.

**Sen. Rambharat:** Madam Chair, I thank Sen. Mark for his suggestion and it is accepted.

*Question, on amendment, [Sen. W. Mark] put and agreed to.*

*Question put and agreed to.*

*Fifth Schedule, as amended, ordered to stand part of the Bill.*

**Sen. Mark:** Madam Chair, I am very, very sorry, you will just guide me—

**Madam Chairman:** I suspect I am going to say, “I am very sorry too.”

**Sen. Mark:** No, because this is just clarification.

**Madam Chairman:** Sure.

**Sen. Mark:** Would Forms 2 and 3 of the said schedule have the same schedules, Minister? Okay. Sorry, Ma'am, that is all I want. Sorry, Ma'am.

**Madam Chairman:** Sen. Mark.

**Sen. Mark:** No, I just wanted to make sure. [*Crosstalk*]

**Madam Chairman:** Sure. [*Crosstalk*]

*Sixth Schedule.*

*Question proposed:* That the Sixth Schedule stand part of the Bill.

**Sen. Mark:** Madam Chair—

**Madam Chairman:** Just one sec. Sen. Deonarine.

**Sen. Deonarine:** Thank you, Madam Chair. My question is with respect to Part I, the General Obligations of the Code of Ethics. Clause (2), subsection (b), it says that:

“An Urban and Regional Planner shall-

(b) obtain Professional Indemnity Insurance when so required by law.”

—and it is so required by law under the Planning and Facilitation of Development Act, I believe it is under section 81. However, that section of the Planning and Facilitation of Development Act is not yet proclaimed, and Part I of the Code of Ethics in this Bill is actually omitted from being considered for professional misconduct. Therefore my question is, in the absence of not being able to be considered for disciplinary proceedings, if an urban and regional planner does not have professional indemnity insurance, would any penalties be associated with that, in the absence of the full proclamation of the Planning and Facilitation of Development Act?

**Sen. Rambharat:** Madam Chair, we did in fact indicate throughout the debate

that one of the reasons, the main reason for not fully proclaiming that piece of legislation was of course the amendments which had to be made, which have been made, but also the need to have this piece of legislation, because throughout the facilitation of development legislation we have assumed that we would have these urban regional planners; it is a point that was made in the debate. So the intention is to proclaim this legislation, fully proclaim the Planning and Facilitation of Development Act, and that would give effect to the provision for professional indemnity insurance.

**Sen. Deonarine:** Madam Chair, so if I understand correctly, the Minister is saying that with the full proclamation of this law, the urban and regional planning council law, we will be able to have the full proclamation of the Planning and Facilitation of Development Act which would kick in clause 2 of Part I of the Code of Ethics?

**Sen. Rambharat:** That is the intention, Madam Chair.

**Sen. Deonarine:** Okay. Thank you.

**Madam Chairman:** Sen. Mark.

**Sen. Mark:** Yeah. Madam Chair, in the Sixth Schedule, the clause 61 which we have already approved did not identify the power or—it does not empower, I should say, the Minister after consultation with the council to by order amend the Sixth Schedule; that is the Code of Ethics—

**Madam Chairman:**—Sen. Mark, we accepted the amendment of the Attorney General which included the Sixth Schedule.

**Sen. Rambharat:** Madam Chair, yes, we did.

**Sen. Mark:** Oh—all right. I withdraw.

**Madam Chairman:** Thank you.

*Question put and agreed to.*

*Sixth Schedule ordered to stand part of the Bill.*



*Seventh and Eighth Schedules ordered to stand part of the Bill.*

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

*Senate resumed.*

*Bill reported, with amendment, read the third time and passed.*

## **RELATED MOTIONS**

### **LAND ACQUISITION (REQUISITION) ORDER, 2018**

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam President, I beg to move the following Motion standing in my name:

*Whereas* it is provided by section 5(1) of the Land Acquisition Act, Chap. 58:01 (hereinafter referred to as “the Act”) that the President may by Order, declare that land is required for a public purpose;

*And whereas* it is provided by section 5(2) of the Act that Parliament may by resolution approve an Order made under section 5(1);

*And whereas* the Land Acquisition (Requisition) Order, 2018 was made by the President under section 5(1) of the Act as Legal Notice No. 190 dated the 19th day of December, 2018;

*And whereas* it is expedient to approve the said Order;

*Be it resolved* that the Land Acquisition (Requisition) Order, 2018 be approved.

Madam Speaker, in moving this Motion I am constrained to address issues relevant to Motion No. (iii) made pursuant to the Land Acquisition Act, Chap. 58:01. These matters are interrelated. I therefore seek leave to debate these matters together. Thank you. [*Crosstalk*]

**Madam President:** Hon. Senators, is this the wish of the Senate?

Related Motions: Land Acquisition  
Requisition) Order, 2018  
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*Assent indicated.*

**Madam President:** Leave is granted.

Minister of Agriculture, Land and Fisheries.

**Sen. The Hon. C. Rambharat:** Thank you, Madam President. Madam President, these two Motions deal with acquisition of land as provided under the statutory regime. Madam President, the relevant legislation is the Land Acquisition Act, Chap. 58:01, and basically there are three critical steps to be taken in relation—I would say four, in relation to the acquisition of land for a public purpose.

The first, Madam President, is set out at section 3(1) of the Land Acquisition Act, and that is the purpose for which the land is being acquired is a public purpose.

**5.30 p.m.**

Madam President, we are all familiar with the way it works. From time to time, for the purpose of providing services to the public, for the purpose of providing facilities to the public, there may not be a situation in which the State has land in a particular location, or it might be that there is state land in a particular location which can be used for public purposes, but that land may be only accessible via private land, or that state land may be interspersed by private land. So the requirement of the law is first at 3(1), there is a public purpose tied into the acquisition.

The second step is the requirement of notice, and there are two forms of notice under the legislation. Under section 3(1) of the Land Acquisition Act, there is need for notice to be published in the *Gazette* and two newspapers. There is also the need for notice under section 3(2) of the Land Acquisition Act for notice to be served on persons with interest in the land, and for notice to be served on the

property itself. So that is the core requirement, the public purpose and the service of the appropriate notices.

Madam President, the next step is set out at section 4(1) of the Land Acquisition Act, and that is the provision for the Commissioner of State Lands to take possession of the land which is being acquired once a two-month period has passed. The Commissioner does not have the power to take possession prior to two months, but two months after the service of the notice, there is no formal vesting that is required. The Commissioner of State Lands, under the Land Acquisition Act, can take possession to commission the works or the activities which are required consistent with the public purpose.

I said before there is a third step and a critical step if your land is being acquired, and a very problematic area, I must admit, and that relates to the compensation. There is provision for the parties to arrive at a figure by private treaty and private treaty may be prescribed. There is a provision for the State to compulsorily acquire, in which case the Commissioner of Valuations must make a determination of the value, and that is to be paid to the person whose land is being acquired under the law.

Madam President, I said it at the start, this third part is a very important part, because in the case of the two Motions before us, the lands have been put to use for a very long time. The process for acquisition has been undertaken. There has been compliance with the requirement of the law but to complete the process, we need to have this Order approved by this Parliament in order to effect payment in relation to the land.

Two parcels relate to one, a parcel of land comprising approximately 2.0234 hectares more or less, situate at Realize Road, Princes Town, in the Ward of

Savana Grande in the County of Victoria. The public purpose for which this land was acquired—and I must say the Cabinet decision relating to the acquisition of this land is a Cabinet decision of 16 years ago, 2004. The decision was made by the Cabinet to acquire this land for the public purpose of the establishment of a recreational ground.

I must say that while Cabinet took that decision in 2004, persons in the community believe that that land was actually being used for a recreation ground from about 10 years before. So it has been a substantial period of time that had passed when the use commenced, when the Cabinet made the decision and when the proceedings commenced in accordance with the law.

Madam President, the Commissioner of Valuations has determined that the land is valued at \$510,000—it is a fair estimate for the land. The main intention of this Motion is to complete the proceedings in accordance with the law by the approval of the Order today, so that the payment which is \$510,000 may be effected to the persons whose land was taken for that public purpose.

The second parcel of land is in relation to a project that is well known to Sen. Khan and I, and I suppose well known to anybody who has entered Mayaro via Manzanilla, because we all remember that wooden bridge that you had to traverse in Manzanilla. Sen. Hosein, you are too young to remember that one. It was the Minister of Works, Sadiq Baksh, who commissioned a replacement of that bridge. Of course, we miss it sometimes, but it is that project that led the State to have to acquire four small parcels of land on the approach to the bridge and the exit from the bridge in order to have the appropriate alignment as you enter and as you exit. Again, the public purpose for which those lands were acquired was the purpose of construction of the bridge. The appropriate notices were served. The

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process was followed up to the point of completing by the approval of this Cabinet.

So, Madam President, the second Motion relates to the acquisition of land, 4,594 square metres for the purpose of the acquisition of land for the Manzanilla/Mayaro Road, improvement to the road alignment and bridge construction project.

The valuation of the land was undertaken by the Commissioner of Valuations. A value of \$125,000 was affixed to the land to be acquired, and once this Motion is approved, the payment could be effected to the affected persons. It is in relation to four parcels of land, together comprising 0.5793 hectares, located at light pole LV15, along the eastern side of the Manzanilla/Mayaro Road, Ortoire Village, Mayaro. It is four parcels, as I said, one comprising—and I switch from hectares here to metres, and I hope I did not confuse anybody—101.1 square metres; second parcel comprising 655.5 square metres. The third parcel comprising 441.6 square metres, and the fourth comprising 4,594.5 square metres. The total cost is \$125,000.

Madam President, I beg to move.

*Question proposed.*

**Madam President:** Hon. Senators, please be reminded that in accordance with Standing Order 48(1), leave has been granted to debate along with this matter Motion No. (iii) on the Order Paper. Sen. Mark.

**Sen. Wade Mark:** Thank you, Madam President. Land acquisition generally is a very, very challenging and difficult matter to deal with. We have been involved as a Parliament for decades in acquiring properties under the appropriate legislation known as the Land Acquisition Act.

Madam President, I can tell you that acquiring properties by the State in

order to carry out what is called “public works” or for public purposes, can become very emotional for many, many citizens. It can also become disruptive to family life, businesses, farming, among other things. But as the hon. Minister indicated, there is a three-stage process involved in this acquisition exercise, and he has outlined those stages for our consumption.

Madam President, the matter that we are dealing with this evening are two sets of lands that would have been acquired over several years ago. And we have these recorded in Legal Notices Nos. 34 and 119 respectively. In the first instance, we know that sometime in 2001, the file was signed off through this plan survey by the Director of Surveys, Madam President. That is dated the 16<sup>th</sup> of January, 2001.

The properties would have been acquired thereafter, but we are now in 2020, and we are now coming to provide compensation. I do not know if I got the Minister correctly, Madam President, when he said that the value of the land acquired under Legal Notice No. 34 for the construction of a bridge in the Mayaro area, the total value as assessed by the Commissioner of Valuations, is it \$125,000? Is it that what I heard, hon. Minister? It is \$125,000? If we are talking about four parcels of land and four individuals that are involved, I find this sum of money to be very, very measly.

Madam President, that is the challenge that we have when we deal with land acquisition, which is acquired on a compulsory basis. It is never determined on the basis of current market value. It is always determined on the past market value at the material time, and thereby depriving citizens of what I call a meaningful return on their properties. So here it is we are being told that four parcels of land, one belonging to Delores Bute. That is the first one comprising of 101.1 square metres. The second belonged to one Mr. Errol Mentor, 655.5 square metres. The third

belonged to one, Clunis Baptiste, 441.6 square metres. And the last one, Madam President, is a parcel of land comprising 4,594.5 square meters, belonging to one George Bovell. We are being told that all of these pieces and parcels, the Commissioner of Valuations has valued all of these parcels that I have just outlined, at a price, at a value of \$125,000.

Now, Madam President, when were these lands acquired? It would have been sometime in 2001, and they began to acquire these four parcels in order to construct the new bridge. But we are in 2020, I do not know if these people are still alive. But we are now determining through a requisition Order dated February 18, 2019, to pay to those people, once these Orders are approved today, the sum of \$125,000.

Madam President, something has to be wrong with that system of land acquisition in this country. We definitely, hon. President, have to look at reassessing, reforming and overhauling that system. How can we justify in 2020 paying persons \$125,000 for four parcels of land, and those lands were acquired in the year 2001 according to the Legal Notice that is before us? It is unfair, Madam President.

It begs the question when the Minister rises to speak and to close this debate, maybe the Minister may want to tell us what is the total value of outstanding moneys owed to citizens whose lands were compulsorily acquired over the last few years, that he can share with us. I think that would be important, how many people. So that is one aspect of it.

Then we go to the second Legal Notice that I mentioned a short while ago. We are made to understand by the hon. Minister that according to this Legal Notice 190 and this Order entitled “Land Acquisition (Requisition) Order of 2018”, this

land totalling 2,234 hectares which was part of a larger parcel we are being told, was acquired back in 2004 for recreational purposes. So it was a recreational ground that was being acquired for that purpose, that is public purpose, in the year 2004.

Madam President, the land belonged to a gentleman whose full name cannot be seen. The first name is not there, but this individual lived on Realize Road in Princes Town. The land which was acquired by the Government in 2004, the gentleman in question, Mr. Raphael, is no longer with us. He is now deceased. So in 2004, we acquired these lands for recreational purposes—well, the public purpose is recreational. They acquired it for that public purpose, so that citizens in that part of the island could in fact engage in recreational activities.

But why did it have to take 16 years for us to get this Requisition Order, and we are being told that the value of the property or the lands that were acquired is just about 500,000 and above dollars, half a million dollars. Okay? But look how long it took to acquire. The value—look how long it took to get to where we are. So we are now being told that when this Order is passed legally and approved legally, only then would the former person who actually was the owner of this land, his family will now be able to access, acquire, receive the \$510,000. I am saying that something is definitively wrong with such a system. Something is wrong. Madam President, I would urge the Government to pay attention to this development. It is sad.

Madam President, you and I are aware that recently the Government acquired lands in the interchange, to construct the interchange at Curepe, and as we speak, I know there are some 14 families who still have not received their compensation although we are using the Curepe Interchange. But people are out in



the rain, and we do not know when the Government is going to meet their payments. We know that the Government has in fact provided a certain amount of money—I think just about \$80 million to \$90 million. But where and when are they going to receive their moneys?

I raised this to let you know that there may be hundreds of citizens in our country who have been waiting and waiting and waiting, maybe for 10 years, maybe for 20 years, maybe for 30 years, and they are yet to receive their compensation for their lands. So I am hoping that the hon. Minister would be able to share with us, give us some data on this matter, so we would know exactly how many cases are still to be settled by his Ministry, and the period of time that we are dealing with, and the number of citizens.

Madam President, I believe that the system of land acquisition in this country is weighted heavily in favour of the State at the expense of the citizens and therefore, we have to do some overhauling of this system in order to ensure that there is justice in this particular exercise. I would want to ask the hon. Minister in winding up that we get some information from him on this matter.

We cannot object to lands being acquired for recreational purposes. We cannot object to for lands being acquired for infrastructural development, like the bridge that was constructed. These are important developmental milestones as we proceed in our transformation and growth and development as a nation. But as we develop, as we engage in sustainable development, as we focus on the environment within that framework, I ask this honourable Senate and the Minister, in particular, do not forget those whose lands we compulsorily acquired.

We need to get a system in place, in closing. We need to get a system in place to have payment made to those citizens whose lands have been compulsorily

acquired, in a much speedier manner. We cannot continue having 10 and 15 and 20 years wait. So I look forward to the hon. Minister when he is concluding his contribution and response to these two matters that are before us, that he would be able to provide us with the information and the clarification needed. And he could tell us what steps his Government—outgoing Government at any rate, so we will have to deal with the overhauling of the system as the incoming government.

I still believe he should brief us on the current status of all outstanding matters, the value involved, the number of people and how long people have been waiting for their compensation for lands compulsorily acquired.

Madam President, I thank you for the opportunity. And may I say in leaving, we were only informed—although it was on the Order Paper, I plead guilty, it is there—but we were only informed 10 o'clock this morning that we had to deal with this thing this evening. But as an old veteran and a soldier, you know, I always rise to the challenge. I thank you very much.

**Sen. Saddam Hosein:** Thank you very much, Madam President, for allowing me to make what is a very short intervention on this particular debate dealing with these two Motions that are on the Order Paper before us.

As Sen. Mark would have indicated, we on this side have no argument or no quarrel with the Government with respect to the purpose for which the land would be acquired. That being a public purpose, one, for the road alignment for the construction of a bridge and, two, for the purposes of a recreational ground.

Now the short points I would like to raise is firstly dealing with the matter of the four parcels of land that measure 0.5793 hectares, which is approximately 1.2 acres, for the purpose of the road alignment for the bridge construction. This was in fact gazetted by Legal Notice No. 34 on the 21<sup>st</sup> of February, 2019.

When I looked at the legislation—I probably would have missed it in the winding up of the Minister’s presentation—at section 12 of the Land Acquisition Act, it determines the calculation of which the State would use for the assessment of the land. It reads that:

“(a) the value of land shall, subject as hereinafter provided, be taken to be the amount which the land, if sold in the open market by a willing seller, in the condition in which it was, might be expected to realise at the date of the taking of possession of the land under section 4(1) or the date of publication in the *Gazette* of the declaration made under section 5(3), whichever is the earlier;”

**6.00 p.m.**

So one matter of clarification—and this goes for the both pieces of land—what was the date of possession of the land in accordance with the Act? Because we have the date of the publication of the *Gazette*. I probably would have missed it, but if I could ask the Minister to, please, repeat what day in which these lands, the possession of the land was taken.

The second issue I would like to raise is with respect to the value of the land. Now, we are asking this Parliament to approve an Order in which 1.2 acres of land was acquired at a cost of \$125,000 and this, Madam President, is divided into four pieces. The first parcel measuring 101 square metres, the second parcel measuring 655.5 square metres, the third parcel measuring 441.6 square metres, and the fourth parcel measuring 4,594.5 square metres.

Now, I would like to ask the Minister if he can give us a break down under which each land owner will get because you have to now divide \$125,000 into four pieces, but the lands are measuring various sizes. So if the Minister can also

indicate to us what will be the compensation to each of these persons.

When I go back to the other parcel of land that deals with the recreational ground that belongs to a person only by the name Ramphal who is now deceased, can the Minister indicate whether or not this particular person's estate was in fact granted, because if we are asking the Parliament to approve payments to the person who is deceased, therefore the estate must be in a state of readiness in order to accept the compensation that will be coming from the State, notwithstanding that will be the larger number which is \$510,000 which measures approximately about five acres of land. So it is a very large parcel of land and the State is only paying \$510,000.

Now, Madam President, the point is that we understand that there is a problem in this country with respect to land acquisition; it is always a very contentious matter. Any time a Government announces any project that results in the displacement of persons, you find that there is a bit of resistance because persons have emotional attachment to their land and their property. And if this is so, and in these particular cases, these persons must be adequately compensated for their particular land, because land is one of the most valuable assets someone can, in fact, own.

I know there is an issue with respect to resources at the office of the Commissioner of Valuations who plays a very critical role when it comes to valuation of lands. And Sen. Mark raised the point, that why is it that it takes so long for persons to be compensated when the State is having the benefit of the land. And this is unfair, Madam President, because the State acquires the land, the person is dispossessed and they are not compensated for that period of dispossession, because you are only calculating the date of the value of the land

from when the State takes possession or the date in which the publication was made in the *Gazette*.

So you have to look at whether or not these persons may be entitled to some additional compensation for that period in which they were in fact disentitled, whether or not it can be calculated on the rental value of the land at that material time.

The last issue I would like to raise, Madam President, is that there is a particular piece of land which has been, in fact, been acquired by the State, it is currently in use, everyone knows about it, it is a matter of public interest, but yet we do not know what the value of that particular piece of land is, and everyone knows which land I am talking about. And that is the land on which the Curepe Interchange is built on, that land is the Kay Donna parcel of land, and up until now the citizens of this country, no matter how much we ask, we always hear that it has not been valuated as yet. Why is that so? Why is it that we cannot know how much money is being paid for that land that we are using currently right now? So it shows and it goes back to the fact that there is some level of resource issues when it comes to the Commissioner of Valuations and the Director of Surveys in Trinidad and Tobago.

So, I would like to say, Madam President, in closing, that we need to have a proper comprehensive review of land acquisition when it comes to the Parliament, and also compensation to citizens because it is unfair that the State uses persons' land without them being afforded proper compensation. And I thank you very much, Madam President. [*Desk thumping*]

**Madam President:** Minister of Agriculture, Land and Fisheries. [*Desk thumping*]

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence**

Related Motions Land Acquisition  
Requisition) Order, 2018  
Sen. The Hon. C. Rambharat (cont'd)

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**Rambharat):** Madam President, in moving the Motion perhaps I was not absolutely clear in saying that the Land Acquisition Act is prescriptive, it requires very strict compliance, the process does not allow the Parliament to review evaluations, that is the work of the commissioner of valuations. It does not allow the Parliament to review the surveys, it does not allow us to get into what each landowner receives, it does not allow us to get into the estate administration of deceased landowners. It is prescriptive, it requires strict compliance, and almost everything my colleagues Sen. Mark and Sen. Hosein have said or asked for, are outside the ambit of this Motion.

Madam President, the Motion is a very narrow Motion outside of which I do not plan to go, and I do not plan to carry this honourable House. I therefore beg to move. Thank you.

**Madam President:** Minister, did you utter the words I wanted to hear?

**Sen. The Hon. C. Rambharat:** Yes, Madam President.

**Madam President:** Hon. Senators, I remind you that the question will now be put on Motions No. 2 and No. 3 on the Order Paper.

*Question put and agreed to.*

*Resolved:*

That the Land Acquisition (Requisition) Order, 2018 be approved.

### **LAND ACQUISITION (REQUISITION) ORDER, 2019**

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam President, I beg to move the following Motion standing in my name:

*Whereas* it is provided by section 5(1) of the Land Acquisition Act, Chap. 58:01 (hereinafter referred to as “the Act”) that the President may by Order,

declare that land is required for a public purpose;

*And whereas* it is provided by section 5(2) of the Act that Parliament may by resolution approve an Order made under section 5(1);

*And whereas* the Land Acquisition (Requisition) Order, 2019 was made by the President under section 5(1) of the Act as Legal Notice No. 34 dated the 18th day of February, 2019;

*And whereas* it is expedient to approve the said Order;

*Be it resolved* that the Land Acquisition (Requisition) Order, 2019 be approved.

*Question proposed.*

*Question put and agreed to.*

*Resolved:*

That the Land Acquisition (Requisition) Order, 2019 be approved.

### ADJOURNMENT

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you, Madam President. Madam President, it is a distinguished honour that I now beg to move that this Senate do now adjourn sine die.

**Madam President:** Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised. Sen. Mark.

### Face Masks

#### (Details of Procurement Process)

**Sen. Wade Mark:** Thank you very much, Madam President. Madam President, I have brought this matter to address the need for the Government to provide this honourable Senate with detailed information of the procurement process used by NIPDEC and the name or names of the preferred suppliers of face masks at a cost

of approximately \$5 million.

Now, Madam President, the Government has indicated publicly through both the Minister of Finance and the Minister of Health that the Government was acquiring tens of thousands of face masks or cloth masks in an effort to ensure that the citizens are protected from this COVID-19 pandemic.

We were also informed that the Government had chosen NIPDEC as the agency to invite for tenders for face masks through this \$5 million arrangement. They were the Government agency acting on behalf of the Minister of Finance and maybe the Minister of Health, and they said that they were inviting parties to manufacture these cloth masks in order to combat the spread of COVID-19, and that these face masks were supposed to be distributed free of charge to the public.

Madam President, \$5 million of taxpayers' money would have been used by NIPDEC to invite persons, organizations, firms, to produce, to manufacture and through FEEL, distribute free of charge, these cloth masks to the population. There was a deadline of April the 24<sup>th</sup> as closure for submission for proposal or proposed documents for this particular RFP.

Madam President, we have not heard anything after this development. All we know is that we have paid or the Government has allocated five million taxpayers' dollars and we do not know, Madam President, which firms were recruited at what cost to the taxpayers. We do not know as we speak, Madam President, who got these face or cloth masks in this country. The Government has been—there has been non-transparency, there has been no accountability, Madam President, in the face of scarcities, in the face of a crisis of cash in this economy. Utilizing \$5 million is a lot of money, Madam President, and I have brought this Motion, this matter on the Motion on the Adjournment to get from the Government a detailed breakdown of our \$5 million. Where did it go? Who got the \$5 million?



Which firms got the moneys? What did they produce? What was the value of each contract that was issued to these firms, Madam President? The taxpayers need to know where their hard-earned tax dollars have gone.

And that is why, Madam President, unless we in the UNC raise these matters in this Parliament and outside of this Parliament to get answers from the Government, it seems to us that the Government is contented to not share information on these matters voluntarily. You have to force this Government to account. You have to bring a matter on the Motion for the Adjournment for the Government to give information, for there to be transparency, for there to be accountability, Madam President. So therefore, as I said, we would like to know, what is the status of this project?

And, Madam President, we would also like the Government, I am sorry the Minister of Health is not here, but we would also like them to explain to this Parliament whether they are up to date with the WHO latest guidelines on these face masks, and especially in a country where we are being told that the curve has been flattened and, Madam President, it seems like given the percentage of persons who have contracted this particular deadly virus is very limited in our environment, but that is a matter for another occasion, Madam President.

So in closing, we call on the Minister or the Government to explain to us in detail where the \$5million has gone, which firms have gotten it, the value of each, how much of these firms produced what and, Madam President, most importantly, where did these face masks go? Who received them? What in which communities? I did not get any. I am a Member of this Parliament, I did not get a package to distribute, but my taxpayers' dollars went into the production and manufacturing of these cloth masks, but we never got—at least, the Minister of Agriculture, Land and Fisheries was kind to give us some seedlings to plant, we

got that in a package, but, Madam President, we were not that fortunate to get from the Government a package of cloth masks in an effort to distribute to citizens in this country. That is why I am asking because we have done our own work on that front and we have distributed tens of thousands to citizens throughout Trinidad and Tobago.

So, Madam President, my Motion is very straightforward, it is very simple, accountability, accountability and transparency. Thank you so very much, Madam President.

**Madam President:** Minister in the Ministry of Finance.

**The Minister of Public Administration and Minister in the Ministry of Finance (Sen. The Hon. Allyson West):** Thank you, Madam President. Madam President, as part of the Government's continued efforts to reduce the spread of COVID-19, the Ministry of Health on April 05, 2020, advised the general public that in addition to personal protection measures, individuals should wear cloth masks once they are out in public.

The Government through the National Insurance Property Development Company invited proposals for the local manufacture and supply of cloth face masks via a public tender on April 14, 2020, which it was advertised in the daily newspapers and on the NIPDEC website. Tender boxes were placed at 12 TTPost locations, as well as at NIPDEC's head office and the Tobago office. The face masks will be distributed to the wider public through non-governmental organizations, Members of Parliament and councillors.

Madam President, the procurement process utilized by NIPDEC was initiated by request for proposal which outlined that proponents were to submit one proposal in accordance with requirements that included guideline from the US Centre for Disease Control and Prevention for production of cloth face masks. In

addition, the proposals were required to provide sufficient details for a comprehensive and firm offer for acceptance and implementation by NIPDEC.

Prior to the close of the tendering process on April 24, 2020, one public notice was issued to provide clarification and completion of the required forms and to respond to frequently asked questions. The proponents, after satisfying all requirements, were then required to enter into negotiations with NIPDEC prior to the award of a final contract. The details on the procurement of face masks by NIPDEC, Madam President, are as follows:

At the close of tender on April 24, 2020 at 12.00 noon, 462 proposals were received as summarized by location below. From Tobago 36; head office, 235; Arima, 23; Chaguanas, 29; Couva, 9; Diego Martin, 18; La Brea, 4; New Grant, 3; Point Fortin, 17; Rio Claro, 5; San Fernando, 40; San Juan, 14; Sangre Grande, 11 and Tunapuna, 18, giving a total of 462.

The bids were then categorized based on quantity that could be produced within a seven-day period. The categories were as follows: Petty, between one and 1,500 masks being produced within seven days; small, 1,500 to 5,000; medium, 5,000 to 10,000; large, 10,000 to 50,000; and mega, over 50,000. For the purpose of budget allocation, each category was allocated 20 per cent or \$872,800 of the amount budgeted to masks which was \$4,364,000.

The methodology utilized for evaluation of bids was as follows, step one: The process provided for proponents to satisfy the responsiveness criteria. Completed form of tender, completed applicants information sheet, name, contact/authorized person, location based on county, identification card where applicable, NIS, BIR and VAT numbers where applicable, access to materials, type of material available, quantity of material available, number of masks to be supplied in seven days, sample attached, weight, cost per mask, bid price, VAT

exclusive, alternative design and sample accepted. A bid was deemed non-responsive and disqualified if the form of tender was incomplete or the applicant's information sheet is incomplete or the sample was not attached.

Also, if via the first pass visual inspection by NIPDEC the sample was not accepted. Table three lists the total responsive bids. In the petty category we had 221 bids. In the small category there were 77 bids, in the medium category 27, in the large category 17, and in the mega category four, giving a total of 346 successful bids or qualifying bids.

The samples for the responsive bids were submitted to the Trinidad and Tobago Bureau of Standards for technical evaluation. Using the Association Française de Normalisation and for specification S76-001 issued on the 27<sup>th</sup> of March 2020, as a guide or a reference document, the TTBS fibre products laboratory developed the following criteria for conducting tests on the masks.

One, design and visual inspection, examination of the design of the masks. Two, fit verification of the sizing of the masks should align to the average morphology of the target population. Three, washability, and it took five washing and drying cycles of each mask using AATCC standard reference detergent. Dimension suitability, conformation that the masks remained well-fitted and not being deformed after the wash and dry cycles. Five, by identification, verification of the type of the fabric fibre, and six, air permeability, adherence to the AFNOR specification using the ASTM D737 standard test method for air permeability of textile fabrics. One hundred and fifty seven submissions were successful at end of the exercise and selected for negotiations as per table four.

Successful technical evaluations in the petty category, 117 who indicated they were able to produce 69,037 masks at the cost of \$1,213,948. Small category, 19 persons to produce 69,822 masks at a cost of \$878,835. The medium category,

13 qualifying people offering to produce 101,000 masks at the cost of \$1,458,360. The large category, six, 116,000 masks at 1.581 million, and the mega category to produce 500,000 at the cost of \$5 million. The total offering through qualifying bidders producing 856,000 masks, that was an offer at a total cost of \$10.132 million.

Based on the successful 157 submissions, the lowest price per category was compiled to determine the most suitable price to negotiate as per detailed in table five. Under that table, Madam President, we had prices ranging from \$5 per mask to \$10 per mask. The determination of the negotiated price was based on the frequency distribution for the prices as proposed by the bidder. In this regard, out of the 157 submissions, 23 offers were made at \$10 per mask.

In addition, the lowest price per category ranging from \$5, \$5.75, \$7.60, and \$8 were only offered by two, one, one and four bidders per product price category respectively. Moreover, outside of these prices there were 12 offers at \$12 per mask, 29 offers at \$15 per mask, 24 offers at \$20 per mask, and 18 offers at \$25 per mask.

Madam President, to ensure that the greatest number of masks that were manufactured, the standard rate of \$10 was offered to the successful proponents with 113 proponents accepting. Quantities were assigned based on budget allocation per category using bidders' capacity to produce within the seven days as per the RFP.

Any surplus funds were per category were allocated to another size category to ensure that all funds are fully utilized. The allocation of award of contract are as follows: In the petty category, 80 proponents to produce 48,000 masks at the price of \$498,000.

In the small category 16, producing 57,000 at a price of 578. In the medium

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category 10, 82,000; in the large category five, producing 103,000; in the mega category, two, producing 143,000.

Madam President, on June 10, 2020, NIPDEC submitted its recommendation list of awards of contract for—

**Madam President:** Minister, your time has expired.

**Sen. The Hon. A. West:** Thank you, Madam President.

**Madam President:** Sen. Richards, I remind you, you have 10 minutes.

### **State Digital Communication Network**

#### **(Details of Government's Plans)**

**Sen. Paul Richards:** Thank you very much, Madam President. And thank you for the opportunity to present this matter, Motion on the Adjournment which may very well turn out to be the final Motion on the Adjournment for this session. The issue is, of course, the need for the Government to provide details of its plans for ensuring a robust state digital communication network particularly in rural communities to facilitate connectivity to government services.

I do not know if many people may know, but 32 years have elapsed since Microsoft issued its Windows 1.0 operating system. Could any of us have imagined 30 years ago that today we would be carrying out our entire music libraries, photo albums on tablets, phones and smart phones and able to communicate with the entire world, get entertainment, arts and purchase all kinds of goods and services in real time from anywhere in the world or have our entire offices in our pockets. Well, certainly during this COVID-19 pandemic, which is far from over, a new normal has been imposed, and a robust state-digital integrated ICT network is vital to the new normal in any society.

There is an imperative for a successful new normal which includes Zoom, Microsoft Teams, Skype, Google Hangouts, Webex, WhatsApp, Bluejeans, Slack,

appear.in, Facebook or IG groups.

Digital technology is supported by a robust digital communication network, is now ubiquitous to everyday life and successful development in particularly developing countries. What may have been regarded as science fiction a few decades ago is now taken for granted with smart phones, global information networks and virtual reality.

At the same time, societies, as we have just seen over the past couple of months, are becoming even more dependent on digital technologies and infrastructure. Banking, electrical grid management, health records and services, personal information and data, education services, and other government and state services all relying now heavily on digital databases, and the trend is even toward a wider use of digital technologies with a great deal of hype around artificial intelligence and the promise of what it can do in societies including crime fighting.

Around the world one of the issues that has come straight in our faces is the issue of digital inequities where we have seen in Trinidad and Tobago and in several other parts of the world that not everyone has access to Wi-Fi or digital networks as they should, which significantly impedes their ability to access services including education, and the issue of a robust state digital communication ICT network, inclusive in some incarnations of a heavily subsidized one, is critical for particularly vulnerable groups in society.

**6.30 p.m.**

In developing countries, with over 90 per cent mobile coverage, like in Trinidad and Tobago, and even 50 per cent of the population owning smart devices, more in Trinidad and Tobago, the research has shown that 20 per cent penetration is necessary to reach critical mass, whereby vulnerable parts of the society have access to services, including education, and government services, et

cetera. We certainly have a significant penetration in Trinidad and Tobago, but the COVID-19 pandemic has underscored the shortcomings in education, the issue with finding and consolidating a robust database of population data for social grant intervention and delivery, information about grants, data collection, medical services, just to name a few. The pandemic has highlighted Trinidad and Tobago's need for this significant aspect of our digital infrastructure to be made robust and to be an imperative moving forward.

In an important paper described—called *The Digital Society 2017*. There are several important questions every society must ask itself:

“- How are public matters”—and—“public sphere and political processes”—and services—“changing...the conditions created by digitisation?”

“- What”—are the—“gains...”—and the—“freedom due to digitisation?”

- Does digitisation threaten to bring about privatisation of the public...”—space if the State is not proactive in providing a subsidized robust network, particularly to rural communities?

“- What opportunities does digitisation offer for economic development...”—and growth, especially in a contracted economy—“does it endanger social well-being?”

Do we have systems and legislation in place to protect groups?

“- What are the implications of a digitised public sphere for political inclusion and participation?

- Is digitisation dividing or fragmenting society...”—and are we contemplating these issues—“is it creating new forms of solidarity?”—and national unity?

And is digitization and a robust infrastructure levelling the playing field or widening inequalities? And how is government planning and policy enabling the



creation of opportunities and equalizing the systems in the country?

While it still tends to be regarded as something new, it is in fact already reached industrial production level around the world, and we in Trinidad and Tobago must, and I stress must, take cognizance of that. I know the Government has iGovTT which has been able to be an interface between the public and delivering information, but it must go way further than that. The challenges for policymakers and society, as a whole, include the following but are not limited to: an infrastructure that allows for global provision—of global level Internet-based services and goods, better conditions for start-ups and the creation of incentives, and capitalization and financing of them, and education campaign to train young people in IT and business skills for the digital economy, and how socially responsible is the population being prepared as digital services become more ubiquitous with everyday life.

I think it is important for these questions to be answered in a country like Trinidad and Tobago where we have come through the pandemic with flying colours in some aspects, but certainly the pandemic has shown that we have great shortcomings in other areas, so the question about Government's plan and policy for a robust state digital communication network and ICT policy and plan for development is an imperative for our country moving forward. Thank you very much, Madam President. [*Desk thumping*]

**Madam President:** The Minister of Public Administration.

**The Minister of Public Administration and Minister in the Ministry of Finance (Sen. The Hon. Allyson West):** Thank you, Madam President. Madam President, the Government of the Republic of Trinidad and Tobago recognizes the role of information and communication technology in an increasingly connected and interdependent world that transcends geographical boundaries, economies and

sectors. Over the past two decades, ICT has contributed significantly to the emergence of new sectors, driven efficiency in governments and business operations, and they now constitute essential building blocks to knowledge-based economies.

As such, Government uses ICT as an indispensable tool in the achievement of its development, objectives and outcomes. The national ICT plan has identified promoting digital inclusion as one of the strategies to bridge the digital divide in Trinidad and Tobago by ensuring that all members of society have equal access to ICT content and services, with increasing opportunities to leverage ICT innovations to address national challenges. The communications and broadcasting landscape had enjoyed tremendous growth over the last years with the number of telephone subscribers almost doubling from 1.246 million in 2005 to approximately 2.471 million in 2018, representing a ratio of almost two phones for every citizen. Similarly, Internet household penetration currently stands at 82 per cent, representing the number of households in Trinidad and Tobago that subscribe to a fixed Internet service.

The Government continues to recognize the importance of countrywide availability of ICT, in particular, access to broadband services, and has identified target penetration rates to be achieved over the next two to three years. The projects that we have implemented and are implementing to ensure systematic orderly development and resilience of the country's ICT infrastructure, largely being pursued by TATT, include the following:

- Establishment of standards to promote robustness of national communications infrastructure.
- Development of technical standards for public fixed

telecommunications networks.

This project comprises the establishment of technical standards to promote resilience and redundancy for public wireless telecommunication networks and infrastructure that supports such networks. These standards will also inform national emergency communication plans being developed, in conjunction with the Office of Disaster Preparedness. Modernization of the spectrum management framework is another measure being undertaken by TATT and the third is, assessment and forecasting of the country's international fibre connectivity and capacity, which will ensure the robustness and redundancy necessary for the country's international connectivity by improving resilience of the inter-island fibre connectivity and establishing a second cable landing station. To facilitate connectivity, we have, among others, the TT Wi-Fi project, which is the establishment of countrywide wireless broadband Internet networks, and this is currently being pursued by the Ministry of Public Admin as part of the national ICT plan in alignment with *Vision 2030*.

The project goals are to provide free, secure, wireless Internet access across Trinidad and Tobago and to establish a nationwide public broadband wireless access service. This project seeks to establish a free island-wide public broadband wireless network in keeping with the ICT plan, and in so doing, the project is expected to meet the following goals:

- Creation and deployment of a free island wide public broadband wireless network, and deployment of free public hotspots in public areas.

This programme is in process. With this in mind, the expected outcomes are as follows:

- Increased utilization of the Internet and interest in ICT so as to encourage activities in this sector.
- Increase access to government information and easier access to services.
- Greater participation in the digital economy and community.
- Increased opportunities for education, training, skills development and business.

The policy framework of GoRTT provides for the initiation of the process for a free island-wide public broadband wireless network starting with free public hotspots in public areas. This commitment was reiterated in 2016. Thus, the TT Wi-Fi initiative is aligned with GoRTT's vision of providing free and easy access to broadband Internet in public spaces, providing connectivity to all users with a Wi-Fi enabled device, including smartphones, laptops and tablets. TT Wi-Fi was launched on July 29, 2016, to provide free broadband wireless service in selected popular public spaces in Trinidad and Tobago.

It is to be noted that options for different public Wi-Fi delivery channels are being explored with a view to achieving digital access and inclusion, and therefore, greater participation in the information society. TT Wi-Fi has been installed on 13 public transport buses. It allows citizen to access government websites and services, check their email, connect using preferred social media applications, keep in contact with friends and family, check the latest news. This is to be expanded by the Ministry of Public Administration in collaboration with the Ministry of Works and Transport and PTSC. The implementation team led by TATT, and including the Ministry of Public Admin and representatives from the service providers have completed site visits and are in the process of deploying 145 sites,

via the Universal Service Fund, at the following locations:

- Select transport hubs.
- Public waiting areas and health facilities, in public spaces, at libraries.

The Ministry of Public Admin has engaged the services of iGov to manage and deploy TT Wi-Fi at first year public offices in various Ministries. The implementation team has met and is currently conducting sites identification and assessments.

Community-based ICT centres: implementation of this initiative in ICT underserved areas across Trinidad and Tobago began in 2013. The aim of these centres was to establish a user-friendly technology-enabled environment within communities, in addition to targeting traditionally underserved groups such as the physically challenged, the elderly and at-risk youths. Communities are usually identified using the digital device survey which is produced by TATT every four years. The ICT centres play a pivotal role in connecting and serving communities where telecommunication and ICT infrastructure is not yet widely available. The establishment and operation of the ICT centres are beneficial to communities as they lead to improvement in access; increased ICT literacy levels amongst citizens in underserved communities; improved computer and other vocational skills; improved training facilities and capability for basic ICT training; improved government communication; increased awareness of e-services and other GoRTT services; greater awareness of the benefits of technology and technology-based services; increased demand for services; the provision of voice and videoconferencing facilities to staff, residents and the business community; inclusion in the greater knowledge-based society; opportunities for increased revenue generation.

Currently, the following five centres have been successfully operating in the following communities: Cumana, Guayaguayare, Marac, Penal and Todds Road. The centres offer the following free services to the public:

- Computer and Internet access via cybercafe concept;
- Wireless Internet access for use with user-owned devices;
- ICT training, including basic computer literacy;
- Internet literacy and productivity tools.

We are in the process of expanding this and it was the intention to add 10 more centres during the course of 2020. COVID has put pause to that, but we are diligently pursuing it.

**Madam President:** Minister, I remind you, you have one more minute.

**Sen. The Hon. A. West:** Thank you, Madam President— ttconnect service centres are also part of the programme that we have launched to increase and improve connectivity throughout Trinidad and Tobago. Madam President, what I would like to add before I close, is that all of these programmes were in place pre-COVID and pre-the lessons learnt from COVID. The Roadmap Committee has recognized the significance of ICT to Trinidad and Tobago given the COVID period and what expect to be post-COVID, and has focused and continues to focus significantly on this area, and we expect that this national ICT programme will be significantly developed, enhanced and advanced as a result of the recommendations coming out of that committee. I thank you, Madam President.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.44 p.m.*